



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

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The Honourable **Samuel Gargan**, Speaker

MEMBERS PRESENT

Honourable Jim Antoine, Honourable Goo Arlooktoo, Honourable Charles Dent, Mr. Erasmus, Mr. Evaloarjuk, Honourable Sam Gargan, Mrs. Groenewegen, Mr. Henry, Honourable Stephen Kakfwi, Mr. Krutko, Mr. Miltenberger, Mr. Morin, Honourable Kelvin Ng, Mr. Ningark, Mr. O'Brien, Mr. Ootes, Mr. Picco, Mr. Rabesca, Honourable Floyd Roland, Mr. Steen, Honourable Manitok Thompson, Honourable John Todd.

ITEM 1: PRAYER

Oh, God, may your spirit and guidance be in us as we work for the benefit of all our people, for peace and justice in our land and for the constant recognition of the dignity and aspirations of those whom we serve. Amen.

SPEAKER (Hon. Sam Gargan):

Thank you, Mr. Henry. Good afternoon. Orders of the day. Item 2, Ministers' statements. Mr. Antoine.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 17-13(7): Western Boundaries Issue

HON. JIM ANTOINE:

Mahsi, Mr. Speaker. Mr. Speaker, the Western Territory faces a number of important issues in the coming months. One such issue is the proposed revision of electoral districts in the new NWT. A bill was introduced yesterday on this issue, however, the debate that has occurred over the last few months is not only about electoral boundaries. It is about the way we view our future. I would like to speak about that bigger picture, in essence the future of the new Northwest Territories.

Mr. Speaker, the decision to create two new territories on April 1, 1999, provided an unique opportunity for western residents to shape a new beginning, to set its own agenda. Mr. Speaker, I have begun a dialogue with aboriginal and community leaders about our priorities. This dialogue includes the tremendous social and fiscal challenges facing us. However, we also have a chance to define our own way of governing ourselves in the future. We can share control of our natural resources and the economic opportunity they bring.

Mr. Speaker, I have met with the Honourable Jane Stewart on a number of occasions since I have become Premier to talk about our challenges and opportunities, and will be meeting with her again tomorrow.

Given the unique opportunities that we have, it is unfortunate that we have become sidetracked in a divisive debate over electoral boundaries. This debate has the potential of setting back everything we have been trying to build for the last 30 years, derailing the hard work of trying to frame joint priorities and to assert our independence from DIAND's rule. No one northern group can win at this debate but we can all lose.

How many of you Members wish to be replaced by an appointed council. Going back to Ottawa running the Northwest Territories is unacceptable. At a time that the world is congratulating the people of Nunavut for creating their own territory, we risk tearing ours apart.

Mr. Speaker, we are all familiar with the recent court decision of Mr. Justice de Weerd. This decision means that the Legislative Assembly must pass legislation to amend the Legislative Assembly and Executive Council Act. Mr. Justice de Weerd has set an extremely tight deadline of April 1, 1999, to make the necessary amendments.

Bill 15 has been introduced to comply with the court's decision. There was no other viable option for us. However, Mr. Speaker, the introduction of this bill provides us, as representatives of the people of the NWT, with a number of opportunities.

First, it gives us an opportunity to find a solution to this issue. It is not the intention of this government to try to ram this legislation through even if we could. We know that there is no consensus at this time to resolve this major constitutional issue. Talking the time to build that consensus is important to us. We do not have consensus with our aboriginal leaders or with our community leaders. Indeed, Mr. Speaker, we do not even have consensus within the Western Caucus. In our view, building understanding of the issues and reaching a political resolution is critical if we are to move beyond this issue as a unified new territory.

Mr. Speaker, Western Caucus discussed the issues of an appeal of the merits of the court decision and has found no basis for an appeal. However, I would like to advise Members that the government will be taking the necessary steps to ask the courts to extend

the April 1 deadline to facilitate the work we have to do together. We are concerned about the short timeframe set by the court decision and feel that an extension must be granted. Longer timeframes have been allowed in other jurisdictions to address similar issues.

Mr. Speaker, as I have indicated we believe the limited timeframe set out in the court decision is an impediment to finding a western solution to this constitutional issue. We are taking every action necessary to secure the time we need to have a full dialogue. My Cabinet colleagues and I are committed to using this time to work with aboriginal and community leaders to find a solution that can be supported in the west.

Mr. Speaker, we as elected representatives have a responsibility to find a solution to this very difficult divisive issue. I appeal to you, my honourable colleagues, and to all parties in this debate to reach out for a solution that will bring us together. Thank you, Mr. Speaker.

--Applause

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MR. SPEAKER:

Thank you. Ministers' statements. Ms. Thompson.

Minister's Statement 18-13(7): Joint NWTAM/MACA Municipal Finance Review

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. Mr. Speaker, I am pleased to provide an update on the Municipal Finance Review. The Department of Municipal and Community Affairs, in partnership with the NWT Association of Municipalities, are doing this joint review. For many years, community governments have raised concerns about the provisions of MACA's funding programs. Community concerns include the fairness and equitability of current funding arrangements, a desire for greater flexibility in how funds can be used and the elimination of needless red tape. The Municipal Finance Review presents an opportunity to redesign the financial relationship between the community and territorial governments.

Mr. Speaker, the department and the association have continued to make progress on many key financial issues. In June, 1998, an introduction to the Municipal Finance Review and the Building Key

Concepts document were presented to the association members. This initial information was important for the members' early consideration.

Since that time, working group members have expanded on each of the financial issues and prepared a third document entitled, Understanding the Funding Distribution Options. This discussion paper covers four key areas and begins with a description of how things are currently done, explains why changes should be made, and proposes options for further consideration.

Mr. Speaker, the NWT Association of Municipalities and the Nunavut Association of Municipalities reconfirmed support for the joint Municipal Finance Review at their annual general meeting held in Cambridge Bay earlier this month. Two motions were passed that support the progress made to date and call for the continuation of the review. I have also received a letter of support from the Review's Steering Committee recommending that MACA's partnership with the Association of Municipalities continue.

I will be tabling parts 1, 2 and 3 of the Municipal Finance Review this session. Mr. Speaker, I invite all Members to take the time to review these documents and discuss them with their constituents. Any comments, concerns or other feedback from Members would be very much appreciated.

Next steps include part 4, the consultation phase, where we plan to consult with community governments and a number of other stakeholders on the proposed municipal financing options. I am hopeful that after division, both this government and the new Nunavut government will proceed with the consultation phase, which would last until fall. This will ensure that feedback and advice can be consolidated and presented to the territorial governments for consideration.

Mr. Speaker, the Municipal Finance Review can achieve greater authority, flexibility, accountability and financial stability for community governments. It is my hope, Mr. Speaker, that the two new governments will continue with the Municipal Finance Review and build a new financial relationship with community governments. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you. Ministers' statements. Mr. Kakfwi.

Minister's Statement 19-13(7): The Energy Conservation Capital Program

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. Mr. Speaker, the Government of the Northwest Territories encourages the efficient use of energy. By reducing energy consumption, we save money and reduce emissions of greenhouse gases that contribute to climate change.

The Energy Conservation Capital Program is available to assist territorial and community-funded departments, boards and agencies as well as non-profit organizations in reducing their energy consumption. This program is administered by the Department of Resources, Wildlife and Economic Development. It provides funding for projects that reduce the use of water, electricity and heat.

During the past fiscal year, fifteen projects have been approved with resulting savings expected to exceed \$140,000 annually. Eight of the projects involve the conversion to more energy-efficient lighting systems. Other projects include mechanical and electrical system upgrades or replacements, a series of energy management training workshops and a workshop on climate change.

These projects are benefiting three different government departments, four communities, one education district, three non-profit organizations and the Royal Canadian Mounted Police.

Mr. Speaker, it is estimated that these projects will reduce annual electrical consumption by more than 600,000 kilowatt hours. This is the equivalent to the average electrical consumption of 60 houses. In addition, the annual production of carbon dioxide, which contributes to global warming, will be reduced by more than 400 tonnes.

The Energy Conservation Capital Program was developed in the mid 1980's. Since 1990, a variety of programs have resulted in a savings of \$6.70 in utility costs, 11.5 million kilowatt hours of electricity have been saved, and the production of carbon dioxide has been reduced by 8,000 tonnes. This small but highly effective program contributes significantly to saving energy, saving money and reducing emissions of greenhouse gases. It will continue to play an effective

role as we work to develop our Greenhouse Gas Strategy. Mahsi cho.

--Applause

MR. SPEAKER:

Thank you, Mr. Kakfwi. Ministers' statements. Mr. Dent.

Minister's Statement 20-13(7): Education Week in the NWT

HON. CHARLES DENT:

Thank you, Mr. Speaker. Mr. Speaker, I am pleased to announce that the NWT will celebrate Education

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Week from March 24 to 31. The purpose of Education Week is to increase the public's understanding of the importance of learning, and highlight the components of a well-rounded education.

Like other aspects of northern society, education has undergone a great deal of change in a relatively short period of time. As we near the new millennium, we are faced with even more changes. April 1st will see the creation of two new territories. This makes it both a challenging and exciting time to be a northerner. In honour of this historical event, I am pleased to announce the theme for Education Week is, Creating Two Territories.

To meet the demands of both new territories, we will continue to co-operate with each other, share ideas and experiences to help shape a new and unique identity that reflects the rich heritage and strength of northern peoples.

We can be proud of how far we have come in advancing quality educational opportunities for the residents of the Northwest Territories. Participation rates are on a par with the rest of Canada, and the number of students graduating is steadily increasing. As people continue to learn throughout life, curricula and programs are continually being assessed and modified to make sure they meet the needs of all northerners and reflect our unique cultural heritage.

In this time of shrinking resources and growing demands, educators in the north are to be congratulated on their accomplishments. The celebration of Education Week is the perfect opportunity for us to recognize the efforts and hard

work of all those involved in the provision of quality education to our residents.

Today's graduates must be able to adapt, adjust and communicate effectively to meet the demands of an ever-changing society. Self-reliant, capable and well-informed young people will be our leaders of tomorrow. We can all look forward to the many challenges the creation of our two new territories will bring. Mr. Speaker, together we can develop a truly northern system of education that reflects the rich heritage of the people it serves. Mahsi.

MR. SPEAKER:

Thank you, Mr. Dent. Ministers' statements. Item 3, Members' statements. Mr. Ootes.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement 47-13(7): Tribute to Yellowknife Artist Ann Timmins

MR. OOTES:

Thank you, Mr. Speaker. Today I would like to publicly acknowledge and thank Ann Timmins for her work in designing the banners that hang in the Great Hall of the Legislative Assembly. As every one of us can appreciate, when we engage in a creative process such as writing, drawing, carving or sewing, it is an evolving process that takes effort, dedication and life experience in order to allow others to see our ideas and visions.

Ann has titled the series of banners she made for the Legislative Assembly, The Web of Life. Prior to beginning her work on the banners, Ann's energy and dedication went to helping her daughter fight to survive cancer. It was a very lonely and fearful experience, devoting every waking moment to a young child with a life-threatening disease. But the good news is that her daughter has healed and along the way Ann encountered many individuals within the health care environment who, in spite of the often stressful work conditions, were sensitive and supportive.

Ann began her work on the banners, never quite sure where the creative process would bring her, but it is not surprising that what emerged are a series of scenes conveying a love of life and the connections that we all share; hence the name, The Web of Life, and a reminder that we are all connected by invisible threads to a caring and compassionate human community.

The banners show, and indeed most works of art show, how creativity stretches our horizons and enriches our lives. A plaque is presently being prepared to be mounted on the wall in the Great Hall, providing something of an introduction and acknowledgement to the Web of Life banners and I want to thank Mr. Speaker for that. Once again, many thanks to Ann for her work, and indeed, thanks to the continued efforts of all our northern artists in continuing to share with us their creative visions and ideas. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Members' statements. Mr. Miltenberger

Member's Statement 48-13(7): Fort Smith Participants in the 1999 Canada Winter Games

MR. MILTENBERGER:

Thank you, Mr. Speaker. Mr. Speaker, a few weeks ago the 1999 Canada Winter Games were held in Newfoundland and a contingent went from the Northwest Territories. Of that contingent there were a number from Fort Smith: Patricia Parker for ringette; Terry Freund for curling; Sarah Daitch for cross country skiing; Joanne Burrill for ringette; William Blyth for hockey; Brandy Thompson for ringette; Geronimo Paulette for hockey; Don True, manager of the biathlon team; Jonathon McDonald for biathlon team; Patti-Kay Hamilton, biathlon coach; Janie Hobart as mission staff.

Mr. Speaker, I would like to congratulate all these people, especially the athletes, for the work and effort they put into getting to be chosen to go to the Canada Winter Games, an experience that many of us will never ever have the opportunity to take part in and something I hope that they found very, very worthwhile. They were a credit to the community, to their families and to their parents and of course, to the Northwest Territories. I would like to extend my heartfelt congratulations and thanks to them. Thank you.

--Applause

MR. SPEAKER:

Thank you. Members' statements. Mr. Rabesca.

Member's Statement 49-13(7): Negotiated Contracts Policy

MR. RABESCA:

Thank you, Mr. Speaker. Over the last while, Mr. Speaker, I have sat here and listened to my colleagues discussing the topic of negotiated contracts. I have a hard time

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supporting a move away from the position that the government has taken on this.

Smaller communities see capital projects as a way to train local residents, develop good business practices and ensure that the local companies and residents get the most benefits that can be achieved, either by employment directly or indirectly with the communities own companies. In most small communities the following is true and I quote from a letter the Chief of Gameti, Henry Gon sent:

The process of negotiated contracts is essential to the survival of economic development in the smaller aboriginal communities. We rely on capital projects as our main source, and often the only source, of economic activity.

In larger centres there are many companies to bid on contracts and all have the expertise and staff to provide for the best prices to be submitted. I do not see the reason to allow for negotiated contracts in larger centres but the smaller communities are where the concentration of these contracts originally came from and that is where they should be used.

Our smaller communities should continue to be supported in their pursuit of economic development and self-reliance. Through negotiated contracts we are supporting these smaller communities. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you. Members' statements. Mr. Antoine.

Member's Statement 50-13(7): Funding for Fort Simpson Families

HON. JIM ANTOINE:

Mahsi, Mr. Speaker. Two families in Fort Simpson in my constituency of Nahendeh are going through a very difficult time right now with members of their families having to be sent out on medevacs to Edmonton within the past couple of weeks on two separate occasions.

Community members organized a fund-raising loonie auction to assist these families in coping with expenses. There were approximately 96 local businesses and individuals, and ten outside businesses which were all from Yellowknife, and individuals some of whom, I am proud to say, are honourable Members of the Legislative Assembly, that donated numerous gifts and other items to be auctioned off.

I am proud to say that due to the enormous support and the numerous items received for the auction, which took two evenings to conclude, they raised \$12,000 to be divided up evenly between the two families. I would like to thank all the individuals, especially the Members of this Legislative Assembly and the Deh Cho First Nations who helped organize this successful event. I would also like to thank the community of Fort Simpson for coming together to provide tremendous support to its members through their difficult ordeals. I would also like to express my sincere compassion for the families and the individuals involved in these tragic circumstances. Mahsi, Mr. Speaker.

MR. SPEAKER:

Thank you. Members' statements. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Mrs. Groenewegen.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

MRS. GROENEWEGEN:

Thank you, Mr. Speaker. It is a pleasure today to recognize from my community an aboriginal leader, Mr. Paul Harrington.

MR. SPEAKER:

Thank you. Welcome to the Assembly. Recognition of visitors in the gallery. Mr. Miltenberger.

MR. MILTENBERGER:

Thank you, Mr. Speaker. I would like to proudly recognize from Fort Smith, Chief Jerry Paulette from Fort Fitzgerald Band.

MR. SPEAKER:

Welcome to the Assembly. Recognition of visitors in the gallery. Mr. Morin.

MR. MORIN:

Mr. Speaker, it gives me pleasure today to recognize Grand Chief of the Akaitcho territory, Felix Lockhart, Treaty 8.

MR. SPEAKER:

Welcome to the Assembly. Recognition of visitors in the gallery. Mr. Ootes.

MR. OOTES:

Thank you, Mr. Speaker. I would like to recognize Marina Devine, the executive director of the Aboriginal Summit.

--Applause

MR. SPEAKER:

Thank you. Welcome to the Assembly. Recognition of visitors in the gallery. I would like to also welcome anybody else that has not been recognized. Welcome to the Assembly. Item 6, oral questions. Mr. Ootes.

ITEM 6: ORAL QUESTIONS

Question 35-13(7): Administration of Federal Gun Law

MR. OOTES:

Thank you, Mr. Speaker. Yes, yesterday I had the opportunity to review the gun law situation and the fact that the territorial government has handed back responsibility for the administration of the gun law back to the federal government. I dealt with the question of who is administering and issuing permits in the communities. My question would be for the Minister of Justice, are the RCMP issuing permits and handling the gun legislation in the communities? Thank you.

MR. SPEAKER:

The Minister of Justice, Mr. Arlooktoo.

Return To Question 35-13(7): Administration of Federal Gun Law

HON. GOO ARLOOKTOO:

Yes, thank you, Mr. Speaker. I would be very pleased to provide the Member and all Members of the House with the latest information on the exact administration

procedures occurring in the communities presently. What I can pass on also right now is that the Government of the Northwest Territories has joined as we announced during the last session the Government of Alberta, who was taking the issue to the Supreme Court. We have joined

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the Yukon Territory, the provinces of Saskatchewan, Manitoba and Ontario in supporting Alberta in opposing certain parts of the gun law as it relates to the division of powers and responsibilities in administering such a law, and that this issue will be going to the Supreme Court in the not too distant future. Unfortunately, on the administrative areas I do not have that information on hand, but I will be more than pleased to fax it to all Members of the House.

MR. SPEAKER:

Questions. Supplementary, Mr. Ootes.

Supplementary To Question 35-13(7): Administration of Federal Gun Law

MR. OOTES:

Thank you, Mr. Speaker. The concern I had relates to the cost to this territorial government. Any costs incurred I understand are billed back to the federal government. For example, the administration of the head office to take care of this, what I am wondering is, the question of the police services throughout the territory are handling the administration of gun permits and so forth, presumably; are we billing back that portion, or is that an oversight on the part of the government? I would like to know if we are following through with ensuring that all areas that cost us money are being billed back to the federal government.

MR. SPEAKER:

Mr. Arlooktoo.

Further Return To Question 35-13(7): Administration of Federal Gun Law

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. Again, I do not have that information right in front of me, but I can confirm to the Member that there are specific programs that the federal government does in partnership with the territorial government in the policing program,

different training and enforcement programs that are cost-shared and some that we charge back to the federal government. I would think that this would be one area, but once again, I will have to confirm that and provide it to the Member.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Ootes.

Supplementary To Question 35-13(7): Administration of Federal Gun Law

MR. OOTES:

Thank you. One further area, Mr. Speaker, is the staff that are administering this particular program, are they regular RCMP members that are seconded to this particular office, or are they non-members? I am all in support of whoever that may be, I am not trying to speak against it being RCMP members, I am trying to get at the fact, are we billing back for this? Thank you.

MR. SPEAKER:

Mr. Arlooktoo.

Further Return To Question 35-13(7): Administration of Federal Gun Law

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. Once again, that will be the type of information that I will be only to happy to provide. Thank you.

MR. SPEAKER:

Oral questions. Mrs. Groenewegen.

Question 36-13(7): Disposition of Education Board Surpluses

MRS. GROENEWEGEN:

Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister of Education, Culture and Employment. The education councils and districts which operate here in our territory are sometimes successful at accumulating surpluses in various areas. Until recently, it had been my understanding that when this occurred these councils could then have the reward of retaining those surpluses and spending them on priorities within their area. It has come to my attention that just recently for the year

ended June 30, 1998, the South Slave Division Education Council had to return \$7,004 to this government. Subsequent to that, initiatives were announced for spending what I would say are probably the surpluses, but in a very narrow scope of initiatives. My question to the Minister is, does he foresee his department changing this to allow councils to retain these and spend them on the priorities which they see as a priority in their regions? Thank you.

MR. SPEAKER:

The Minister of Education, Culture and Employment.
Mr. Dent.

Return To Question 36-13(7): Disposition of Education Board Surpluses

HON. CHARLES DENT:

Thank you, Mr. Speaker. The answer is yes, we do intend to change the process to ensure that funds transferred to divisional education councils are left to their discretion. What has happened is that with user pay/user say, there has been a change in the way utilities are paid for in public buildings and, as a result of not having enough history to know what constitutes a fair amount of money needed to pay for utilities and some infrastructure costs, it was felt that we would recover under-expenditures and work to develop a better understanding of what the requirements will be in the formula funding that is provided to all divisional education councils. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Oral questions. Mrs. Groenewegen.

Supplementary To Question 36-13(7): Disposition of Education Board Surpluses

MRS. GROENEWEGEN:

Thank you, Mr. Speaker. So, I could offer some assurance to the Divisional Education Council of South Slave that if they were successful in cost savings in various areas, they could re-profile those funds into areas such as more teachers to reduce the student/teacher ratio, and other such important priorities that the regions have, is that to my understanding of the Minister's comments?

MR. SPEAKER:

Mr. Dent.

Further Return To Question 36-13(7): Disposition of Education Board Surpluses

HON. CHARLES DENT:

Thank you, Mr. Speaker. Yes, we need to develop some baseline understanding of what communities require throughout the north for funding things like

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utilities. Once we have that and work the figures into the formula, it will then be up to the divisional education councils to deal with the yearly fluctuations that can occur. We would hope that things would average out over a period of time. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Supplementary, Mrs. Groenewegen.

Supplementary To Question 36-13(7): Disposition of Education Board Surpluses

MRS. GROENEWEGEN:

Thank you, Mr. Speaker. How soon does the Minister think that this kind of baseline information data would be available? Would it be during the next fiscal year that we could expect this discretion on surplus dollars to be given to the boards? Thank you.

MR. SPEAKER:

Mr. Dent.

Further Return To Question 36-13(7): Disposition of Education Board Surpluses

HON. CHARLES DENT:

Thank you, Mr. Speaker. For the record, divisional education councils already have that kind of discretion on surplus dollars if they are able to find ways to save monies. I would expect that utilities will be worked into the formula within the next two fiscal years and we will be able to ensure that all funds are transferred by way of formula. Boards will then have complete jurisdiction in all areas. Thank you, Mr. Speaker.

MR. SPEAKER:

Final supplementary, Mrs. Groenewegen.

Supplementary To Question 36-13(7): Disposition of Education Board Surpluses

MRS. GROENEWEGEN:

Thank you, Mr. Speaker, and thank you, Mr. Minister. The Minister has referred to the area of utilities and leases, surplus in that area. In fact, the South Slave Divisional Education Council also returned \$408,000 under the heading of personnel infrastructure, and I am wondering if this change will also affect this area when there is a savings? Thank you, Mr. Speaker.

MR. SPEAKER:

Mr. Dent.

Further Return To Question 36-13(7): Disposition of Education Board Surpluses

HON. CHARLES DENT:

Mr. Speaker, I cannot answer that question at present. I will take it as notice and get back to the Member.

MR. SPEAKER:

Thank you. The question is taken as notice. Oral questions. Mr. O'Brien.

Question 37-13(7): Economic Strategy for Nunavut

MR. O'BRIEN:

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to the Minister responsible for RWED, Mr. Kakfwi. Mr. Speaker, a number of months ago this government awarded a \$500,000 contract to Roland Bailey and Associates to develop two economic strategies one for the west, and one for Nunavut. I wonder if the Minister could update me or refresh my memory as to where this stands to date, especially as it relates to the Nunavut Strategy? Thank you.

MR. SPEAKER:

The Minister responsible for Resources, Wildlife and Economic Development, Mr. Kakfwi.

Return To Question 37-13(7): Economic Strategy for Nunavut

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. The contract was given to Bailey and Associates last spring. The intent was to develop an economic strategy for Nunavut and for the western Northwest Territories. In the end, the agreement was to let Nunavut develop their own

strategy at a time of their own choosing and we focused on developing a paper that would outline an economic strategy for the western Arctic. The initial draft was given to the government in November, we asked for substantive revisions and it came back in February as a discussion paper. The contract has been considered fulfilled and Bailey and Associates have finished their work and their contract with us as a government. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. O'Brien.

Supplementary To Question 37-13(7): Economic Strategy for Nunavut

MR. O'BRIEN:

Thank you, Mr. Speaker. Mr. Speaker, is the Minister saying that, just for point of clarification, that the portion of the contract that was awarded to Bailey and Associates to do the economic strategy for Nunavut is now in the hands of another company, corporation or consultant to do that work? Is that correct?

MR. SPEAKER:

Mr. Kakfwi.

Further Return To Question 37-13(7): Economic Strategy for Nunavut

HON. STEPHEN KAKFWI:

Mr. Speaker, the people of Nunavut have indicated early last year that they would prefer to develop an economic strategy at a time and of a nature of their own choosing and did not wish to necessarily have one developed at this time or in tandem with one for the Western Territory, so a draft economic strategy was prepared only for the western part of the Northwest Territories, initially by Bailey and Associates, and presented to this government in November. The government received the document, as Members are aware, the MLAs were not provided with copies of that draft because we felt substantive revisions had to be made to it; so we held the original draft and sent it back to the contractors with requests for substantive revisions.

It came back in February as a discussion paper to facilitate discussions in the Western Territory about what an economic strategy might look like in the Western Territory. I was assigned responsibility for the economic strategy in January, and discussions

with Cabinet and various community leaders in the Western Territory felt it was not prudent for us to advance a draft economic strategy that was developed at the territorial level largely by consultants. We had the paper revised to basically be

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a discussion paper that we could use in advancing the idea of an economic strategy, and we took the view that we have to go to the community leaders, largely the aboriginal leaders in the Western Territory, and ask them to work with us in developing an economic strategy for the Western Territory. That is really where we are now at this time. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. O'Brien.

Supplementary To Question 37-13(7): Economic Strategy for Nunavut

MR. O'BRIEN:

Thank you, Mr. Speaker. Mr. Speaker, given the fact that the terms of reference for this contract when it was awarded, I believe stated that there be two economic strategies developed by Bailey and Associates, I assume that the costs of the contract, whether that was \$400,000 or \$500,000; that was altered, given the fact that Nunavut will not receive an economic strategy by Bailey and Associates?

MR. SPEAKER:

Mr. Kakfwi.

Further Return To Question 37-13(7): Economic Strategy for Nunavut

HON. STEPHEN KAKFWI:

Mr. Speaker, the economic strategy was assigned to John Todd, the Minister of Finance, from last March up until January, when I assumed responsibility for it. The original contract and the details of that would have to be answered by the Premier, since I am not privy to the information since the responsibility for the terms of reference and the contract with the consultants was not done through my department, but rather through the Department of Finance.

I do know as I said, Nunavut was consulted throughout the process and there was some discussion of the draft economic strategy through the

Nunavut Economic Forum in November. I was aware that members of the Nunavut Economic Forum were given copies of the draft economic strategy that Bailey and Associates submitted to this government in November, but we chose not to circulate or make that available here in the West, or to the public because of concerns we had about the paper, so we resubmitted to the contractors for substantive revisions.

The details of whether Nunavut was to be included, what was provided to them, and whether the costs of the contract included providing some product, some paper to the Nunavut government is unknown to me at this time and would have to be answered by the Premier. Thank you.

MR. SPEAKER:

Oral questions. Final supplementary, Mr. O'Brien.

Supplementary To Question 37-13(7): Economic Strategy for Nunavut

MR. O'BRIEN:

Thank you, Mr. Speaker. I am not sure if I should continue my question with the Minister of RWED or if I can ask the Minister if he would find out from Mr. Todd if the dollar value for the contract was altered or reduced, given the fact that only half of the work would be completed. Thank you.

MR. SPEAKER:

Mr. Kakfwi.

Further Return To Question 37-13(7): Economic Strategy for Nunavut

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. What I will do is work with the Premier and the Minister of Finance to provide some answers to the Member's question. I will review Hansard tomorrow and make sure I have done everything that should be done to answer the questions posed by the Member. Thank you.

MR. SPEAKER:

Oral questions. Mr. Barnabas.

Question 38-13(7): Future Power Rates In Nunavut

MR. BARNABAS:

(Translation) Thank you, Mr. Speaker. My question is directed to the Minister of the Power Corporation, the Honourable Charles Dent. We understand that NTPC is going to have a division. There will be 50 percent and 30 percent in Nunavut, but we never heard the rate. How much will there be? It will be seven percent in Nunavut and five percent in the west? The reason why I am asking this question is because I am aware that the Nunavut people will be paying more. I know we have one year to make a decision as to how the rates will be set. (Translation ends)

MR. SPEAKER:

The Minister responsible for the Power Corporation, Mr. Dent.

Return To Question 38-13(7): Future Power Rates In Nunavut

HON. CHARLES DENT:

Thank you, Mr. Speaker. Mr. Speaker, we have a transition agreement now with Nunavut to cover the terms of operation of the Power Corporation for the next year, and the one following if the two parties cannot come to an agreement on a long-term solution. Under the terms of the transition agreement, for two years at least, of the division of the Power Corporation, should result in no increase in rates to residents of Nunavut or the west. During this two-year transition period, the corporation will operate pretty much the same as it does right now. There may be some rate adjustments in some communities at the end of March this year, but those are a result of changes approved by the Public Utilities Board in 1997. They have not been implemented until this year.

There is no proposal to raise the rates during the transition agreement because of any extra costs for division. That would not take place during the two-year transition agreement. However, Mr. Speaker, if the Power Corporation is divided, we have projected there will be at least a seven percent increase, and as much as ten or 11 percent in the cost of power in Nunavut to pay for the increased cost of overhead and loss of efficiency in having a smaller corporation. In the west, we see a projected increase of approximately five percent if we are not successful in keeping the corporation together after two years. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Barnabas.

Supplementary To Question 38-13(7): Future Power Rates In Nunavut

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MR. BARNABAS:

Thank you Mr. Speaker. Mr. Speaker, maybe if I rephrase my question the Minister will understand. In Nunavut we will be paying seven percent after division of the NWT Power Corporation. On top of that we will be paying to the headquarters, which is in the west in Hay River. How long will this be? I understand we have one year to decide if the headquarters will be moved to Nunavut. Thank you, Mr. Speaker.

MR. SPEAKER:

Mr. Dent.

Further Return To Question 38-13(7): Future Power Rates In Nunavut

HON. CHARLES DENT:

Thank you, Mr. Speaker. The Member has suggested there would be a seven percent increase in cost during the transition agreement and that is not correct. Through the transition agreement, there will be no increase in costs because the corporation is continuing to run as it is. Until another headquarters is established, there is no increase. That seven or 10 percent increase was projected as a result of creating a new headquarters in Nunavut. Until that headquarters is created there is nothing that drives up the costs in Nunavut. There is no cost increase proposed during the two-year life of this transition agreement, Mr. Speaker.

MR. SPEAKER:

Oral Questions. Mr. Krutko.

Question 39-13(7): GNWT Cost-Plus Leases

MR. KRUTKO:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister of Public Works in regards to the government leasing policy that is in place presently, and also the benefit that this government gets from leases that we presently have. My concern, Mr. Speaker, the ones that are basically are classified as

leases which are considered cost-plus, which means that they are over and above the prime rate that this government pays. I would like the Minister, if possible, to provide a list of all leases which are cost-plus and the possibility of those leases being posted publicly.

MR. SPEAKER:

The Minister of Public Works and Services, Mr. Roland.

Return To Question 39-13(7): GNWT Cost-Plus Leases

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. Mr. Speaker, the department can look at what is available. I am not familiar with this area of the different leases and the cost-plus portion of them. I will get back to my department and receive some information on that and then forward the information on to the Member to see if we can clarify what the specific concern is. Thank you

MR. SPEAKER:

Oral questions. Supplementary, Mr. Krutko.

Supplementary To Question 39-13(7): GNWT Cost-Plus Leases

MR. KRUTKO:

Thank you, Mr. Speaker. Mr. Speaker, we hear a lot of statements made in this House about how the government should save money, especially in areas of negotiated contracts. I think if we are going to look at all aspects of savings to this government, I also feel it is time we assessed the value of leases this government has in the Northwest Territories, and the cost to this government of these leases, which are classified as a cost-plus, which is over and above the prime rate that this government will pay for leases in the communities and in the larger centres. I would like to ask again, can the Minister provide such a list and identify who we are leasing this space from and exactly what the amounts of those leases are?

MR. SPEAKER:

Mr. Roland.

Further Return To Question 39-13(7): GNWT Cost-Plus Leases

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. As I said earlier, I will get back to my department to try and get some specific information. There are some areas we are going to have to look into as to confidentiality of some agreements, or what is put out there. What can be brought together and brought forward. I will look at doing that and providing the information to the Member. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Krutko.

Supplementary To Question 39-13(7): GNWT Cost-Plus Leases

MR. KRUTKO:

Thank you, Mr. Speaker. The other half of my question was the possibility of having this information made public, put in the newspaper or wherever else, so the public knows how this government is spending its money. Thank you

MR. SPEAKER:

Mr. Roland.

Further Return To Question 39-13(7): GNWT Cost-Plus Leases

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. As the Member stated earlier, in an earlier part of his question was, is the government looking at trying to save money and looking at the way it does business. We can try and do something in the area providing information to the Member if there are some specific cases he would like to address, but in the case of putting out adds in the papers, that would just drive up the cost of this government to provide information to everybody. If there are some specific cases, we can look at doing something and providing that information to the Member or to this House if that is the case. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral question. Final Supplementary, Mr. Krutko.

Supplementary To Question 39-13(7): GNWT Cost-Plus Leases

MR. KRUTKO:

Thank you, Mr. Speaker. In regard to the question of cost, I believe there are several calls for reviews of negotiated contracts, there are calls for review of affirmative action candidates. I do not see why the cost factor has to be a barrier on getting this information and being made public. I believe you do have that information in-house and I do not see why cost should be a barrier. I am asking for information in this

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house, and I would like that information made public. Thank you.

MR. SPEAKER:

Mr. Roland.

Further Return To Question 39-13(7): GNWT Cost-Plus Leases

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. As I stated earlier, we will look at having the information provided to the Member as well as to Members of this House. There are other ways of providing the information out there to the public and we will look at doing what we can do that is available. One other thing that is available that this government does provide, on a quarterly basis, is the contract report which would include any contract for leases. That already is made available to this House and to the public. Thank you, Mr. Speaker

MR. SPEAKER:

Oral questions. Mr. Ootes.

Question 40-13(7): Pay Equity Benefits To Excluded Employees

MR. OOTES:

Thank you, Mr. Speaker. My question is for Mr. Todd, Minister of the Financial Management Board, and it is a follow-up to my question from yesterday, regarding the employment equity benefits for non-unionized government employees. Yesterday the Minister confirmed that benefits are available to non-unionized employees who are currently working for the government. Certainly it is heartwarming to see that employment equity payouts will be equally available to union and non-union members, but there

are a couple of matters I would like to ask questions on.

I wonder if the Minister could tell us, since there is a deadline of March 31st that has been given on notice and payout, and yesterday he indicated that no decision had been made regarding non-unionized employees who are no longer with this government; could he tell us when that decision will be made, so that those no longer with the government can know where they stand on this issue? Thank you.

MR. SPEAKER:

The Minister responsible for the Financial Management Board, Mr. Todd.

Return To Question 40-13(7): Pay Equity Benefits To Excluded Employees

HON. JOHN TODD:

Thank you, Mr. Speaker. Well I am off tonight to Ottawa for a quick meeting with Mr. Martin Stewart. I will be back Friday. There is a FMB meeting on Thursday, so I suspect that a decision on this issue will probably be made by the new Finance Minister. I would like to get it done, but I think I am basically running out of time. Thank you

MR. SPEAKER:

Oral questions. Supplementary, Mr. Ootes.

Supplementary To Question 40-13(7): Pay Equity Benefits To Excluded Employees

MR. OOTES:

Thank you, Mr. Speaker. I understood there was a deadline of March 31st. Could the Minister tell us if that will be changed? Thank you.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 40-13(7): Pay Equity Benefits To Excluded Employees

HON. JOHN TODD:

Thank you, Mr. Speaker. What I will try to do is have a discussion with my Cabinet colleagues on Monday and determine what their opinion is and what steps we should take. Should we decided that the pay equity for people who are no longer working for the

government is something we will do, then we probably more than likely have to extend the deadline. I am not in a position today to answer unequivocally my honourable colleague what action we will take. I will commit to trying to get some of it resolved by Monday.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Ootes.

Supplementary To Question 40-13(7): Pay Equity Benefits To Excluded Employees

MR. OOTES:

Thank you, Mr. Speaker. I also wonder if the Minister could address the issue of the rationale for the classification codes. I understand that in considering who should benefit, in one case, for example, librarians were grouped in with wildlife officers, and it is based upon the majority in that classification code. Naturally, the number of wildlife officers would exceed the number of librarians and it would stand, at the moment, I understand, the number of wildlife officers are predominantly male. Therefore that particular classification is not fair in other words. I wonder if the Minister could address that question as well with his colleagues? I would ask that the rationale for this be looked at and if the Minister could do that? Thank you.

MR. SPEAKER:

Mr. Todd.

Further Return To Question 40-13(7): Pay Equity Benefits To Excluded Employees

HON. JOHN TODD:

Thank you, Mr. Speaker. I believe I have said on a number of occasions in this House that there is a process in place to appeal classifications. That process allows each individual employee to determine whether or not their classification under the new pay equity system was fair. If my honourable colleague has some particular cases where he feels that the employees are not comfortable with their pay equity; if you will advise me, I will advise them on the route to take. There is a system in place right now for that to take place. Thank you.

MR. SPEAKER:

Oral questions. Final Supplementary, Mr. Ootes

Supplementary To Question 40-13(7): Pay Equity Benefits To Excluded Employees

MR. OOTES:

Thank you, Mr. Speaker. That would individualize it. As I pointed out, I think someone has pointed out to me the grouping of classifications, librarians with wildlife officers, as an example. I have a number of people who are former employees, no longer with this government, still in the north, but they cannot find anybody who seems to be eligible in this particular area. It is important for me to have the Minister address the classification codes. I wonder if he could, along

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with his colleagues look at that?

MR. SPEAKER:

Mr. Todd

Further Return To Question 40-13(7): Pay Equity Benefits To Excluded Employees

HON. JOHN TODD:

Thank you, Mr. Speaker. As I have said on a number of occasions, Mr. Speaker, there is a process in place to address classification codes. The Hay Plan evaluation system is one that we put into place just this last year, it is not going to be without some of its warts, as they say, and the system is there, it is in place. If my honourable colleague would provide me with some particulars about the particular classification, I would be only too happy to have that addressed. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Mr. Ng

ITEM 9: REPLIES TO OPENING ADDRESS

Reply 1-13(7)

HON. KELVIN NG:

Thank you, Mr. Speaker. I hope you bear with me ladies and gentlemen. Mr. Speaker, since May of 1993, I have had the honour to serve as the MLA representing residents of Kugluktuk, Cambridge Bay,

and Umingmaktok and Bathurst Inlet. I have also had the honour since 1995 to serve as a Minister representing all NWT residents. In eight days the boundaries in Canada will change, something that has not happened in over 50 years. There is a lot of excitement and anticipation of this historic event, and all of us are a part. Whether we are Members of the last NWT Legislative Assembly, as we know it today, Members of the first Nunavut Assembly coming into office, or as Members of the first NWT Legislative Assembly post-division this coming fall.

Mr. Speaker, we have undertaken dramatic changes since taking office in preparation for division and the restructuring of government. There have been changes to programs and services as we have moved to balance our budget. We have also had a concerted effort to give greater control to communities and regions. There have been lots of hardships and growing pains as we have undertaken these initiatives, but we all believe it is for the overall benefit of all our residents.

For the past six years, as the MLA, there have been many developments in my constituency. In Kugluktuk and Cambridge Bay, we have had new primary schools. We had the establishment of high schools, new air terminal buildings, fire halls, and municipal garages. We have had daycares established, independent seniors' housing units, and significant private housing developments. In Kugluktuk, they have also had a maintenance garage and a major runway expansion. In Cambridge Bay, there has been a major arena expansion and a new Nunavut Arctic College Learning Centre, a new Kitikmeot Foods Facility, and the establishment of the Mount Pelly Territorial Park.

Both communities have also had significant private investments. There have been dental clinics and new co-op stores in both communities. In Cambridge Bay, they have been further fortunate to have the establishment of a Royal Bank, CBC and a new Northern Store that is housed in the Kitikmeot Centre which also holds the NTI and KIA offices. There have also been significant local business investments in the hotel and retail sectors.

Umingmaktok and Bathurst Inlet have had all new alternative housing units and new fuel storage facilities. There has also been a new assembly building in Umingmaktok. By the same token, there have been new programs or enhancements to existing programs that have impacted all constituents. There have been fuel price reductions, a homecare

program, hunters' support program, Northern Employment Strategy, Community Futures, small grants and contributions, home ownership programs, child care programs, a commercial harvesting program, income support increases, and the child tax benefit. All of these have been significant developments.

But we have also had our share of setbacks. There has been major fire loss in both Kugluktuk and Cambridge Bay. Kugluktuk lost their arena in the winter of 1996 but were fortunate that it was a fully insured loss. They recuperated and had a new facility that opened in the spring of 1998. As we all know, in the summer of 1998, Cambridge Bay lost its Kiilnik High School. Right now there is work ongoing in the replacement of that significant project. We also have work ongoing for the regional health facility and Nunavut Arctic College residence under our P3 initiative that we hope to see finished off in the future.

Mr. Speaker, I would like to speak on my Cabinet responsibilities over the past four years. In February to October, 1995, I was the Minister of MACA in the last government. Mr. David Ramsden was the deputy minister. We were fortunate to have the first block funding agreements completed, initiatives for SAO training, and for firefighter training. From October, 1995, to March, 1996, for a brief time I was responsible for the Northwest Territories Housing Corporation with Mr. Al Menard and Penny Ballantyne as the presidents. We initiated a major reorganization, and we finalized a seniors' independent housing strategy. In March, 1996, to November, 1997, I had responsibilities for the Ministry of Justice with Mr. Don Cooper as the deputy minister. There were deficiencies and corrections that were resolved. We initiated an independent review of the whole corrections system which became known as the Evan's Report. We refocussed on community justice initiatives.

From October, 1995, up until now, Health and Social Services and the Minister responsible for the Social Union Framework Agreement; I have had three deputy ministers, Ken Lovely, David Ramsden, and Penny Ballantyne. There has been a lot that has happened in that department, as we all know. We have been fortunate, we have completed the amalgamation of Health and Social Services. There has been the completion of the MacKenzie Region Decentralization which saw the establishment of numerous boards, the Dogrib Board, Fort Resolution, Lutselk'e, Hay River, Fort Smith, Deh Cho, and the soon to be up and running Yellowknife Board. We

have seen the stabilization of funding and reinvestment in the health care system through the Healthy Children Initiatives, Strategic Initiatives Fund, reinvestment in the Social Worker Income Support Programs, the capital and recruitment and retention.

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We have also seen the start of the P3 projects for the replacement of hospitals in Inuvik and Baffin, the health centre in Arviat, and the regional facilities in Rankin and Cambridge Bay. We have also had major reforms under alcohol and drug initiatives, long-term care facilities, and we formalized a strategic plan that is forming the foundation to guide two new territories in the ongoing reform of the health and social services system. We have also been successful in concluding the Social Union Framework Agreement.

Mr. Speaker, this is, as we all know, a high turnover field. There has been tremendous demand and pressure on the system, on Ministers, and on boards. In three and a half years, I have become the senior Health Minister in this country. I have seen three federal ministers and numerous jurisdictional turnover. In 48 hours from now, I will be fortunate, there will be a relief I think, in that I will become one of the former Health Ministers in this country. There is no doubt that we have had our share of controversy, and there have been a lot of concerns raised.

I will have to recognize the health and social services boards across the Northwest Territories. Many times I feel that they have come under unwarranted criticism. But these are the individuals who have the commitment and the interest to offer their services to represent us in trying to make things better for the people they represent. I have to say that given the difficulties that we operate under in our country, with the remoteness, the distances, the isolation, the weather conditions, and the small communities and service base that we have, I have to recognize the dedicated front line staff. And I say to that we have one of, if not the best, health and social services system in Canada.

--Applause

I have to acknowledge our deputies once again, the deputies that I have been fortunate to serve with. I want to thank them for their dedication. I have been fortunate. I think they are some of the hardest working deputies that we have had in the government. I also would like to recognize the departmental staff. I want to recognize the Legislative Assembly staff for

their guidance and assistance over the past six years, particularly our well-seasoned clerk, Mr. David Hamilton, who is the longest serving individual in this Assembly. My ministerial staff, both Joan Irwin and Kat Nicholson; Joan has been with me for four years and Kat for three. I have to recognize and thank them for their dedication to their positions, all the extra time they put in, well over and above the call of duty. I am proud to have had both of them as my staff members.

--Applause

To my colleagues in this House, Mr. Barnabas, Mr. O'Brien, Mr. Picco and Ms. Thompson, who will be my future Nunavut Assembly and Cabinet colleagues, I look forward to another four and a half years with them. To Mr. Enuaraq and Mr. Evaloarjuk, who were unfortunate in not being re-elected in their bids, I wish them all the best. To Mr. Arlooktoo, the rookie MLA, Cabinet Member, and Deputy Premier, I have seen him develop, in leaps and bounds, over the past three and a half years. I think it is a loss to Nunavut on the basis of experience that he would have been able to offer, but I have no doubt that with his talents and experience, he will play a prominent role after April 1st, no matter what he chooses to do.

--Applause

Mr. Ningark, who is entering retirement as the longest continuous-serving Nunavut Caucus member, I am sure that he will also offer some experience, in some future capacity, in Nunavut. To John Todd, my friend and Cabinet colleague, who also chose not to seek re-election in Nunavut; only he has received more attention, publicity and pressure resulting from program changes and government policy than I. I believe he is a true visionary, someone who is totally dedicated and committed to carrying out his responsibilities. He is extremely opinionated to the point of being stubborn, but of course, we all know he also has his humble side. He says that, on those rare occasions where he is wrong, he will acknowledge that he made a mistake. I will miss our friendly competition of being the first to the office in the morning, I will miss his often candid advice, his humour and his wit. Donny Morin, another friend and Cabinet colleague.

--Applause

When I first met Donny, I became attached to him almost immediately. I found him to be very upfront and direct on issues and when he gave his word, I knew that he meant it. He is a sincere individual who

is always addressing the interests of his constituents. I think it is really unfortunate that his twelve years of hard work as an MLA and as an Executive Council Member will be overshadowed by a few errors of judgement. But I want to thank both Donny and John for their support that they have provided to me when I first took office right up until today.

--Applause

Mr. Dent, Mr. Kakwi, Mr. Antoine, Mr. Gargan. It has been a memorable past six years serving with you. I know we have had differences on occasion, but I have certainly enjoyed our experiences. Mr. Roland and Mr. Miltenberger, our morning coffee discussion sessions will be definitely missed. I have enjoyed the debates and the issues, along with Mr. Todd and any other foolish individual who might have stumbled into the office at 6:30 or 7:00 in the morning. I do not know what will happen on the Nunavut side and who will be there. To the rest of my western colleagues, and I apologize if I do not mention you by name, it has also been a pleasure serving with you in this historic 13th Assembly which, a week from now, will be changed forever. I wish you all luck whether you choose to seek re-election or choose other pursuits.

Mr. Speaker, all of us are privileged to be given the trust and the responsibility to represent our constituents. Many of us take our positions very seriously and we put in an inordinate effort into doing the best job possible. I believe many of our constituents realize this, however, I doubt if any of them realize the toll it takes on us but, more importantly, on our families. Only our predecessors and us know of the long hours, the travel, the briefings, the meetings, the deadlines, the missed family events that we have all experienced over the past years. I want to thank my family for their support and understanding.

Mr. Speaker, both new territories are in the midst of historic and dramatic change. As politicians, we all want glitzy programs,

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infrastructure, and immediate impact that we can show our constituents. As the Minister of Health and Social Services a soon to be outgoing Minister, my advice to future new Ministers, to future legislators and to future governments; I ask you to consider focusing on the long term preventative programs which will deal with reducing FAS/FAE, tobacco use and planned parenting. They may have no immediate

impact, but they have significant long-term benefits in attaining a healthier society and ensuring that sustainable social programs remain in place to serve our constituents.

--Applause

MR. SPEAKER:

Thank you. Replies to opening address. Item 10, petitions. Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. Mr. Barnabas.

ITEM 12: REPORTS OF COMMITTEES ON THE REVIEW OF BILLS

MR. BARNABAS:

Thank you, Mr. Speaker. Mr. Speaker, I wish to report to the Legislative Assembly that the Standing Committee on Infrastructure has reviewed Bill 13, An Act to Amend the Financial Administration Act, and Bill 14, An Act to Amend the Risk Capital Investments Tax Credits Act, and the Income Tax Act, and wish to report that Bill 13 and Bill 14 are now ready for committee of the whole. Mr. Speaker, I seek unanimous consent to waive rule 70(5) and have Bill 13 and Bill 14 moved to committee of the whole for today. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The Member for High Arctic is seeking unanimous consent to waive rule 70(5). Do we have any nays? There are no nays. Mr. Barnabas, you have unanimous consent. Bill 13 and Bill 14 will be moved into committee of the whole for today. Reports of committees on the review of bills. Item 13, tabling of documents. Mr. Todd.

ITEM 13: TABLING OF DOCUMENTS

Tabled Document 15-13(7): Government of the Northwest Territories Public Accounts 1997-98

HON. JOHN TODD:

Thank you, Mr. Speaker. I have two documents that I would like to table today. I wish to table the following document entitled, Government of the Northwest Territories Public Accounts 1997-98.

Tabled Document 16-13(7): Division of Assets and Liabilities of the Government of the Northwest Territories as of March 31, 1999

And I wish to table the following document entitled, the Division of Assets and Liabilities of the Government of the NWT as of March 31, 1999. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Tabling of documents. Ms. Thompson.

Tabled Document 17-13(7): Municipal Finance Review

HON. MANITOK THOMPSON:

Thank you, Mr. Speaker. Mr. Speaker I wish to table the following document entitled Municipal Finance Review. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Tabling of documents. Mr. Morin.

Tabled Document 18-13(7): Letter from South Slave Metis Tribal Council Regarding Appeal from Decisions on Electoral Boundaries

MR. MORIN:

Thank you, Mr. Speaker. I would like to table a letter from the South Slave Metis Tribal Council to the Honourable Jim Antoine, Premier. It is signed by Mr. Paul Harrington, President of the South Slave Tribal Council dated March 24, 1999.

MR. SPEAKER:

Thank you. Tabling of documents. Mr. Erasmus.

Tabled Document 19-13(7): Paper by Roy Erasmus entitled Section 25 and 35, Collective Rights Versus Individual Rights

MR. ERASMUS:

Thank you, Mr. Speaker. I would like to table a document entitled, Section 25 and 35, Collective Rights versus Individual Rights by Roy Erasmus.

MR. SPEAKER:

Thank you. Tabling of documents. Mr. Erasmus.

Tabled Document 20-13(7): Oath of Office of MLA Roy Erasmus

MR. ERASMUS:

Thank you, Mr. Speaker. I would like to table this document entitled the Oath of Office by Roy Erasmus. Thank you.

MR. SPEAKER:

Thank you. Tabling of documents. Mr. Morin.

Tabled Document 21-13(7): Opening Prayer of the Legislative Assembly of the Northwest Territories

MR. MORIN:

Thank you, Mr. Speaker. I would like to table a document, it is a document that every Member is familiar with in this House. It is the prayer that the Members of this House use prior to the start of the business of the day. Oh, God, may your spirit and guidance be in us as we work for the benefit of all our people, all our people, for peace and justice in our land and for the constant recognition of the dignity and aspirations of those whom we serve. Amen. Thank you.

MR. SPEAKER:

Thank you. Just to remind the Members if you table a document to table it under the heading. That would be sufficient. Tabling of documents. Item 14, notices of motion. Mr. Henry.

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ITEM 14: NOTICES OF MOTION

Motion: 6-13(7): Amendments to the Rules of the Legislative Assembly

MR. HENRY:

Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Friday March 26, 1999, I will move the following motion.

Now therefore I move, seconded by the honourable Member for Thebacha, that the rules of the Legislative Assembly be amended by:

Striking out that portion of Rule 12(9) that follows, "When in the Assembly, every Member shall be attired..." and substituting "... in traditional aboriginal clothing or in a manner that does not offend the dignity of the Assembly.";

And Further that Rules 85 and 85.1 be rescinded and the following adopted:

85(1) At its first sitting after a general election, the Assembly shall appoint a Striking Committee of three Members to report and recommend, with all convenient speed, Members to comprise the following standing committees of the Assembly;

On Government Operations

On Resource Management and Infrastructure

On Rules and Procedures

On Social Programs

and any other standing and special committees as directed by the Assembly.

(2) The Standing Committee on Government Operations shall:

a) Review issues which have government wide implications;

b) Consider items and issues referred from other committees and the House;

c) Conduct the overview of the budget and the fiscal framework;

d) Consider the budgets and financial management of boards and agencies that are outside the responsibility of any standing committee, including the Office of the Legislative Assembly;

e) Examine the reports on the annual financial statements and public accounts of the Government of the Northwest Territories and the Report of the Auditor General;

f) Allocate to any other standing committee its examination of any estimates and any review of departmental performance;

g) Examine and consider the overall issues that affect the operation of the Government of the Northwest Territories relating to division.

(3) The Standing Committee on Resource Management and Infrastructure shall consider the following matters with respect to the Departments of Executive, Aboriginal Affairs, Financial Management Board Secretariat, Finance, Public Works and Services, Municipal and Community Affairs, Resources, Wildlife and Economic Development and Transportation:

a) Review legislation and policy proposals, multi-year business plans and budgets, bills, boards and agencies, and public accounts;

b) Review departmental performance; and,

c) Consider any other matter referred by the House.

(4) The Standing Committee on Rules and Procedures shall inquire into such matters as may be referred to it by the Legislative Assembly, the Speaker, or the Management and Services Board.

(5) The Standing Committee on Social Programs shall consider the following matters with respect to the Departments of Health and Social Services, Education, Culture and Employment, Justice, and the Northwest Territories Housing Corporation:

a) Review legislative and policy proposals, multi-year business plans and budgets, bills, boards and agencies, and public accounts;

b) Review departmental performance; and,

c) Consider any other matter referred by the House.

And furthermore, that Rule 87(1) be amended by adding "... with the exception of the Standing Committee on Government Operations, which shall consist of seven Members" after "... not more than five Members..."

And furthermore that Rule 87(2) be amended by adding "... with the exception of the Standing Committee on Government Operations..." after "Each Standing Committee...";

And furthermore that Rule 90(3) be rescinded and the following adopted:

90(3) The quorum of a committee shall be a simple majority of committee Members.

And furthermore, that these amendments shall come into effect and be deemed to be Rules of the Legislative Assembly on April 1, 1999.

Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Notices of motion. Item 15, notices of motion for first reading of bills. Item 16, motions. Motion 5-

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13(7), Mr. Morin.

ITEM 16: MOTIONS

Motion: 5-13(7): Appeal of Supreme Court Decision on Electoral Boundaries

MR. MORIN:

Thank you, Mr. Speaker.

WHEREAS the Supreme Court of the NWT ruled on March 5, 1999, that the boundaries of three constituencies located in the western Arctic are unconstitutional;

AND WHEREAS there are compelling reasons for the Government of the NWT, as the respondent in this case, to appeal this decision, including:

-Concern for the constitutional future of the Western Territory and its place in the Canadian Federation;

-Safeguarding of the Western Territory in the context of treaty, land resources and governance negotiations and discussions;

-The fiduciary duty of the Government of the NWT as an agent of the Crown towards aboriginal peoples and aboriginal governments in the Northwest Territories;

-The duty of the Government of the Northwest Territories to ensure respect for the spirit and intent of Crown aboriginal treaties and Crown undertakings under those treaties;

-Important principles of constitutional interpretation, including the matter of the appropriate balance between individual rights as reflected in section 3 of the Charter of Rights and Freedoms and collective rights as reflected in section 25 of the Charter and section 35 of the Constitution Act, 1982;

-The appropriate role of the courts in ensuring that nothing be allowed to transpire that would frustrate the ability of the Crown to honour its commitments towards aboriginal people, to negotiation in good faith with aboriginal governments and to honour its treaty commitments.

AND WHEREAS it is imperative that issues relating to electoral boundaries be determined within the political sphere and not be decided by the courts;

AND WHEREAS the western NWT Aboriginal Summit, a forum for aboriginal governments in the

new Western Territory, a partner with the Western Caucus of MLAs in developing constitutional proposals for the west, has urged the Western Caucus and the Premier to support the Government of the Northwest Territories appealing this decision;

AND WHEREAS it is imperative that a political decision on this issue be reached in consultation with, and with the concurrence of, the aboriginal governments of the western NWT;

NOW THEREFORE I MOVE, seconded by the honourable Member for Mackenzie Delta, that the Legislative Assembly recommends to the Executive Council that they immediately file an appeal of the March 5, 1999, decision of the Supreme Court of the Northwest Territories in the matter of Friends of Democracy et al, vs. the Commissioner of the Northwest Territories et al, and take all steps necessary to ensure that the decision of the Supreme Court of the Northwest Territories is stayed pending the hearing of an appeal. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The motion is in order. To the motion. Mr. Morin.

MR. MORIN:

Thank you, Mr. Speaker. How did we get here today, Mr. Speaker? How did we end up in what some are calling a constitutional crisis. In the last couple of days, Mr. Speaker, I have had an opportunity to visit all the Chiefs in the Western Arctic at the Yellowknife Ski Club. The Yellowknife Ski Club brought back memories, sometimes even nightmares, because I know what happened there when the Western Caucus met. We had an agreement with aboriginal governments of the western Arctic, as western Members of this Legislative Assembly. We had an agreement that we would move ahead on April 1, 1999, to division of the Northwest Territories as it exists today.

We had agreement with the Nunavut people that they would go their way and govern themselves, which is rightfully so. We had an agreement with all the aboriginal governments in the west that we, as elected people and elected government, would sit down and come to an agreement of how a new western government would be formed. We had an agreement that we would stay with 14 Members in the Legislative Assembly. We would stay because we recognized it as a transitional government. We would

be a transitional government till we formed a new government in the western Arctic that represents all people. It would take into consideration the diversity of the north, the communication problems we have in the north, the aboriginal governments' issues in the north and for sure it took into consideration the inherent right of aboriginal people to govern themselves.

We had those agreements in place. I remember shaking hands on those. I remember saying to people, no problem, we are going to work it out. We are going to sit down as leaders in the western Arctic to work it out. Yes, we have been working for 20 some years on the same issue, governance, governance in the west. I, for one, Mr. Speaker, am never going to give up on aboriginal governments and the people in the western Arctic to be able to come to consensus and the ability to agree on a new government structure for the west. I believe we can do that.

However, at the Ski Club in Yellowknife last spring, the decision was made to move ahead on a boundaries commission because somebody produced a document, somebody produced a document that said that we would be challenged in the courts if we went to an election with the 14 Members that we had. Everybody ran away and decided to form a boundaries commission. Did the aboriginal government ask for a boundaries commission? Did the Aboriginal Summit ask for a boundaries commission? No. They did not want a boundaries commission. They wanted to continue the dialogue to work out a new western government that would truly reflect all the people from Fitzgerald all the way up to Holman, Tuktoyaktuk, all the people in the western Arctic would be recognized under a new constitution,

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and no one's rights would be infringed on. So then we went on to establish a boundaries commission. There was no heart in establishing a boundaries commission, there was no want by the Northwest Territories residents to even speak to a boundaries commission.

They had a hard time to even get people out to talk to them when they came to our riding, because it was not of an interest to them. What was of an interest was how we were going to develop a new government. You cannot do it by doing a one-of approach, you have to do it by including the big picture; by including self-government, by including the

inherent right of aboriginal people to govern themselves, as well as the people's rights in the major centres of having representation. So we had our boundaries commission. The boundaries commission came back to the Legislative Assembly and they recommended two existing seats to our capital city, Yellowknife. The majority of the Members in this Legislative Assembly rejected that idea. The majority of Members voted against the boundaries commission.

Then what happened? I think it was five or six, I am not sure of the number, there were individuals in Yellowknife. They formed a group, they are now called, Friends of Democracy. They challenged this government, they challenged us in court, and the judge ruled in their favour. The judge came out, I believe it was on March 5, 1999, and said three seats in this House were unconstitutional.

Number one, the judge erred in his decision, but before I say that, I must say that I have the utmost respect for Justice de Weerd, he is a very honourable person. He is an elder and a very honest man. That does not mean I, as an individual, an elected person, cannot disagree with his ruling. It is as simple as that. I have the right to disagree with anything, and I am doing that today. I believe that we should appeal this case because the judge erred in his ruling. When the judge came down on March 5, 1999, and made his ruling, he gave us 26 days, 26 days to settle an issue that has been negotiated for 20 years. We had 26 days of Legislature. Why did they not just cock the gun and put it to our head, that is the pressure they put on this Legislature. Twenty-six days.

Not only did they overstep their judiciary responsibility. There are three levels of government. There are three different functions that government carries out. We have the political function; that is this House, this is the Legislative Assembly. We are elected by the people to make laws, to make sure we treat people fairly, and move ahead. That is our job; making laws, government job, making policy. Then you have the administration of it, that is the government. They administer the government, they run the day-to-day affairs of the government. Then you have the justice system. They are supposed to deal with injustice, but I believe that the courts in this country, I believe that the judges in this country that are non-elected, are overstepping their boundaries. Not only overstepping their boundaries, but giving us unrealistic time frames. Twenty-six days, Mr. Speaker, we have to rectify three ridings that are unconstitutional.

The other day, Mr. Speaker, in this Assembly, I also tabled a document from a court case in the Supreme Court of the Northwest Territories by Chief Francois Paulette, and the court case was heard by Mr. Justice W.G. Morrow. This court case was held on April 3, 1973. The other one we are talking about today; March 5, 1999. Some people are saying there is an injustice. This Morrow case on land claims, on inherent right of aboriginal people in the western Arctic, April 3, 1973, when this man came out with his judgment, this judge, and in his conclusions, Mr. Speaker:

To sum up my conclusions under the reference:

(1) I am satisfied that those who signed the caveat are present-day descendants of those distinct Indian groups who, organized in societies and using the land as their forefathers had done for centuries, have since time immemorial used the land embraced by that caveat as theirs.

(2) I am satisfied that those same indigenous people as mentioned in (1) above are prima facie owners of the land covered by the caveat -- that they have what is known as aboriginal rights.

(3) That there exists a clear constitutional obligation on the part of the Canadian government to protect the legal rights of the indigenous peoples in the area covered by the caveat.

(4) That notwithstanding the language of the two treaties there is significant doubt on the facts that aboriginal title was extinguished that such claim for title should be permitted to be put forward by the caveators.

(5) That the above purported claim for aboriginal rights constitutes an interest in land which can be protected by caveat under the Land Titles Act.

This is a court decision from 1973. What has happened with this, if you compare the two, Mr. Speaker. There are moves now, immediately, to fix this injustice, but how about this injustice from the Morrow case? Where are the moves by this government to fix this injustice? The two go hand in hand. This one has been outstanding for 26 years. It is not addressed yet, it has not been addressed today. People I represent, the South Slave Metis, Treaty 8 Tribal Council, are still negotiating land claims today. They are still negotiating self-government today, but they are willing, they are very willing, to sit down and work with all people in the

Northwest Territories to ensure that we as a people create a government that represents all the people and treats all the people fairly.

Also, in Justice de Weerd's decision, he gives us 26 days to remedy the situation, but if you go to another document I tabled the other day in this Legislative Assembly, MacKinnon and Government of Prince Edward Island versus Charlottetown as the respondent, the judge goes on to say in here:

To establish a deadline beyond which the legislation will not be "in place" would be to require that the majority of the members of the Legislative Assembly agree on a course of action. I consider it quite beyond the inherent power of the court to compel agreement. In any case, to do so would be to effectively legislate. That must also be beyond the remedial powers that are reposed in the court.

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So I conclude that the establishment of a deadline would be in direct violation of the rights and obligations of the members of the Legislative Assembly, would threaten the violation of the right of the people of British Columbia to the existence of Legislative Assembly, and would threaten the violation of the right of citizens of Canada to vote for members of a Legislative Assembly, to say nothing of eradicating the right to vote, whether equal or not.

I think it must be left to the legislature to do what is right in its own time.

That is from another court case in this country. Mr. Speaker, we have tabled many documents in this Legislative Assembly. Some of them are quite interesting. Some of them are quite ridiculous. The other day I tabled one to the Territorial Minister of Justice from Friends of Democracy; it is from their lawyer, Brian J. Wallace:

Unless you can satisfy me that passage of Bill 15 before April 1st is a practical impossibility as we were previously advised, then I am instructed to withdraw our agreement to an extension of time for the suspension of Mr. Justice de Weerd's decision.

Friends of Democracy: you have until April 1st, they are saying to us, to rectify this decision, to rectify this great injustice that is done to the City of Yellowknife. Mr. Speaker, I have been a Member of this Legislative Assembly, this is the 12th year that I have come here. I have represented the smallest riding in the western

Arctic for the past 12 years. I have worked in this government in many different capacities. I think I do understand a bit about constitutional development. I do understand a bit about political development.

I have said this story many times, but I will repeat it one more time. I can remember when I was in Fort Resolution, living in Fort Resolution, the clerk at the sawmill said to me, mad because we as aboriginal people wanted to take over our community council, we wanted to represent ourselves on our community council, and he is mad because he is a clerk, a transient in my community. That is who the council was run by, the Hudson Bay managers, the RCMP, the nurses, all transient, in and out every couple of years, and he said to me, and they used to call us all Indians in those days, "You Indians will never be able to run this town. You Indians are not capable of picking up the garbage, sewer or delivering the water." Well, he is no longer there. Our people are picking up the garbage, we are picking up the sewer, we are delivering the water, we are maintaining our own buildings, we are running our own governments at the community level. We are capable, able and willing to do that and it is better for the people that we represent.

Mr. Antoine today, the Premier of the Northwest Territories, in his Minister's statement, western boundary issue, fourth paragraph, Mr. Speaker:

Given the unique opportunities that we have, it is unfortunate that we have become sidetracked in the divisive debate over electoral boundaries. This debate has the potential of setting back everything we have been trying to build for the last 30 years, derailing the hard work of trying to frame joint priorities and to assert our independence from DIAND's rule. Not one northern group can win at this debate, but we can all lose.

Well, Mr. Antoine, Mr. Premier, I do agree with you 100 percent. There is no win for anyone in the Northwest Territories if we increase this Legislature to five more seats at this time. Mr. Speaker, he goes on to say:

We as elected representatives have a responsibility to find a solution to this very difficult divisive issue. I appeal to you, my honourable colleagues, and to all parties in this debate to reach out for a solution that will bring us together.

That I support 100 percent. We should be reaching out for solutions, increasing the Members in this

Legislative Assembly, Mr. Speaker, will not be a solution. We are going to send a clear message to our aboriginal partners, the aboriginal governments that we have our hand out to them, to work in partnership, to work on an equal basis as long as we can do this behind their back. That is what it boils down to, Mr. Speaker. When you talk to aboriginal governments, or aboriginal people you should do it straight up. Everybody understands what increasing the number of seats in Yellowknife will mean. It does not take a rocket scientist to figure that out. You have to look in this House and count the numbers.

We are committed and I am committed, Mr. Speaker, to build a new constitution for the western Arctic. I am totally committed to working with the people in Yellowknife, Hay River and Inuvik and all of our communities on building a government for the western Arctic that will truly represent all of our people, but you do not do that by jamming down their throats an additional five seats. We have every right to appeal. If anybody goes to court in this land and you do not agree with the decision the judge makes, you have a right to appeal. You can line up 20 lawyers and every lawyer will give you a different view on the law. Guaranteed. Maybe we have not looked hard enough or long enough to find the right lawyers to represent this government. I believe, Mr. Speaker, we have good compelling reasons to appeal this decision of Justice de Weerd.

That is one thing it will do, it will give us time to come to a political solution. I for one, do not want to waste my money in court. I do not want to spend the public purse in court, but was it us who put us there? No it was not. It was Friends of Democracy that put us there. It was Friends of Democracy that initiated this issue. We were willing to come to a political solution. We were willing to sit down with the aboriginal governments and create a government in the new Western Territory that would work for all. That is what we should be committed to. That is what we should be going out and doing, but to side track it, shortcut it and increase the Members in the Legislative Assembly, we would be doing a disaster.

This morning I heard at the meeting of all of the chiefs, the Grand Chief, Mr. Bill Erasmus, and the common theme trust. Trust, trust, trust or a lack of trust. If you want trust you will appeal this case. If you want to build a new government for the western Arctic, a government that truly represents all the people. You will vote in favour of this motion. You will, if you want to

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keep the name ultimately of Northwest Territories, vote against the motion.

MR. SPEAKER:

Mr. Morin, your time is up. Thank you. To the motion. Mr. Krutko.

MR. KRUTKO:

Thank you, Mr. Speaker. As the seconder of this motion I feel that in time when we look at how many years it has taken us to get to where we are, I think people have to realize just going back four and a half years, before most of the Members ended up in this House, was the first time that all 34 communities in the western Northwest Territories had the opportunity to sit down in one room and talk about the constitution for the new Western Territory. I am talking about the first constitutional conference that was held here in Yellowknife, which a lot of Members here took part in. I think that out of that conference was the first time we had the opportunity to look at some events that happened in the new Western Territory regarding the Iqaluit agreement, the Bourque Commission report and through the discussions between the aboriginal communities, people from non-aboriginal communities and all people in general, we were able to have an opportunity to put the issues on the table and understand where each of us was coming from. Through that dialogue and through those discussions people were able to get a better understanding of where the aboriginal communities were coming from, and the people in the larger centres where their aspirations were also.

As part of that constitutional conference, there were 22 recommendations which came out of that conference that clearly identified how the groups were going to work together. This was only four and a half years ago. I think people do not realize that was the first opportunity for all the people in the Western Territory to talk about this issue. Since then, we have not had another constitutional conference, we are in the process of considering, discussing the possibility of having another conference and talk about where we are today with the new political aspirations that are happening in the west such as the self-government arrangements, consideration of the Northern Accord, the Political Accord, the aspirations of people in this territory.

I think because of the lack of time and the opportunity that we did not give the residents of the new Western Territories, it is where we find ourselves today. I think it is important as residents of the new Western Territory, that we do take the time. We need that time to sit down and discuss exactly where all 34 communities in the Western Territory see this government going after division. People say we had no interest in the constitutional process, it is dead, it will never come back again, but I think as members on the Constitutional Steering Committee, and people in the Western Territory we did not feel that the time was appropriate. We needed to seriously take the time regardless if it happened after April 1, 1999, or the year 2005, we will have that opportunity to discuss it and take our time and come to an arrangement that we can all live with.

Mr. Speaker, we did not allow ourselves to take that next step. I think it is important as Members of this House we allow ourselves that time. I also feel that 26 days is not appropriate for anyone, government or an individual Canadian citizen, to develop a case of an appeal of such magnitude in that short time frame. I strongly recommend to my colleagues to support this initiative to ensure that as a government we are able to sit down and have dialogue and resolve this issue by discussion. Not by force, not by decision by a court. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. To the motion. Mr. Miltenberger.

MR. MILTENBERGER:

Thank you, Mr. Speaker. Mr. Speaker, this issue is clearly far more than numbers. This is a very significant political issue. It is based, on a large part, on a perception of communities outside of Yellowknife. The perception that for the last 32 years have evolved, where we have all witnessed an almost constant growth in our capital while most of our communities have struggled to, in fact, maintain their levels of service and even to just exist. It is seen as a grab for more political power by the centre when after 100 years, the aboriginal people are still struggling for their rightful place in Canada and in the north. When you combine this history with some of the more symbolic, smaller but equally important things, it makes you wonder. The Friends of Democracy come out with a button. What is it? It is a great big white button with a little red flag on it. I am not sure what the message was but to the people I talked to, I think it was a very serious symbolic cause of concern.

Combine that with references by at least one of the members of this group, to ethnic cleansing and add that fact that they are trying to block an extension of time, trying to force this Legislature to either make a decision or cease to function.

It seems to me the people outside of Yellowknife are worried. They are worried because of history, they are worried because of what has happened around this to this date. All parties say we need a political solution, but a political solution requires time. I agree with what my colleague from Tu Nedhe has said. It is not reasonable to expect something of this nature and complexity to be resolved in 26 days. My colleague from the Sahtu who normally flits in and out of meetings like a hummingbird, came up with a fine suggestion that we should lock ourselves away for three days or however many days it takes, the leadership here and the leadership of the Aboriginal Summit to talk this through, to come to a solution. I think that is the kind of step that is going to be required here.

I agree that the judgement, in my opinion, was fundamentally flawed. I do not think the court by requiring unreasonable, totally unreasonable time frames, and then say they are going to bring a government to its knees, can do that to a duly-elected Legislature of this land.

There is no reasonable amount of time, Mr. Speaker. This alone, to me is a basis for appeal. The appeal would also be a political investment. We have talked from day one about partnerships, working with the aboriginal governments, to deal with revenue-sharing, royalties, moving ahead on a constitution. Yet, on this particular issue, where they have tried to work with us, we have consistently ignored the position that they have taken. Not only have we consistently ignored it in this case, we are coming up not with a minimum that would be required to meet the judgement of Judge de Weerd, but the maximum, 19 seats.

Mr. Speaker, it is understandable in my mind, of the concern and the frustration and the anger of the aboriginal leaders. What exactly is going on? How serious are we about moving ahead with them when on this particular fundamental issue, we have ignored them.

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Mr. Speaker, as we sit here debating this motion and later the second reading for a bill for 19 seats, we have to keep in mind the need to resolve this issue.

That requires time. In this Assembly we have talked the talk for a long time about wanting to work in partnership with the aboriginal governments. We have the opportunity to appeal, I believe there are grounds to appeal. Now, that we have talked the talk, I think we should walk the walk, appeal this, let the courts say if they are going to give us a stay or not, but in the very least, we will have had the courage of our convictions to say that we have tried to work this out.

If, in fact, a government of this land can be brought down on the basis of this judgement, then I would say as a Northwest Territories, we are in very big trouble. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you. To the motion. Mr. Steen.

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, I have been asked to support this motion, I have also been asked to oppose the motion. Mr. Speaker, I am going to have to make my decision based on a number of facts here that I feel are relevant to the situation.

Mr. Speaker, I have been under an impression for awhile, ever since the court case, that this government really does not have grounds for an appeal. Therefore, I could not support a motion to appeal. On the other hand, Mr. Speaker, I look at who took part in the court case, the Friends of Democracy and the Aboriginal Summit. I note that the Aboriginal Summit did not consist at that time of any Inuvialuit group, namely the Inuvialuit Regional Corporation.

Mr. Speaker, I do not claim to represent the Inuvialuit Corporation here, but I represent the 95 percent of my population in my riding that is Inuvialuit. Therefore, I must take into consideration what did the Inuvialuit do in this particular situation. What part did they take part in, if at all, in the issue? Since they did not take part as intervenors in the court case, it can be assumed that they will not take part in the appeal, so I do not feel pressured that my original group would be affected strongly by whether an appeal goes forward or not.

I have not been receiving any indication from my riding to either appeal or not to appeal, therefore I look at it that I do not have justification to prevent an appeal. I am under no pressure to prevent an appeal, if it will, in fact, benefit the aboriginal group to appeal,

then it stands to reason that it will benefit my riding as well. Therefore, Mr. Speaker, what I intend to do is let the votes decide the issue. If there is a number of votes in favour and the motion passes, then there is going to be an appeal. If the motion does not have the support, it is not going to be because I am not passing my support on. I intend to abstain, Mr. Speaker. Thank you.

--Applause

MR. SPEAKER:

To the motion. Mr. Erasmus.

MR. ERASMUS:

Thank you, Mr. Speaker. I will be voting in favour of this motion. Mr. Speaker, I have had a very difficult time dealing with this issue. Last night we had a little gathering at my house to welcome my brother, George back to the north. It was a good time to have everybody around. Nobody talked about this issue. No pressure was put on me, but, Mr. Speaker, people say that things happen for a reason. I sat there and I looked at my family, at my brother who has been working for aboriginal rights for all of his adult life and I realized I had to do what was right and not what would probably be best for me.

Mr. Speaker, this issue is more than about seats for Yellowknife. It is more than about seats for Inuvik and Hay River. It is about how rights are interpreted, our aboriginal rights, treaty rights are interpreted. I am very disturbed that the Cabinet has decided not to discuss this issue, not to vote. This is a very, very important issue. Mr. Speaker, I am an MLA, I am also a northerner. I was born and raised in Yellowknife. At the same time I am still a lawyer, I pay my dues every year as a non-practicing lawyer. I have read this case. Justice de Weerdts has said he remains unpersuaded that section 3 of the Charter is in any sense to be understood as qualified by section 25 of the Charter or section 35 of the Constitution Act. It is entirely unacceptable that such a fundamental right of citizenship is not recognized and guaranteed in section 3 of the Charter, should be held in suspense and thus be withheld during government negotiations.

Mr. Speaker, I have here a 50 page document that I wrote, researched specifically on the Charter. There are many cases and professors' works that are cited here, Supreme Court cases, Court of Appeal cases. This was written in 1990. Case law has developed even further making those rights even stronger. What

the law says is that section 25 shields aboriginal and community rights from guarantees in the Charter from section 3. Section 25 does not deprive anyone's rights, it simply shields collective rights from individual rights. Mr. Speaker, I know that some people will see this as a vote against Yellowknife, but this goes well beyond seats for Yellowknife. It is all about how aboriginal and treaty rights are interpreted.

The Supreme Court of Canada says that you have to read the Charter as a whole, not clause by clause. We cannot allow Justice de Weerd's ruling that section 3 not be qualified by section 25 to stand. Mr. Speaker, the Supreme Court of Canada says that you must read section 3 in light of section 25. I cannot stand by to allow future issues to be resolved on the basis that section 3 rights are super rights that prevail over section 25. Mr. Speaker, I am voting in favour of getting a second opinion from a higher court on important legal issues. We need to know what the rights are in both instances. Both instances, we cannot deprive people of their right to vote, however, we also have to look at aboriginal rights properly; how they are interpreted. We do that by looking at section 3, section 25 and section 35 together. That is how you find out what those rights are. That is why we have to appeal, not because of who is going to get seats and who will not get seats, but to ensure that rights are interpreted properly.

Incidentally, if Friends of Democracy are so sure that their decision is right, they should welcome an appeal because it will simply verify that they are right and that the intervenors are wrong. If they are correct. Mr. Speaker, so what is the effect of the appeal? In my view, it will clarify the rights of both the aboriginal people as well as the individual right to vote. It will help to ensure that rights are properly interpreted in the future. The worst that will happen is a delay. I have been hearing here

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that we need more time. Any way you look at it we do need a delay. Things are too rushed. We cannot even split Yellowknife properly, Mr. Speaker. We are going to seven seats in Yellowknife. We cannot split it properly because of the way Elections Canada enumerated it. Yellowknife North would now include a new area in the downtown of Yellowknife. Yellowknife North cannot be kept as a whole even though we have enough people in there for two constituencies almost. That is ridiculous.

Mr. Speaker, additionally this government has a duty to consult with the people in the NWT when they are redrawing boundaries. With the aboriginal people, they have an aboriginal right that is constitutionally protected that says they must be consulted. The April 1st deadline does not allow that. It does not allow time for public hearings. Once this bill goes into committee, the committee cannot deal with it properly in such a short time frame. I would submit that even this short time frame alone suggests a need to appeal.

Mr. Speaker, I will be running again in the next election and I am sure some people who intend to run against me will be happy because of the way I am voting. They will think it will hurt my chances of re-election. It probably will hurt me. Mr. Speaker, when I was elected on November 17, 1995, I swore an Oath of Office - I, Roy Erasmus, do solemnly and sincerely promise and swear that I will duly and faithfully and to the best of my skill and knowledge execute the powers and trust reposed in me as a Member of the Northwest Territories council.

Trust reposed in me, Mr. Speaker, that means my constituents trust me to do what is right, all of my constituents. That means I have to put my personal ambitions aside to do what is right for my constituents. I have a great deal of aboriginal people in Yellowknife North and, in the western NWT about half of them are aboriginal and in the current NWT there is even more. Mr. Speaker, it is essential that all of those peoples' rights are interpreted properly. Just as it is important for other non-aboriginal peoples' rights to be interpreted properly. I cannot, in good conscience allow this decision to stand. If it means that people will hold it against me, if it means that people vote me out, so be it.

A little over three years ago when I was campaigning I said when a difficult issue came up, I would look at both sides of the issue and I would do what I think is right. I did not say I would do what is good for Roy Erasmus. Mr. Speaker, I have looked at this issue, I have reread my 50 page document that I wrote several years ago. I have looked at my oath and I have to vote in favour of this motion. I have to vote to ensure that the rights of the people, all of the people of the Northwest Territories are interpreted properly. Thank you.

MR. SPEAKER:

To the motion. Mr. Antoine.

HON. JIM ANTOINE:

Mahsi, Mr. Speaker. Mr. Speaker, I would like to advise Members that Cabinet will abstain from voting on the honourable Member from Tu Nedhe, Mr. Morin's motion. I would like, however, to raise a couple of points for information of Members. Mr. Speaker, the government has chosen not to appeal the court's decision because the government has no basis to appeal on the merit of the judgement. However, we have concerns over the time frames.

We do not believe that the Northwest Territories benefits, that the courts should be deciding our constitutional future. We need to find a political solution involving all our leaders and hope to have a strong, unified territory shared by residents of the Northwest Territories. The debate has taken place over the last few months. It is not only about electoral boundaries. We believe the time that would be required for an appeal would be better spent trying to resolve the larger issues of shaping a new, strong Western Territory that reflects all our interests. Mr. Speaker, this is not to say that we would not support the rights of other parties to appeal the merits of the court decision. Mr. Speaker, we have indicated that we would support the right of parties to appeal the decision. In fact, Mr. Speaker, the course of action that we are proposing does not preclude a future appeal by the parties if in the end that is considered necessary or appropriate.

Mr. Speaker, as I indicated in my statement earlier today, we believe the limited time frame set out in a court decision is an impediment in finding a western solution to the constitutional issue. The government is taking the necessary step to ask the courts to extend the April 1st deadline. We are committed to using the extension, if it is granted, to work with the western leaders to find a solution. Mahsi, Mr. Speaker.

--Applause

MR. SPEAKER:

To the motion. Mrs. Groenewegen.

MRS. GROENEWEGEN:

Thank you, Mr. Speaker. Mr. Speaker, this is indeed a very difficult situation we find ourselves in. There are some decisions that we are called upon to make, as leaders, which, as Mr. Erasmus said, supersede and surpass any personal community or regional ambition. Each one of us, I hope, will do what they truly believe is the right thing. A motion has been introduced to ask the government to appeal the decision of Justice de

Weerdt regarding the representation of northerners in our public government. The judge has ruled, and a court order has resulted, making it incumbent upon us to address an issue of fair representation of constituents in some ridings. This ruling, as it has already been mentioned, was made by a very learned northern justice with many years of experience and knowledge of the north and its people.

Fair representation in our public government is a constitutional right of every citizen in this country under the Charter of Rights and Freedoms. Unlike my colleague from Yellowknife North, I am not a lawyer and I do not claim to understand all of the issues with regard to that Charter of Rights and Freedoms. As leaders, we are confronted with the proposition that by upholding the right of fair representation to one area, that we will be infringing on the rights of another community of northerners. That this ruling negatively impacts treaty and the inherent right of self-government by aboriginal First Nations is the argument that is made. It is an argument that was put forward to the courts before this decision was made.

This government, to my understanding, in fact, has little effect on the treaties which are currently being negotiated. These are treaties with the federal government, and apart from acting in a support role, it has always been my understanding that this government has little say in the outcome of these negotiations. Thankfully, as of late, there has been some significant progress in a number of these tables over the recent months, and this is

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very encouraging to everyone. The motion before us today is asking this government to appeal the ruling of the court. I am not sure what new arguments could be brought to the table, but if there are any, I am hopeful and believe that they can be very capably brought forward by the aboriginal intervenors and their legal counsel. This government has rightly offered to support that process, and I also support that move by our government.

In the meantime, we have been advised that we, as a government, do not have any grounds to appeal this ruling. For that reason, it is important to act, what I consider to be responsibly, and to somehow respond to this court's ruling. To that end, legislation has been drafted and has received first reading in this House that would address the issues of representation in the ridings deemed to be unconstitutional because of under-representation.

Mr. Speaker, personally the status quo worked for me. As I already said, this is not about me, it is not about my riding. It is about the rights of constituents to be fairly represented. I supported the stand that 14 Members were sufficient after the boundaries commission, and when it was a political decision, that was the decision of this House. But now, it has become a legal question and yes, as Mr. Morin said, we do have a gun to our heads because it is a legal question. In some ways, I feel that we are partly responsible for that pressure because myself, along with other members of this House, voted against essentially, the recommendation of the boundaries commission and stayed with 14 Members even though we knew, at the time, from our legal advice, that this decision would probably not withstand a court challenge. A court challenge came and, in fact, it would appear that, for now it was successful.

I also want to say that Friends of Democracy had the right to appeal to the courts as any citizen in this country has. The court agreed with them and now we, as a government, are forced to respond to that ruling. The real solution to this question could and should have been addressed through political and constitutional channels. In spite of 20 years of dialogue on constitutional development in the west, the process was stalled mostly, I feel, by the lack of progress, of self-government and land claim discussions between aboriginal groups and Ottawa. I think we do have to put some responsibility on the federal government for that lack of progress. Now, as I said, we are seeing progress on that front and this will hopefully assist in arriving at things in the west such as political and economic accords. In the meantime, I feel confident that these representation issues could be addressed for now by complying with the judge's ruling and the subsequent appeal by the aboriginal summit.

When you look at the history of the electoral boundaries, there is really nothing sacred about the existing boundaries. Since the eighth council, which started in March, 1975, the only two assemblies which shared the same electoral boundaries during that whole period of time in 24 years were the 12th and 13th Assemblies. All the rest, there were variations in the boundaries and in the name of the ridings and so on. I try to look at the fibre of people, what they stand for, what virtues they possess such as integrity and fairness. When I look at our northern leaders in and outside of this House, aboriginal and non-aboriginal, for the most part, I am very reassured by what I see. As indicated by Premier Antoine today, let us not

throw away the trust and respect that we have achieved by falling prey to the temptation to substitute rhetoric for reason.

What makes us different from each other is so little compared to what we share in common as northerners. I truly believe that all the Members of this House effectively and honourably represent their constituencies with fairness. Those constituencies, including mine, are made up of aboriginal and non-aboriginal constituents. We are all here for the long haul, so it behooves us to live well together, rural and urban, aboriginal and non-aboriginal. Although, I cannot support the appeal of the court's ruling, Mr. Speaker, I want to make it very clear that I do support the appeal by the Aboriginal Summit, and I will continue to support the ongoing dialogue on all issues facing our territory and will do so in the spirit of, as our prayer says, bringing peace and justice to our land. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you. To the motion. Mr. Henry.

MR. HENRY:

Thank you, Mr. Speaker. I will also add a little history to this particular topic. Mr. Speaker, Members of this House ordered the formation of an electoral boundaries commission. This commission was made up by Ms. Schuler, a judge of the Supreme Court of the Northwest Territories, Ms. Kuptana, an active community leader from Tuktoyaktuk, and Mr. Nick Sibbeston, a former government leader of this House, Mr. Speaker. The report presented to this House recommended that two new seats be added to this Legislature, and it happened that they were in Yellowknife. That report was rejected by this House. A result of our inability to deal with this report fairly spurred the creation of a group calling themselves Friends of Democracy. Mr. Speaker, this group launched an appeal of the decision of this Legislative Assembly in the Supreme Court of the Northwest Territories. The result of that appeal in the Supreme Court had Mr. Justice Mark de Weerd render his decision that three seats of this Legislature do not have adequate representation. Mr. Speaker, I cannot support the motion of the Member from Tu Nedhe as I firmly believe that one of the basic principals of democracy, which is guaranteed to each and every person living in Canada, has a right to be represented fairly in their Legislature. The passage of Bill 15 will

ensure that. It has been pointed out that some aboriginal leaders are opposed to this report.

At this time, I would like to recognize those aboriginal leaders who, I believe, have had the foresight and the ability to look at the big picture and have been able to embrace the democratic right of equal representation to all citizens of the Northwest Territories. Those leaders, for example, Mr. Speaker, are a former leader of this government, Mr. Richard Nerysoo, the chief of the Yellowknife Band, Mr. Jonas Sangris, my colleague, Mr. Steen, my colleague Mr. Kakfwi. These are some of the leaders who I listen to. They are not scared of democracy. They are not scared of all people in the NWT having an equal voice in their legislature.

We are asked to vote on fairness. As an example, Mr. Speaker, when the Member from Tu Nedhe takes the position for the people he represents in this Legislature, he votes accordingly. Each of his constituents represents approximately nine to one of my constituency. Is that fair representation? No, Mr. Speaker, it

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is not. What has been proposed to correct this fairness? The introduction of Bill 15 has been the response of this government to correct the unfairness. When Bill 15 passes, the residents of Tu Nedhe will still be well represented in this House, as will the residents of my constituency, Mr. Speaker, and indeed all residents of the Northwest Territories. Residents of our new territory will then be receiving fair representation as entitled and due under the constitution of our country. Thank you, Mr. Speaker.

MR. SPEAKER:

To the motion. Mr. Ootes.

MR. OOTES:

Thank you, Mr. Speaker. My comments will be brief. I think the subject has been discussed thoroughly in this chamber, as well as outside this chamber in our committee meetings. It is an issue that is difficult. It is very, very difficult for many Members to address because it does affect the territories in many ways. I had the opportunity to sit through the court case, Mr. Speaker, and to listen to many of the presentations and the arguments in respect to the charter.

First of all, in regard to the court case, I would like to state that we had a judge who was very, very

knowledgeable with regard to northern issues. He has served in the Northwest Territories for many years, some 20,30 years. I do believe he understands the issues here in the north. I do believe in the court case he did hear about all the issues, and he asked those representing the territorial government and the Aboriginal Summit for more information so that he could make a just ruling. He continually impressed upon those representatives to bring that forward. He dealt with extensive submissions by the lawyers, both the NWT and the intervenors, and he reviewed piles and piles of documents.

Now coming to my situation, Mr. Speaker, I have had and been part of the review and the submissions and comments whereby we ask the government's lawyers about a possibility of an appeal. My interpretation was that there is no basis for an appeal by this government. For that reason, I will be voting against the motion. I hope, Mr. Speaker, whichever way this goes and I am sure of all our Members' good intent here, that we will continue our dialogue between all of us so that we move on after this matter is settled, in whatever way it is settled, for the future of all our people. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. To the motion. Mr. Rabesca.

MR. RABESCA:

Thank you, Mr. Speaker. I think I will be voting in favour of this motion. As an aboriginal person, I am a strong supporter of the aboriginal organization. I have been here long enough and have been with the organizations since before the Indian Brotherhood was even formed back in 1968. Ever since then, I have been working with the Dene Nation and have seen the Metis Association formed. I have served on the Territorial Council back in 1970, 1975 and then got re-elected about 20 years later, and then I came to the House. However, I have a lot of trust at the community level, that I do trust all my leaders. In all those years that I have been absent from the political scene, I think I have trusted my MLA's and our MP's and our government, especially in my organization as well. I believe that the Metis Association has the right to voice themselves according to the Dene Nation. The Legislative Assembly of the Northwest Territories does have the right to voice themselves as well. On behalf of the people within my riding, I have served that on behalf of my good judgment sometimes. I am not always in favour of the government's perception anyway, and in some cases I have voted against the

government. The majority of the time, I think I have been in favour of the government's perception as well.

However, I think it is about time we have to come to some sort of solution; we try to get into the political solutions, however, I do not think we are getting anywhere in the end. The court had to settle the question for us now that we have to come back and have another motion to appeal. All along, like I said, I have been in favour and have worked along with my aboriginal organizations. With that in mind, I would be supporting this appeal motion and the best interest and best support of my aboriginal background. Whatever the outcome of this whole motion, I would imagine that the world will still be going and however the court will serve its purpose, I guess how things will prevail as of May. So I will be supporting this appeal of motion. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you. To the motion. Mr. Morin, your closing remarks?

MR. MORIN:

Thank you, Mr. Speaker. In closing remarks, I would like to thank the Members who are supporting this motion, thank the Members that are abstaining. I would also like to thank the Members who are voting against this motion. All Members who came here three and a half years ago to work for the betterment of the Northwest Territories, we all came here to work for our constituents. That is the number one thing. We all come here to make sure that all the people in the Northwest Territories are treated equal and fair. I believe, Mr. Speaker, that Justice de Weerd's decision is not fair to the north. It is not fair to the people in Yellowknife, it is not fair to the people in Lutselk'e or Tuktoyaktuk or any other community in the Northwest Territories.

We have the responsibility, as elected people, the aboriginal government has the responsibility as elected people, to develop a new government for a new western Arctic, for a new territory. I hope, I sincerely hope, Mr. Speaker, that we take those responsibilities seriously and we get to the table and develop a government for the western Arctic that will truly reflect all the peoples' unique characteristics throughout the western territory. With that, Mr. Speaker, I would like to thank all the Members of the House for taking time to consider my motion today,

and everybody remember, there are never any winners or losers. The key here is the people of the western Arctic will win because we will develop a government that will reflect all their needs in the western Arctic. Thank you, Mr. Speaker. I would like to request a recorded vote at the proper time. Mahsi.

--Applause

MR. SPEAKER:

Thank you. The Member for Tu Nedhe is requesting a recorded vote. All those in favour of the motion, please stand.

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Morin, Mr. Miltenberger, Mr. Erasmus, Mr. Krutko, Mr. Rabesca.

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MR. SPEAKER:

All those voting against the motion, please stand.

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Ootes, Mrs. Groenewegen.

MR. SPEAKER:

Thank you. All those abstaining, please stand.

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Ng, Mr. Roland, Mr. Kakfwi, Mr. Antoine, Mr. Arlooktoo, Mr. Steen, Mr. Ningark, Mr. Evaloarjuk, Mr. Dent, Mr. Barnabas, Mr. O'Brien.

MR. SPEAKER:

Thank you. The results of motion 5-13 (7) are five for, two against, 11 abstentions. The motion is carried.

--Applause

MR. SPEAKER:

Item 17, First reading of bills. Mr. Morin.

MR. MORIN:

Thank you, Mr. Speaker. With the greatest respect, I would like to seek unanimous consent to return to question period. Thank you.

MR. SPEAKER:

The Member for Tu Nedhe is seeking unanimous consent to go back to oral questions. Do we have any nays? I am sorry, Mr. Morin, you do not have unanimous consent. First reading of bills. Item 18, second reading of bills. Mr. Antoine.

ITEM 18: SECOND READING OF BILLS

Bill 15: An Act to Amend the Legislative Assembly and Executive Council Act

HON. JIM ANTOINE:

Mahsi, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Yellowknife Frame Lake, that Bill 15, An Act to Amend the Legislative Assembly and Executive Council Act, be read for the second time.

Mr. Speaker, this bill amends the Legislative Assembly and Executive Council Act to revise the electoral districts for Hay River, Inuvik, and Yellowknife for the purposes of establishing five additional electoral districts. This bill also revises the electoral districts for Deh Cho to include the community of Enterprise. In addition, this bill eliminates ten current electoral districts that will be located in Nunavut on the establishment of that new territory. It makes minor amendments to the description of some of the other existing electoral districts by replacing reference to Nunavut Settlement Area Boundary with reference to the Nunavut/Northwest Territories Boundary and provides that it will come into force on the first dissolution of the Legislative Assembly after April 1st, 1999. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The motion is in order. To the principle of the bill. Question has been called. All those in favour? All those opposed? Motion is carried. Bill 15 has had second reading and accordingly, the bill stands referred to a committee. Second reading of bills. Item 19, Consideration in committee of the whole of bills and other matters. Bill 13 and Bill 14 with Mr. Steen in the chair.

ITEM 19: CONSIDERATION IN THE COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

CHAIRMAN (Mr. Steen):

I would like to call the committee to order. For consideration by the committee of the whole this afternoon, we have Bill 13 and Bill 14. Could I get

some direction how the committee wishes to proceed? Mr. Dent.

HON. CHARLES DENT:

Thank you, Mr. Chairman. I recommend that we proceed with Bill 13 and Bill 14, in that order.

CHAIRMAN (Mr. Steen):

Thank you, Mr. Dent. Does the committee agree?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. We will proceed in that order after we have taken a break. Thank you.

--Break

CHAIRMAN (Mr. Steen):

I call the committee to order. I would like to call on the Minister responsible for Bill 13 for consideration by the committee, we have Bill 13 and Bill 14 and we have agreed to proceed with Bill 13 first. I would like to call on the Minister responsible, on behalf of Mr. Todd, I would like to call on Mr. Dent to introduce the bill. Would you introduce the bill, Mr. Dent?

HON. CHARLES DENT:

Mr. Chairman, I am introducing Bill 13, An Act To Amend the Financial Administration Act. This bill amends the Financial Administration Act in two ways: by permitting the Minister of Finance to invest surplus money in accordance with the regulations and policies established by the Financial Management Board, and by clarifying the definition of a Public Officer.

Sections 57 and 81 of the Financial Administration Act, which defines the securities eligible for investment by the government and by public agencies, makes reference to the federal Canadian and British Insurance Companies Act. This act was repealed in 1991 and, therefore, the reference is no longer appropriate.

Bill 13 amends the Financial Administration Act to outline the investments in securities, investments or loans which may be made by the Minister of Finance.

Currently, Mr. Chairman, subsections 57(1)(A) and (B) are very narrow in scope because reliance was

placed on subsection 57(1)(C) for inclusion of all other acceptable investments. With the repeal of the federal Canadian and British Insurance Companies Act, section 57(1)(C) became meaningless and it is now necessary to amend each subsection to permit the Minister of Finance to invest surplus money in accordance with the regulations and policies established by the Financial Management Board.

However, these amendments, Mr. Chairman, do not broaden the range of investments permitted under the act but provide enhanced flexibility for the Department of Finance to invest the government's funds. The department has developed internal investment policies consistent with these guidelines and these

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policies are regularly reviewed by a departmental investment committee.

Mr. Chairman, Bill 13 also changes the definition of "Public Officer" from "individual" to "person". Since the legal definition of a "person" includes a corporation, this amendment will allow the Minister of Finance to appoint a corporate agent, such as a fund manager, to invest the government's money. This change will allow the government to access the broader and more sophisticated knowledge of fund managers expert in the investing business.

The investment powers and responsibilities of the act are delegated to the deputy minister of Finance by directive. The deputy minister is responsible for ensuring prudent investment and management of government funds. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Steen):

Thank you, Mr. Dent. I would like to call on the Member for Hay River, Ms. Groenewegen, on behalf of the Infrastructure Committee for the committee's comments on the bill.

MRS. GROENEWEGEN:

The Standing Committee on Infrastructure reviewed Bill 13, An Act to amend the Financial Administration Act, on March 23, 1998.

The committee would like to thank the Minister of Finance and his officials for presenting the bill. The bill will amend the Financial Administration Act to expand the definition of a public officer to include a person acting as an agent of the government, authorize the investment of funds in the consolidated

revenue fund and money belonging to public agencies in specified classes of investment, add a regulation-making power respecting the investment of money by the government and public agencies, and finally, permit the Workers' Compensation Board to invest in any securities and investments that it deems to be prudent.

The committee expressed concern that the amendment would not ensure investments meet conventional standards of creditworthiness. The Minister assured the committee that the amendments would provide the necessary regulation-making ability to set prudent and comfortable standards of investment guidelines.

Finally, the committee was concerned as to why an amendment was required now when the investment guidelines under the Canadian and British Insurance Companies Act expired in 1991. The Minister replied that the government's investment guidelines need to be established to ensure a greater degree of clarity and accountability.

Mr. Chairman, following the committee's review, a motion was carried to report Bill 13, An Act to Amend the Financial Administration Act, to the Assembly as ready for the committee of the whole. Additional comments or questions of Members may be posed as we proceed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Steen):

Thank you, Mrs. Groenewegen. On behalf of the committee, I offer the Minister the opportunity to bring in witnesses if he wishes.

HON. CHARLES DENT:

Yes, Mr. Chairman, if you please.

CHAIRMAN (Mr. Steen):

Is it agreed that the Minister will bring in witnesses?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Sergeant-at-Arms, bring in the witnesses, please. I call on the Minister to introduce the witnesses.

HON. CHARLES DENT:

Thank you, Mr. Chairman. On my right I have Ms. Margaret Melhorn who is the deputy minister of the Department of Finance. On my left is Mr. Douglas Doak who is the Director of the treasury.

CHAIRMAN (Mr. Steen):

Thank you, Mr. Dent, and welcome to the committee. The floor is now open for general comments on the bill. General comments on the bill. Is the committee prepared to proceed clause by clause? Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. We will now proceed clause by clause in review of Bill 13. I have Bill 13, an Act to Amend the Financial Administration Act. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. On page 1, Clause 1. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Clause 2. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Clause 3. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. On page 2, we have Clause 4. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Page 3; Clause 5. Agreed?

SOME HON. MEMBERS:

Agreed.

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CHAIRMAN (Mr. Steen):

Thank you. Clause 6. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Clause 7 of Bill 13. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. The bill as a whole. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Does the committee agree that Bill 13 is ready for third reading? Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Bill 13 is now ready for third reading. I thank the Minister and his witnesses.

HON. CHARLES DENT:

Thank you.

CHAIRMAN (Mr. Steen):

We can now proceed to the next item on the agenda which is Bill 14, An Act to amend the Risk Capital Investment Tax Credits Act, and the Income Tax Act. Mr. Henry.

MR. HENRY:

Thank you, Mr. Chairman. I wish to declare a conflict of interest in the Risk Capital Investment Program and will remove myself from the discussions and the House. Thank you.

CHAIRMAN (Mr. Steen):

Thank you, Mr. Henry. It is noted. I will call on the Minister responsible for the bill and, again, I will ask Mr. Dent, on behalf of the Minister of Finance, Mr. Todd, if he will introduce the bill.

HON. CHARLES DENT:

Thank you, Mr. Chairman. As you have noted, on behalf of Mr. Todd, I am introducing today Bill 14, An Act to Amend the Risk Capital Investment Tax Credits Act, and the Income Tax Act.

Mr. Chairman, this bill amends the Risk Capital Investment Tax Credits Act to allow the government to charge fees to companies registering under the act and to provide for the setting of those fees by regulations. This bill also amends the act to retroactively deem the act and the regulations made under the act to have come into force on the date the act was given assent, September 25, 1998.

In addition, this bill amends the Income Tax Act to give retroactive effect to a provision of that act respecting the investment tax credits established under the Risk Capital Investment Tax Credits Act. These changes correct two problems with the Risk Capital Investment Tax Credits Act which were not identified until the program's implementation.

Mr. Chairman, when the regulations were being drafted for the Risk Capital Investment Tax Credit Act, it was determined that the act inadvertently did not allow for fees to be charged for many of the services provided to companies registering under the act. This bill amends that act to allow for fees to be set by regulations for services provided under the act. When the program was introduced in the 1998-99 budget, it was announced that there would be fees to recover the cost of these services.

The original act was proclaimed on September 25, but the order bringing it into force was not signed until February 11, 1999. The details of the program administration had to be known prior to the act being brought into force. The amendment being introduced provides that the act came into force on September 25, in order to allow for tax credits for the 1998 tax

year, as was originally intended, and announced in the 1998 budget. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Steen):

Thank you, Mr. Dent. Could I again call on Mrs. Groenewegen, the Member for Hay River, on behalf of the Standing Committee on Infrastructure to present the committee's comments on the bill?

MRS. GROENEWEGEN:

Thank you, Mr. Chairman.

The Standing Committee on Infrastructure reviewed Bill 14, An Act to Amend the Risk Capital Investment Tax Credits Act, and the Income Tax Act, on March 23, 1999. The committee would like to thank the Minister of Finance and his officials for presenting the bill.

The amendment amends the Risk Capital Investment Tax Credits Act to allow the government to charge fees to companies registering under the act and to provide for the setting of those fees by regulation. The amendment will also amend the act to retroactively deem the act and the regulations made under the act to have come into force on the date the act was given assent, September 25, 1998. Finally, the act amends the Income Tax Act to give retroactive effect to a provision of that act respecting the investment tax credits established under the Risk Capital Investment Tax Credits Act. This amendment will allow tax credits for the 1998 tax year, as was originally intended.

Mr. Chairman, following the committee's review, a motion was carried to report Bill 14, An Act to Amend the Risk Capital Investment Tax Credits Act, and the Income Tax Act to the Assembly as ready for the committee of the whole. Additional comments or questions of the Members may be posed as we proceed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Steen):

Thank you, Mrs. Groenewegen. I will offer the Minister the opportunity to bring in witnesses if he wishes. Mr. Minister.

HON. CHARLES DENT:

Thank you, Mr. Chairman. I would like to keep Ms. Melhorn here and add another witness or two with the committee's agreement, please.

CHAIRMAN (Mr. Steen):

Thank you, Mr. Dent. Does the committee agree we can have more witnesses? Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

You may proceed, Mr. Minister. Could I have the Minister introduce his witness?

HON. CHARLES DENT:

Thank you, Mr. Chairman. We have

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been joined, on my left, by Mr. John Monroe, who is the manager of Tax Policy.

CHAIRMAN (Mr. Steen):

Thank you, Mr. Dent. Welcome to the committee. I open the floor to general comments on the bill. Any general comments on the bill? Is the committee prepared to proceed clause by clause? Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

We will now proceed clause by clause with bill 14. Cover sheet, Bill 14, an Act to Amend the Risk Capital Investment Tax Credits Act, and the Income Tax Act. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. On page 1 of bill 14, clause 1. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Clause 2. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Page 2, clause 3. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

The bill as a whole. Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Does the committee agree that bill 14 is ready for third reading? Agreed?

SOME HON. MEMBERS:

Agreed.

CHAIRMAN (Mr. Steen):

Thank you. Bill 14 is now ready for third reading, and I thank the Minister and his witnesses. Since that deals with all the items in our agenda, I will now rise and report progress.

MR. SPEAKER:

The House will come back to order. We are on item 20, report of committee of the whole. Mr. Steen.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering bills 13 and 14 and would like to report that Bill 13 and Bill 14 are ready for third reading. Mr. Speaker, I move that the report of the committee of the whole be concurred with.

MR. SPEAKER:

Thank you. Seconded by Mr. Roland. The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried. Mr. Dent.

HON. CHARLES DENT:

Mr. Speaker, I missed an opportunity earlier today, and I would like to seek unanimous consent to go back to second reading of bills.

MR. SPEAKER:

Thank you. The Member for Yellowknife Frame Lake is seeking unanimous consent to go back to item 18. Do we have any nays? I am sorry, Mr. Dent, you do not have unanimous consent. Item 21, third reading of bills. Mr. Arlooktoo.

ITEM 21: THIRD READING OF BILLS

Bill 7: Miscellaneous Statutes Amendment Act, 1999

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. I move, seconded by the honourable Member for Yellowknife Frame Lake, that Bill 7, Miscellaneous Statutes Amendment Act, 1999, be read for the third time. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The motion is in order. To the motion. Question is being called. All those in favour. All those

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opposed. Motion is carried. Bill 7 has had third reading. Third reading of bills. Mr.

Antoine.

Bill 9: Supplementary Appropriation Act, No. 5, 1998-99

HON. JIM ANTOINE:

Thank you, Mr. Speaker. I move, seconded by the honourable member for Sahtu that Bill 9, Supplementary Appropriation Act, No. 5, 1999-00, be read for the third time. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The motion is in order. To the motion. Question is being called. All those in favour. All those opposed. Motion is carried. Third reading of bills. Mr. Antoine.

Bill 10: Forgiveness of Debts Act, 1998-99

HON. JIM ANTOINE:

Mr. Speaker, I move, seconded by the honourable Member for Yellowknife Frame Lake, that Bill 10, Forgiveness of Debts Act, 1998-99, be read for the third time. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The motion is in order. To the motion. Question is being called. All those in favour. All those opposed. The motion is carried. Bill 10 has had third reading. Third reading of bills. Mr. Antoine.

Bill 11: Write-off of Assets Act, 1998-99

HON. JIM ANTOINE:

Mr. Speaker, I move, seconded by the honourable Member for Inuvik that Bill 11, Write-off of Assets Act, 1998-99, be read for the third time. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The motion is in order. To the motion. Question is being called. All those in favour. All those opposed. Motion is carried. Bill 11 has had third reading. Third reading of bills. Mr. Antoine.

Bill 12: Write-off of Debts Act, 1998-99

HON. JIM ANTOINE:

Mr. Speaker, I move, seconded by the honourable Member for Baffin South, that Bill 12, Write-off of Debts Act, 1998-99, be read for the third time. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The motion is in order. To the motion. Question is being called. All those in favour. All those opposed. Motion is carried. Bill 12 has had third reading. Third reading of bills. Item 22, orders of the day. Mr. Clerk.

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker, the meeting of the Resource Management Infrastructure Sub-Committee at 9:30 tomorrow morning and at 12:00 noon, of the Western Caucus. Orders of the day for Thursday, March 25, 1999.

1. Prayer

2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. Petitions
11. Reports of Standing and Special Committees
12. Reports of Committees on the Review of Bills
13. Tabling of Documents
14. Notices of Motion
15. Notices of Motion for First Reading of Bills
16. Motions
17. First Reading of Bills
18. Second Reading of Bills
 - Bill 16, An Act to Amend the Supplementary Retiring Allowances Act
19. Consideration in Committee of the Whole of Bills and Other Matters
20. Report of Committee of the Whole
21. Third Reading of Bills
 - Bill 13, An Act to Amend the Financial Administration Act
 - Bill 14, An Act to Amend the Risk Capital Investment Tax Credits Act and the Income Tax Act
22. Orders of the Day

--ADJOURNMENT

MR. SPEAKER:

Thank you. This House stands adjourned to Thursday, March 25, 1999, at 1:30 p.m.