



**NORTHWEST TERRITORIES
LEGISLATIVE ASSEMBLY**

7th Session

Day 7

13th Assembly

HANSARD

FRIDAY, MARCH 26, 1999

Pages 135 - 148

Page numbers reflect printed Hansard

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. Miltenberger, Mr. Morin, Mr. Ningark, Mr. Ootes, Mr. Rabesca, Honourable Floyd Roland, Mr. Steen, 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. Roland. Good morning. I do not recognize a quorum in this House. Mr. Clerk, would you record the names please.

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Evaloarjuk, Mr. Rabesca, Mr. Miltenberger, Mr. Henry, Mr. Roland, Mr. Antoine, Mr. Todd, Mr. Arlooktoo, Mr. Dent, Mrs. Groenewegen, Mr. Steen, Mr. Ningark, Mr. Ootes.

MR. SPEAKER:

We have a quorum now. Thank you. Thank you to the Members. It is my understanding that the Commissioner of the Northwest Territories is prepared to enter the Chamber and assent to bills. Mr. Clerk, would you ascertain Her Honour the Commissioner is available to assent to bills.

--Order

COMMISSIONER MAKSAGAK:

Please be seated.

Mr. Speaker, Premier, and honourable Members of the Legislative Assembly, greetings. It is my pleasure to be able to address you once again, but today is a day of mixed feelings for me. Sadness because today's assenting to bills will be my last official public act as the Commissioner for the Northwest Territories.

Over the past four years I have come to know most of you well and now on the eve of division, I must say farewell to some of you, and to others, we will have the opportunity to continue working together for the betterment of our people in a very short time. I was very moved by your kind remarks and the recognition you gave me last Tuesday in this House. The gift of flowers was beautiful and thoughtful. The traditional fur shawl and the beautiful picture of the Mackenzie will receive a special place in my new home.

Now, I would like to again express my heartfelt thank you for the opportunity of a lifetime to have served the people of the Northwest Territories as their 12th Commissioner. The experience has been both a challenging and rewarding one for me and has provided memories that will last a lifetime. I would like to take this opportunity to say a few additional thank yous. To the people of the Northwest Territories for your confidence in me and the City of Yellowknife for making this my home. I want to thank Colonel Pierre LeBlanc of the Northern Regional Defence Headquarters and his wife, Jane, for their personal care and friendship to me and my family, as well as to the Office of the Commissioner over the years.

I want to thank my aides-de-camp, Mr. Bettgar and Mr. Esligar, for their dedicated service, and a special thank you to my previous executive assistant, Russell Look, whose guidance and care helped me over the transition from Deputy Commissioner to Commissioner. Mr. Speaker, please convey my appreciation to all your staff for making my visits to this Assembly always such a pleasure and I wish you all the best for the future.

As Commissioner of the Northwest Territories, I am pleased to assent to the following bills:

- Bill 1: Division Measures Act, 1999
- Bill 2: Nunavut Statutes Amendment Act, 1999
- Bill 3: Legal Registries Division Measures Act, 1999
- Bill 4: Northwest Territories Power Corporation Division Measures Act, 1999
- Bill 5: Nunavut Power Utilities Statutes Amendment Act, 1999
- Bill 6: An Act to Amend the Public Utilities Act
- Bill 7: Miscellaneous Statutes Amendment Act, 1999
- Bill 8: Interim Appropriation Act, 1999-00
- Bill 9: Supplementary Appropriation Act, No. 5, 1998-99
- Bill 10: Forgiveness of Debts Act, 1998-99
- Bill 11: Write-off of Assets Act, 1998-99
- Bill 12: Write-off of Debts Act, 1998-99
- 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
Thank you.

--Applause

MR. SPEAKER:

Orders of the day. Item 2, Ministers' statements. Mr.
Antoine.

ITEM 2: MINISTERS' STATEMENTS

Page 136

Minister's Statement 26-13(7): Resignation of
Ministers

HON. JIM ANTOINE:

Mahsi, Mr. Speaker. Mr. Speaker, I wish to advise
the House that I have received the resignations,
effective today, of the Honourable Manito Thompson
and the Honourable Kelvin Ng. They are leaving us
to begin a new political life in Nunavut. I am grateful
for their hard work and dedication, especially during
these challenging years leading up to the creation of
two new territories on April 1st, 1999. On behalf of
the government they have served so well, I wish them
prosperity and happiness in the years ahead. Mr.
Speaker, I wish to advise the House that I will take
over responsibility for their portfolios on an interim
basis. Mahsi, Mr. Speaker.

--Applause.

MR. SPEAKER:

Thank you. Ministers' statements. Mr. Todd.

Minister's Statement 27-13(7): Fiscal Status

HON. JOHN TODD:

Thank you, Mr. Speaker. Mr. Speaker, as my term in
office winds to a close I feel that it is incumbent upon
me, as the Finance Minister, to provide the Members
of this Assembly and members of the public with an
overview of the fiscal status of this government as we
reach division, and to offer some words of advice, if
you will, for the future.

Mr. Speaker, the good news is that, with prudent
fiscal management, this government has balanced the

budget, and will wind up with an accumulated surplus
at the end of 1998-99 of about \$58 million.

--Applause

However, while our expenditures are going to
increase over the next few years, this will not be
matched by growth in our revenues. This means we
are facing some immediate deficits that will quickly
eat up the surplus we have managed to accumulate.

If we do not do something about this, and do it very
soon, the consequences of our inaction will be
significant. Thankfully, there are steps we can take to
address the problem. However, to have any measure
of success, we will need to encourage an
understanding of the problem and garner support for
our proposed actions both within the NWT and at the
national level.

The fiscal problems we see on the horizon have not
been unexpected, they are just hitting us much
sooner than anticipated. When we negotiated the
new formula financing agreements we were able to
get all of the money we needed to administratively run
two territories. We negotiated improvements to the
way the formula caps work and a federal commitment
to look at a larger tax window for the territory.
However, getting more money for programs will
require some additional creativity, as it was not on the
agenda during the formula discussions. And so, we
are now being dramatically affected in the west by our
restricted population growth in relation to the
Canadian average. Declining or very low population
growth is resulting in virtually no revenue growth over
the next few years.

As I have already pointed out, Mr. Speaker, the
problem arises not because population and revenue
growth is flat, but because, at the same time,
expenditures are on the rise. The bottom line is that
our residents need more services and support in
almost all areas. This translates into more spending
in education, health care, housing, and economic
development.

Naturally, spending reallocations are an option to
meet these needs, but over the past few years we
have cut current spending to the bone. There is
simply no political appetite left for any further
spending cuts. To add to our dilemma, we also need
to make strategic investments in many areas to
prevent even higher cost increases in the future.
Where can we get this money to invest? Mr.
Speaker, the answer is simple. We must increase our

revenues and we must increase them substantially. There is no alternative. We have a narrow window of opportunity to do just that. Earlier I said that during the formula financing negotiations, the federal Finance Minister had indicated a willingness to look at a larger tax window and a restructuring of our financial arrangements with Canada. Following up on that commitment, we have made these revenue-generating objectives a major part of the new Western Agenda, and we have started the process of building support locally and federally for this change.

But turning this opportunity into reality is not going to be easy. We have to stop fighting over a diminishing pie and start looking at ways to cooperate to make the pie larger. We must move quickly, we must build wide northern support, and we must convince the federal government that not only is this essential and in their interests but that it can be done without negatively affecting federal fiscal objectives. If we fail to take advantage of this opportunity because of narrow, parochial self-interest, we will all be losers and so will our children.

Mr. Speaker, just yesterday the Premier and myself met with the Minister of Finance, the Honourable Paul Martin, and the Minister of DIAND, the Honourable Jane Stewart. I am pleased to report to the House today that we are each in agreement to move forward in an orderly way to pursue the possibility of a tax window. We have also been busy trying to build northern understanding and support for the proposal largely through the Premier's meetings on the Western Agenda. At the end of the day, I think we can make this happen, but only if all northern groups are pulling in the same direction.

Mr. Speaker, although being Finance Minister can, on occasion, present complex and difficult challenges, there are only a few basic ways of finding the financial resources to meet the needs of our constituents: either we increase taxes, which is not a viable option in this constituency; we cut spending, which we have done; or we find new sources of revenue. I would urge this Assembly, and in particular the next Finance Minister, to heed this advice. We must move quickly to take advantage of the unique opportunity that has presented itself, in the form of federal willingness to listen to our case, so that we may find the means to increase our revenues now and prevent a looming fiscal crisis. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you. Ministers' statements. Item 3, members' statements. Mr. Steen.

Page 137

ITEM 3: MEMBERS' STATEMENTS

Member's Statement 69-13(7): Springtime Activities in Tuktoyaktuk

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, with Easter approaching next weekend I would like to take this opportunity to wish my constituents in Sachs Harbour, Holman Island, Paulatuk and Tuktoyaktuk a very happy and safe Easter break. I know the children have been looking forward to it for a couple of months now and they really appreciate the break and so will the teachers. Mr. Speaker, I would also like to mention here that on the weekend of April 9, Tuktoyaktuk will be holding their Beluga Jamboree and they are looking forward to many people coming in from the other communities on the ice road. I will be asking the Minister of Transportation for his assurance later on today that the ice road will be kept in a safe condition for that particular event. Thank you.

--Applause

MR. SPEAKER:

Thank you. Members' statements. Mr. Evaloarjuk.

Member's Statement 70-13(7): Task Force On The Future Of The Baffin Summit

MR. EVALOARJUK:

(Translation) Thank you, Mr. Speaker. I just want to inform the House that the Baffin leaders created a subcommittee last July, 1998. The Baffin leaders held a conference in Iqaluit and they made a motion that they would create a subcommittee to oversee the operations of the Nunavut area. Mr. Goo Arlooktoo and myself were selected for this subcommittee. Our job was to review what would happen in the Baffin region if this motion went ahead.

During the past week, March 2nd, to be exact, they held another meeting in Iqaluit and considered three options as to how the subcommittee will operate and this will be on the agenda of the next annual meeting. I have sent out a letter to all the mayors in the Baffin region notifying them of the subcommittee meeting; I

also sent out copies to some organizations within Baffin; and a letter to the divisional board of education and health boards in each region, to inform them that we would have a next meeting which will be very important to the people of the Baffin region. I wanted to notify the people. Thank you, Mr. Speaker. (Translation ends)

MR. SPEAKER:

Thank you. Members' statements. Mr. Erasmus.

Member's Statement 71-13(7): Rationale For Supporting Appeal Of Electoral Boundaries Decision

MR. ERASMUS:

Thank you, Mr. Speaker. Mr. Speaker, the other day I voted in favour of a motion to appeal the Friends of Democracy decision. Of course, that debate was not televised in the House that night and I was not interviewed as to why I had made that decision although other constitutional experts from the south were. I just saw a paper which says Roy Erasmus votes for appeal, but, of course, again, does not explain why. Mr. Speaker, a while back I voted in favour of more seats for Yellowknife and I still believe that it probably should receive more seats, but this issue goes well beyond how many seats Yellowknife or Hay River or any community gets. It is about how aboriginal and treaty rights, indeed, how the rights of every citizen in the NWT are supposed to be interpreted. Mr. Speaker, the Supreme Court of Canada is very clear. It has ruled that the constitution is to be read as a whole, that various provisions of the Charter must be read together, not in isolation of each other. In this case, Justice de Weerd said: he was

Unpersuaded that section 3 of the Charter is in any sense to be understood as qualified as section 25 of the Charter or section 35 of the Constitutional Act, 1982, at least in the present case.

Mr. Speaker, this is tantamount to reading sections 25 and 35 out of the Charter altogether. On Wednesday I tabled a 50-page paper that I had researched and wrote in law school and it describes how sections 25 and 35 are supposed to work. You simply cannot read any individual rights provided in section 3 in isolation from section 25 or 35. In other words, to me this is not about his final decision, but how he arrived at it. I indicated at the time that I know some people will see this as a vote against Yellowknife, but it was not. It was about getting rights interpreted in a proper manner. Not just Treaty and aboriginal rights, but the

individual rights emanating from section 3 also. Mr. Speaker, I also indicated that I will be seeking re-election and I knew how I voted on this issue would likely hurt me. I also knew that my constituents expect me to live up to the oath that I swore November, 1995, when I vowed to execute the trust reposed in me to the best of my skill and knowledge, not to do what is easy to try to reassure my re-election. Mr. Speaker, I seek unanimous consent to conclude my statement.

MR. SPEAKER:

The Member for Yellowknife North is seeking unanimous consent to conclude his statement. Are there any nays? There are no nays. Mr. Erasmus, you have unanimous consent.

MR. ERASMUS:

Thank you, Mr. Speaker. I also indicated during the debate that during my campaign I said that I would look at both sides of an issue and do what I thought was right, not do what was best for the career of Roy Erasmus. Mr. Speaker, in this case...

--Applause

Mr. Speaker, in this case I believe this is a very dangerous precedent, that this government cannot allow it to stay intact for other courts to follow. I voted for a second judicial opinion from a higher court to get a proper ruling on what the Charter rights are and how they are to be interpreted in the future. Mr. Speaker, this government has a fiduciary duty, indeed, a legal duty to protect the interests of the aboriginal people. When something happens we are supposed to act to rectify that. Not only aboriginal and Treaty rights are involved here. It involves the rights of every citizen in the NWT. If anybody wants to hold it against me for voting to get their rights clarified, for voting to do what I feel this government is legally obligated to do, so be it. I will live with that. I urge you first to read the March 24 Hansard, page 187 holds my reasoning for the way I voted. Please also give me a call if you wish me to clarify my position. Thank you.

--Applause

Page 138

MR. SPEAKER:

Thank you. Members' statements. Mr. Miltenberger.

Member's Statement 72-13(7): Accreditation Of The Fort Smith Health And Social Services Board

MR. MILTENBERGER:

Thank you, Mr. Speaker. Mr. Speaker, today I would like to rise to congratulate the Fort Smith Health and Social Services Board which just received three year accreditation from the Canadian Council on Health Facilities Accreditation. This is a nationally accrediting body, it has a three year accreditation as one of its highest honours. This is the first time in about ten years that the community of Fort Smith and the health centre has managed to achieve that honour. It means that the people of Fort Smith are in good hands when it comes to good health services.

Mr. Speaker, this is a credit to the board which is made up of equal representation from the town, the Metis and the band under the able chairmanship of Mr. Roy Scott and we have a very qualified and dedicated staff under the able direction of Mr. Brent Whitford. Mr. Speaker, I think this award speaks volumes to the benefit of working together, of cooperating, of resolving issues and taking control of programs at the community level. It is a real credit to the people of Fort Smith and I would hope that we would continue to use those kind of principles as well in this House as we try to resolve these very thorny issues that are before us. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you. Members' statements. Mr. Rabesca.

Member's Statement 73-13(7): Applauding The Efforts Of Local RCMP

MR. RABESCA:

Thank you, Mr. Speaker. Today, Mr. Speaker, I would like to talk briefly about the change in attitude in dealing with the RCMP. I would like to give Members an example of how the relationship is changing between the community and the RCMP. Over the holiday season in December of 1998, the RCMP and the chief and mayor got together to see how we could limit the amount of alcohol coming into Rae-Edzo, for the purpose of bootlegging. It was decided that the RCMP would have checkstops set up and would stop all vehicles. This one step alone on New Year's Eve prevented approximately \$5,000 worth of alcohol from entering the community.

The local RCMP are getting out into the communities more and encouraging residents to call if they know of people bringing in large quantities of alcohol. This again is having a positive affect by reducing the amount of alcohol coming into the communities. These two initiatives are having a very positive impact on the community. Less alcohol in the community means more residents are looking after their families and realizing the need for alcohol is not the best thing.

In closing, I would like to take this opportunity to applaud the efforts the local RCMP are doing to make my home community a better and safer place to live for our children and families. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Members' statements. Mr. Roland.

Member's Statement 74-13(7): Caribou Carnival Queen Hilda Camirand

MR. ROLAND:

Thank you, Mr. Speaker. Mr. Speaker, this is the season of carnivals in the territories. We know, for example, this weekend Caribou Carnival is being held in this fine city. As well, back home in my area the Muskrat Jamboree is being held. Today I stand up and know that being Friday that I will take a lighthearted approach to my Member's statement. I was informed this morning, Mr. Speaker, that someone I work with, Ms. Hilda Camirand, was the successful candidate to Queen of Caribou Carnival.

--Applause

I wonder how she is going to wave to all the people with her arm in a cast. I wish her luck, I know she will do the carnival very good and she is a hard worker so she will do well out there. Just make sure she puts spikes on her shoes so she doesn't slip once again. I hope she will be back to work early next week. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Thank you. Members' statements. Mrs. Groenewegen.

Member's Statement 75-13(7): Clarification Of Supreme Court Decision On Electoral Boundaries

MRS. GROENEWEGEN:

Thank you, Mr. Speaker. Mr. Speaker, with only six days left to division I would like to set the record straight. Putting aside the issues of whether to appeal or not to appeal, the decision of Justice de Weerd on the matter of our Electoral Boundaries and the aboriginal rights issue, I believe that we, the 14 Members who on April 1st will be the NWT Legislative Assembly, will not be unconstitutional. I believe that Justice de Weerd would never intend for the Legislative Assembly and its duly elected Members to be put into a constitutional vacuum. I believe that a clarification should have been sought of his decision on the matter of the April 1st deadline. Mr. Speaker, I am of the opinion that, in declaring the three electoral districts of Yellowknife North, Yellowknife South and Hay River to be invalid and without force or effect in law, that Justice de Weerd, knowing that the next general election was to be held in October, 1999, set the April 1st date to meet a six-month implementation provision in the Elections Act.

Mr. Speaker, Justice de Weerd wanted the Legislative Assembly to fix the problem of representation in time for the next election and that any changes that were made to our boundaries would normally not come into effect until after the dissolution of this Assembly. So, Mr. Speaker, I feel we should seek clarification from Justice de Weerd that this is what he meant. I also suggest we do indeed seek an extension of the time as this Legislative Assembly has, in good faith, introduced Bill 15 that is before a standing committee of this House. This will allow for constructive input by all residents and will be brought back for consideration of the Assembly. In the meantime, it is my understanding that on Monday morning at 11 o'clock legal counsel for our government will meet with Justice de Weerd

Page 139

with a request to vary his order to allow us more time. Pending his decision, if we are unsuccessful, an appeal, not on the merits of the ruling, but regarding the timing of the judgment, will be immediately filed with the Appeals Court.

I want to make it clear that neither Bill 15 or the granting of a variance will affect the ability of the Aboriginal Summit to seek leave to appeal this ruling, and our advisors tell us that this opportunity would in all likelihood be granted. If we as legislators fail to show any movement on this court ruling, I think we could be judged by our electorate as being less than

responsible. By failing to act, we would be allowing ourselves very little latitude to enact a political solution and will allow our options to be dictated by the courts. I do not believe that we should be abdicating our responsibility to the courts. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Members' statements. Mr. Henry

Member's Statement 76-13(7): Absence From The Vote On Appealing The Electoral Boundaries Division

MR. HENRY:

Thank you, Mr. Speaker. Mr. Speaker, I wish to give my sincere apologies to my constituents for my absence from the House during Wednesday's vote on the motion put forward by the Member for Tu Nedhe. Mr. Speaker, I spoke to the motion on Wednesday, and my constituents know that I strongly opposed the motion. I intended to vote accordingly. Unfortunately, in this Assembly, many things are uncertain, and not the least of these is timing. I knew after my comments that there were Members who had yet to speak. As well, under our rules, the Member who moves the motion has the right to conclude the debate, and that Member can speak for up to 20 minutes. Therefore, I fully expected that once I finished my comments the debate would still be lengthy.

Mr. Speaker, unfortunately, when I stepped out of the Assembly for a few minutes I missed the vote. My constituents know my position, but I do apologize to them that I was not able to be counted with the other Members who opposed this motion. Thank you, Mr. Speaker.

--Applause

MR. SPEAKER:

Members' Statement. Mr. Antoine.

Member's Statement 77-13(7): Farewell To Nunavut Colleagues

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, on behalf of the people I represent in the six communities of Nahendeh, since it will be the last time we sit together in the 13th Assembly with our colleagues from Nunavut, with division coming around on the first of

April, I want to express my appreciation. I have been here eight years with some of the Members here and I think that it has been a very good learning experience for me, learning from the Members from Nunavut, working with them, with the amount of dedication and work that they put into representing their own constituents. It is with mixed feelings today that I stand here and say thank you to the Members that have represented the constituency and the territory of Nunavut now.

I want to say, mahsi (translation, translator not available). I do not have a translator today even though it is aboriginal language month. I am just saying in my own language that we are going to continue to be neighbours, that we will continue to see each other and we will be working with each other for the years in the future. Your Premier-elect was here last week, Paul Okalik. We already had some discussions about how we should work together, so I think there is opportunity in the future that even though division is going to happen that we will continue to be neighbours and will continue to work together. With that I would like to thank you. Mahsi, Mr. Speaker.

MR. SPEAKER:

Thank you. Members' statements. Mr. Morin.

Member's Statement 78-13(7): Responsibility For Decision Not To Appeal The Electoral Boundaries Judgement

MR. MORIN:

Thank you, Mr. Speaker. Yesterday in this Legislative Assembly was an opportunity to say goodbye to a lot of our good friends from the Nunavut Caucus so we left it as that day. Also yesterday in the Legislative Assembly the Honourable Goo Arlooktoo, the Deputy Premier, had a Minister's statement on the Northwest Territories Electoral Boundaries.

I just wanted to say to the public out there, so they fully understand, so no one can pass the buck in this Legislative Assembly. Advice you get, as a Cabinet, advice you get from the staff and your lawyers is strictly that. Advice. The decision not to appeal strictly falls in the hands of Cabinet and the political leaders that are elected to represent all of the communities in the western Arctic. They are responsible for that decision. No one else. Lawyers can advise you, bureaucrats can advise you, but when you go to bed at night, you made that decision.

When you get up tomorrow morning, you made that decision. So later on today, Mr. Speaker, I will be questioning the Premier on the decision he made to abandon the aboriginal governments of the western Arctic. Thank you.

MR. SPEAKER:

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

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

HON. JOHN TODD:

Thank you, Mr. Speaker. I rarely do this but I would be in real difficulty the rest of my life if I did not recognize these people today. I would like to recognize my two nephews, Dustin and Jackson Talbot. Are you going to stand up, boys? And of course I would also like to recognize my sister, my huge sister, and I mean huge, Ann Todd. Thank you.

MR. SPEAKER:

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

MR. HENRY:

Thank you, Mr. Speaker. Mr. Speaker, today it gives me great pleasure to recognize in the gallery two groups. The first group, Mr. Speaker, is a group of national and international students sponsored by Rotary Club of Yellowknife who come from British Columbia, Alberta, Saskatchewan, Quebec, South Africa, Australia and France. They are accompanied by Mr. John Fenton, who is a member of the Rotary Club of Yellowknife, and Chairman of the committee which organizes this event called, Northern Experience. These

Page 140

students are here to learn our northern culture and lifestyles and are extremely interested in our form of government structure.

The second group I wish to recognize, Mr. Speaker, is a group of grade three students from Ecole St. Joseph School, within my constituency. They are accompanied by their teacher, Mrs. Petra Ribbink, and parents, Ms. Margo Grayston and, as Mr. Todd the Finance Minister, recognized, his sister, Ms. Ann

Todd, who as I mentioned is the Minister of Finance's sister. Thank you, Mr. Speaker.

MR. SPEAKER:

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

HON. JIM ANTOINE:

Mahsi, Mr. Speaker. Mr. Speaker, in our communities we have community health representatives and this past week there was a conference here, the first one in about ten years I am told. Thirty CHRs attended, and today as visitors in the gallery, I would like to recognize two of them, Alizette Tatsiechelle from Lutselk'e, Northwest Territories, and a very special visitor for me, my aunt, Mary Louise Norwegian of Fort Simpson.

MR. SPEAKER:

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

HON. STEPHEN KAKFWI:

Thank you, Mr. Speaker. It is a rare occasion for me to recognize visitors, however we have in the gallery, a former chief from Walpole Island, Bill Tooskenig, a friend of mine, a friend of Titus Allooloo, and many other people sitting in the gallery. Thank you.

MR. SPEAKER:

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

MR. ERASMUS:

Thank you, Mr. Speaker. I would like to recognize a constituent of mine from Yellowknife north, Ms. Courriveau, in the gallery. Also I would like to recognize, Mr. Craig Shenher, and from Edmonton, Mr. Rod Domoslai.

MR. SPEAKER:

Thank you. Welcome to the gallery. Recognition of visitors. Item 6, oral questions. Mr. Morin.

ITEM 6: ORAL QUESTIONS

Question 41-13(7): Cabinet Decisions

MR. MORIN:

Thank you, Mr. Speaker. My question is for the Minister of Justice. Mr. Minister, here when, at any given time in the past, where you have had advice from the Department of Justice as a Cabinet, where the Cabinet has made any decision to make a decision other than the advice that you received from the legal department? Thank you.

MR. SPEAKER:

Thank you. The Minister of Justice, Mr. Arlooktoo.

Return To Question 41-13(7): Cabinet Decisions

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. As the Member noted in his Member's statement, Cabinet does seek and receives advice from many knowledgeable people; technical staff, legal staff, and others; and as the Member also noted, it is a prerogative of Cabinet to take or not take that advice and follow through with it. To varying degrees we have made decisions that follow or do not follow that advice, but generally speaking we do have very good and competent legal advisors, and in most cases I would say that we tend to follow that advice. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Morin.

Supplementary To Question 41-13(7): Cabinet Decisions

MR. MORIN:

Thank you, Mr. Speaker. Our government is, I believe, presently, if not today then in the past, been involved in the legal challenge of the federal government's gun registration law. Can the Minister of Justice please advise this House and the public what type of advice they got from the Department of Justice, from the legal people, to Cabinet on that court case. Thank you.

MR. SPEAKER:

Mr. Arlooktoo.

Further Return To Question 41-13(7): Cabinet Decisions

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. Unfortunately I was not the Minister of Justice when the original case was decided by Cabinet, therefore I cannot comment on it. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. Morin.

Supplementary To Question 41-13(7): Cabinet Decisions

MR. MORIN:

Thank you, Mr. Speaker. Mr. Speaker, if it is allowable can I redirect the question to the Premier?

MR. SPEAKER:

You can have your supplementary to the Minister of Justice. Any redirection will be considered a new question. Mr. Morin.

MR. MORIN:

Thank you, Mr. Speaker. Mr. Speaker, on the firearm registration of Canada, Cabinet must have decided to appeal that case or to join a court case. What type of advice did you get from the Department of Justice, and possibly, one of the Ministers can answer that, or the Premier? Thank you.

MR. SPEAKER:

Mr. Arlooktoo.

Further Return To Question 41-13(7): Cabinet Decisions

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. As I previously stated, I was not Minister of Justice; however, from records and discussions, I understand that the general advice was not to go forward with supporting an appeal. As I said earlier, sometimes we do not follow exactly all the advice we get. Cabinet at that time, as far as I am aware, made a political decision to support the province of Alberta in an appeal. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Final Supplementary, Mr. Morin.

Supplementary To Question 41-13(7): Cabinet Decisions

Page 141

MR. MORIN:

Thank you, Mr. Speaker. On the advice of the lawyers in the Department of Justice to Cabinet as the Minister just said, an advice of not joining the appeal because you would probably be highly unlikely of success, Cabinet made a political decision still to join Alberta in that appeal case. It must have been on principle to protect the rights of northern residents. Is this a true statement I just made, Mr. Minister, that Cabinet made this decision on the principle of protecting the rights of the northern residents. Thank you.

MR. SPEAKER:

May I ask the Member to rephrase his question. The Cabinet decision that has been made is not open for debate in this House. It was a Cabinet decision. Mr. Morin.

MR. MORIN:

Thank you, Mr. Speaker. With the greatest of respect, I did not understand what you have just said. No Cabinet decision is open for debate in the House, is that correct?

MR. SPEAKER:

The Member can ask a question regarding how Cabinet reached a decision. But you cannot ask how discussions went in Cabinet regarding that decision. Mr. Morin.

MR. MORIN:

I thank you for that clarification, Mr. Speaker. Mr. Minister, how did Cabinet decide to join the Government of Alberta and the Government of Saskatchewan on the court case of the firearms legislation of this country when you had advice, as you said earlier, from your legal advisors not to do it. Thank you.

MR. SPEAKER:

Mr. Arlooktoo.

Further Return To Question 41-13(7): Cabinet Decisions

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. Unfortunately, it is very difficult for me to comment on that. As I said earlier, the decision was made before my time as Minister. I would imagine that as with all Cabinet decisions that the Cabinet is given different forms of advice and looks at all sides of the issue and makes a decision on the best course of action to take. I would feel confident that that was the process that was used, as it always is. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Mr. Miltenberger.

Question 42-13(7): Motor Vehicle Operator Licencing

MR. MILTENBERGER:

Thank you, Mr. Speaker. My question is directed to the Minister of Transportation. It is in regard to an issue raised with me by the Metis Nation of Fort Smith. They send students out to Edmonton for class one driver training. When they successfully complete the course they get an Alberta licence. Unfortunately, to do that they have to give up their territorial licence and have to buy it back when they come back to the Northwest Territories. I was wondering if the Minister would be in a position to clarify the issue and maybe expand on why that is the case or can that issue be dealt with so that in fact the holders of Northwest Territories licences, when they go out for a course, do not have to buy their licence back that they own prior to going out to the course. Thank you.

MR. SPEAKER:

The Minister of Transportation. Mr. Roland.

Return To Question 42-13(7): Motor Vehicle Operator Licencing

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. The Member raises a very good issue here. Since Aurora College no longer provides that class one driver training, the people who want to take that would have to travel to Alberta. Right now we do not have a process or an agreement with Alberta to transfer back and forth and therefore the people that go into Alberta to take that would have to take the course and pay for the course and the licence there, and when they come back would have to change their first class licence to a NWT one as well. That is where the problem arises. I have

discussed this with my department officials and we are going to look at what we can do to try and alleviate that concern and hopefully we will be able to come up to an agreement. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. Miltenberger.

Supplementary To Question 42-13(7): Motor Vehicle Operator Licencing

MR. MILTENBERGER:

Thank you, Mr. Speaker. I was wondering if the Minister could elaborate on what type of options he thinks may be appropriate. Is it a procedural issue; the key question being, will it in fact do away with the necessity of the NWT residents having to buy their licence back? Thank you.

MR. SPEAKER:

Mr. Roland.

Further Return To Question 42-13(7): Motor Vehicle Operator Licencing

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. There are a couple of options, Mr. Speaker. There are companies in the Northwest Territories that do provide class one training for drivers. The only concern is that, in fact, there is a need for a larger number of students that would make the training possible here in the NWT. I am informed that actually in the City of Yellowknife, there are two companies. Actually one in Yellowknife, the Arctic Defensive Driving School. It all depends on the number of students that they can take in. That would eliminate the need for going into Alberta and take care of that problem altogether. The second option is for this government to enter into a reciprocal agreement with the Government of Alberta so that we can reduce those costs and reduce the need for buying back the licence in the NWT, so that is an option. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Oral questions. Supplementary, Mr. Miltenberger.

Supplementary To Question 42-13(7): Motor Vehicle Operator Licencing

MR. MILTENBERGER:

Thank you, Mr. Speaker. Given the fact that this is an issue that already has some history to it, and that it was just brought up to my attention, but they have already had students going south, could the Minister indicate what he anticipates in terms of a timeframe in dealing with the second option of arranging something with the Province of Alberta to resolve this issue in an administrative way to avoid paying double?

Page 142

MR. SPEAKER:

Mr. Roland.

Further Return To Question 42-13(7): Motor Vehicle Operator Licencing

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. I would not be able to give the Member an actual date at this time, but the department will look at entering into a reciprocal agreement. Of course it is dealing with another government; I can only speak for our side of it. We will look at trying to get this underway as soon as possible. We know it is a concern now and we will start looking at it. We have had a very good working relationship with the Government of Alberta, so I am sure once we have made contact with them that this should flow fairly well. I will get back to the Member as to the possible timing concerns that might arise. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Final supplementary, Mr. Miltenberger.

Supplementary To Question 42-13(7): Motor Vehicle Operator Licencing

MR. MILTENBERGER:

Thank you, Mr. Speaker. In actual fact, when you look at the issue well it is dealing with two jurisdictions. The issue of the NWT insisting that its own residents buy their licence back is basically a territorial issue and not so much one that requires any kind of input or agreement from the Government of Alberta. If the Minister in fact accepts that premise, could I ask him to commit to in fact trying to expedite the resolution of this issue based on the fact that it really is a territorial issue at this point? Thank you.

MR. SPEAKER:

Mr. Roland

Further Return To Question 42-13(7): Motor Vehicle Operator Licencing

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. It is not merely a territorial issue. Right now as the systems exist, those that travel into Alberta to write the test, they are writing a test for the Alberta system. When they come back into the NWT they have to buy theirs back once they have qualified for it. So indeed it will take an agreement with the Alberta government and we will initiate it because it is a problem coming from our end of it. As I stated earlier, I will get back to the Member to see what we can do and how soon we can remedy this problem. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Oral questions. Mr. Steen.

Question 43-13(7): Plowing the Inuvik to Tuktoyaktuk Ice Road

MR. STEEN:

Thank you, Mr. Speaker. Mr. Speaker, my question is directed to my honourable colleague from Inuvik, Mr. Roland, the Minister of Transportation. Mr. Speaker, my question is in relation to what I said in my Member's statement that Tuktoyaktuk is looking forward to holding their Beluga Jamboree event on the weekend of April 9th. Along with that event they expect many people from the Delta to attend the jamboree. These people normally use the ice road for transportation purposes and my question is therefore related to that particular ice road's conditions.

Mr. Speaker, at this time of the year the Department of Transportation normally works towards shutting down ice road operations and there always seems to be a question as to whether to plow the road or not to plow the road as the last few days come. I would like the Minister's assurance that there will be some consideration given to the fact that Tuktoyaktuk will be holding the jamboree event on the weekend of April 9th. I would like some consideration by the department as to whether they will plow that particular road at that time or not. Thank you.

MR. SPEAKER:

The Minister of Transportation. Mr. Roland.

Return To Question 43-13(7): Plowing the Inuvik to Tuktoyaktuk Ice Road

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. I can inform the Member, yes, the department will do what it can to ensure that the road stays open in a safe condition. One of the concerns though, is that it is very close to the closure period. It has always been done in an area where that time of year the sun is out a lot and the conditions become quite treacherous, very slippery, and again as well, overflow starts to be a concern. The Department will ensure that all that can be done of keeping the road in a safe operating condition will be done, that does not preclude mother nature taking control and changing conditions for us. Thank you, Mr. Speaker.

MR. SPEAKER:

I would like to recognize in the gallery, Ms. Hilda Camirand. I bought some tickets from her for Caribou Carnival. Welcome to the Assembly.

--Applause

Oral questions. Mr. Ootes.

Question 44-13(7): Pay Equity For Excluded Employees

MR. OOTES:

Thank you, Mr. Speaker. My mouth may be full of marbles this morning, I just spent three hours in the dentist's chair, so if I am not that coherent please bear with me for those I am asking questions of. Mr. Speaker, my question is for the Premier under the issue of the pay equity for the excluded employees, those who are not within the bargaining system of the union. The other day I raised the issue in the House, would the employees that are not part of the bargaining unit be eligible for pay equity and the answer was yes, but there were certain conditions on that. I understand that only those who are still employed with the government, and not those not employed, and the Minister of Finance and FMBS was going to look into that.

My concern, Mr. Speaker, is that we have a deadline of March 31st to be able to address this issue for those employees, both inside and outside. To hone in on two areas, if I may, the one that concerns a

number of employees are librarians who have been classified in a classification code along with wildlife officers and the wildlife officers are male-dominated. The condition is that unless it is a female-dominated classification, it will not apply. I wonder if the Premier would consent to looking into this in the next day or two with his Cabinet colleagues so this issue could be addressed. Thank you.

Page 143

MR. SPEAKER:

The Premier.

Return To Question 44-13(7): Pay Equity For Excluded Employees

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, I will have to take the question here and run it by the Minister responsible for it and it is kind of detailed for me to reply to you, however, we will have to get some clarification and get back to the Member on that.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Ootes.

Supplementary To Question 44-13(7): Pay Equity For Excluded Employees

MR. OOTES:

Thank you, Mr. Speaker. That is what I would like the Premier to do, is to take it up with the Minister responsible and to ensure that this issue is addressed to the satisfaction of Cabinet, but also that those people who are concerned about this issue get a reply before March 31st, and hopefully some satisfaction. That relates to my second question in that area, Mr. Speaker, my supplementary, pardon me, would be in relationship to the employees who are on income support. Again, pay equity is the issue. Employees who are on income support, will the government look at allowing the \$300 income support issue to be exempt from being counted as income. Thank you.

MR. SPEAKER:

Mr. Antoine.

Further Return To Question 44-13(7): Pay Equity For Excluded Employees

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, not being familiar with the details of this whole issue, I am going to have to take the question as notice.

MR. SPEAKER:

Question is taken as notice. Oral questions. Mr. Henry.

Question 45-13(7): Minimum Down Payment Assistance Program

MR. HENRY:

Thank you, Mr. Speaker. Mr. Speaker, my question is to the Minister responsible for the NWT Housing Corporation, Mr. Arlooktoo. The Minister responsible for the Housing Corporation recently provided Members of the Legislative Assembly with statistics on the number of clients by region who have received assistance under the Minimum Down Payment Assistance Program. It is interesting to note, Mr. Speaker, that housing sales under the program have surpassed \$45 million as of March 31st, but due to high levels of interest the Minister has extended the program to June 30th. My question to the Minister is, have there been any reports to the Housing Corporation of situations where there has been abuse of this program? Thank you, Mr. Speaker.

MR. SPEAKER:

The Minister of the NWT Housing Corporation, Mr. Arlooktoo.

Return To Question 45-13(7): Minimum Down Payment Assistance Program

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. Mr. Speaker, as I told the House a few days ago, this is a highly successful program that is very popular, especially here in the western Arctic. The Member is correct that it has generated many millions of dollars of economic activity. The Housing Corporation has a screening process during the application period to try to weed out those that might want to abuse the program, but I am pleased to tell Members that there are virtually no reports of abuse; there have been a couple of cases where individuals may have wanted to buy homes to sell in very quick turnaround, but again we are very watchful for that. If the Member is interested, I would

be more than pleased to provide further information in writing. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Henry.

Supplementary To Question 45-13(7): Minimum Down Payment Assistance Program

MR. HENRY:

Thank you, Mr. Speaker, and I thank the Minister for that. I appreciate that the Housing Corporation is being vigilant for potential abuse of the program. The Minister also advised that, in continuing in the program, there is the opportunity for residents of the territories to take advantage and also have new homes fall under that program. My question to the Minister is, with adding new homes to the program, does it still meet the criteria of the original intent of how the program was founded? Thank you, Mr. Speaker.

Further Return To Question 45-13(7): Minimum Down Payment Assistance Program

HON. GOO ARLOOKTOO:

Thank you, Mr. Speaker. This program was designed to assist individuals in obtaining a down payment to purchase existing homes and that is still the criteria. We have had requests to expand the program to include the start-up or the building of new homes, but I have advised those that have made the requests in the Housing Corporation that it would be a matter for the new Minister of Housing and the Cabinet to decide. Thank you.

MR. SPEAKER:

Oral questions. Mr. Morin.

Question 46-13(7): Cabinet Position on de Weerd Decision

MR. MORIN:

Thank you, Mr. Speaker. Yesterday in the Legislative Assembly the Deputy Premier gave a statement on behalf of the government. My question is to the Premier. Yourself and your Cabinet colleagues have decided not to appeal the court case on the Electoral Boundaries issue. Does that mean that you embrace the decision of Justice de Weerd? Does that mean

that you completely accept the decision of Justice de Weerd, other than the timeline that he gave?

MR. SPEAKER:

The Premier, Mr. Antoine.

Return To Question 46-13(7): Cabinet Position on de Weerd Decision

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, everybody knows the history of this whole situation and the reality is that Justice de Weerd did put conditions for us to try to comply with and, over a lot of debate, and over a lot of advice

Page 144

and directions and so forth, we have had explained to us the decision as well as the ramifications of the decision and, if we not take any action, what does that also cause. I do not necessarily, and I do think Members of the Cabinet do not necessarily like the decision. However, there are certain conditions in there that we have to comply with. At this point in time, we have followed legal advice. I am not a lawyer, myself, and it is a complex issue now with the deadline for April 1st, as well as what does that mean for us if we do not comply with it. There are a lot of different implications if we do not do anything about it.

We have decided to take a course of action where we introduced Bill 15, it had gone to second reading, and what we want to do here is to try to find a political solution. I think this is the best approach. I think I have heard that when I travel in the communities, when I went to the Delta and the South Slave, as well as in the Deh Cho area, people want to have a political solution rather than having the court decide for us the constitutional future for us. Based on a lot of different decisions and many sleepless nights and looking in the mirror, and so forth, we have to make a decision. I think we want to make the decision that is right for people in the north, and I think the best decision would be to try to find a political solution. We have to buy some time and this is the course of action that we have taken. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Morin.

Supplementary To Question 46-13(7): Cabinet Position on de Weerd Decision

MR. MORIN:

Thank you, Mr. Speaker. In his reply to that question, the Premier stated that they followed legal advice. Is it not true that, ultimately, yourself as the Premier and your Cabinet colleagues make the decision. The advisors give you advice, the decision is yours, and yours and your Cabinet colleagues alone. You are the only ones that are responsible for the decision. You are the only ones that are capable of making that decision, so you cannot say you have to follow. So, ultimately, was it the decision of the Premier and his Cabinet colleagues not to appeal this decision of Justice de Weerd?

MR. SPEAKER:

Mr. Antoine.

Further Return To Question 46-13(7): Cabinet Position on de Weerd Decision

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, it is a political decision that the Cabinet took.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Morin.

Supplementary To Question 46-13(7): Cabinet Position on de Weerd Decision

MR. MORIN:

Thank you, Mr. Speaker. In addition, in the Deputy Premier's statement yesterday he stated in the last paragraph of the first page:

This is not to say that other groups involved with this case should not appeal, if they think they have the grounds to do so. The Aboriginal Summit, for example, may have a good legal argument that should be heard by the Court of Appeal. If the summit wishes to take that argument to an appeal court, then the government will support their application to be heard and will assist them with the legal costs.

Also, Mr. Speaker, all the western Members were in a briefing with the Department of Justice yesterday. During that briefing the deputy minister of justice stated not once, but twice, during that briefing that if this Legislative Assembly were to pass legislation for 19 seats it would rule out the ability for the aboriginal

governments to appeal the court's decision. Is that not correct, Mr. Premier? Thank you.

MR. SPEAKER:

Mr. Antoine.

Further Return To Question 46-13(7): Cabinet Position on de Weerdts Decision

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, unfortunately I was not at the Western Caucus meeting yesterday. My understanding of the situation right now is that Bill 15, An Act to Amend the Legislative Assembly and Executive Council Act, is to put three seats in Yellowknife, one in Hay River, one in Inuvik. I am not trying to pass the buck here, but it seems to be the only course of action we could take at this time. It is a political decision and it is into the standing committee. In the standing committee there are rules of this House that say that they have so many days, about 120 days, I believe, to deal with this issue. We feel that this would be the best place to deal with this issue, through a political solution through this avenue.

On the other hand, we are hampered that we have to make these changes by April 1st. There will be a phone call this afternoon, I believe, between the different parties to try to take it further with Justice de Weerdts to see if we could have some stay and have some extension so that we have some more time to try to deal with this issue. That is the course of action that we have set out to do.

MR. SPEAKER:

Oral questions. Final supplementary, Mr. Morin.

Supplementary To Question 46-13(7): Cabinet Position on de Weerdts Decision

MR. MORIN:

Thank you, Mr. Speaker. I do not think you will find anybody to argue against coming to a political decision on this issue rather than having the courts decide. An appeal would give us that time. My question is, to anybody over there capable of answering it, if this Legislature were to pass 19 seats, the legislation for Bill 15, how would that affect the aboriginal governments right of appeal of this judge's decision? Thank you.

MR. SPEAKER:

Can I ask the Member to rephrase the question? It is hypothetical. We do not know whether or not the legislation is going to pass and the Minister is not a lawyer to give a legal opinion on what impact it would have on the aboriginal people. Mr. Morin.

MR. MORIN:

Thank you, Mr. Speaker. Can anyone on the

Page 145

other side, the Cabinet, the Premier or anyone, please inform this House what advice they are getting from the Department of Justice on the likelihood of the aboriginal governments having any success at all when they apply for an appeal, right of an appeal.

MR. SPEAKER:

Thank you. Mr. Antoine.

Further Return To Question 46-13(7): Cabinet Position on de Weerdts Decision

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, my understanding of this situation is that, like we said here, we have indicated that we will support the Aboriginal Summit in their right to appeal, and will provide financial assistance. We are in support of that, and my understanding is that there is a course of action that we undertook to try to accommodate the court order.

There is a political process that is in place; however, on the appeal, because of the timing, it is difficult to say what may happen. The advice that we have is that the Aboriginal Summit, if they do appeal, they have a pretty good chance of having their appeal heard. That is my understanding at this time, and we will do everything we can to support it; however, our earlier understanding was that - I think there is a process in place long enough that we will have some time to maybe figure out a political solution. If that does not happen and if we do pass Bill 15, I think it will be an academic exercise and they may not be able to be heard, their appeal, but we have enough time, I think, with the course of action that we set that will allow us to try to find some political solution even before we pass this Bill 15. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Mr. Morin.

Question 47-13(7): Intervenor Appeal Application

MR. MORIN:

Thank you, Mr. Speaker. I think I heard the Premier correctly when he said that the legal advice that the government is getting today is that if aboriginal governments apply for an appeal, they have to apply for an appeal first, is my understanding, they stand a very high percentage of chance of getting the right to an appeal; then they also stand a very high percentage of chance of winning an appeal, they have a very good argument? Correct me if I am wrong, Mr. Premier, when you answer me, but that is what I heard. If anything changes, will they still have the same percentage of chance to have a right to an appeal? Thank you.

MR. SPEAKER:

I would like to remind the Members when you put an if or what-if kind of a question, then it is difficult for any Minister to make those predictions and I would like the Members to realize that. Mr. Morin, could you rephrase the question.

MR. MORIN:

Thank you, Mr. Speaker. I wish the general public, sometimes would have the same wisdom that Ministers are not capable of predicting the future. In answering my question, Mr. Speaker, the Premier stated that the aboriginal governments have to apply for an appeal; if they apply for an appeal they have a high percentage chance of getting the appeal. Is this the legal advice that the government is getting? Thank you.

MR. SPEAKER:

Mr. Antoine.

Return To Question 47-13(7): Intervenor Appeal Application

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, my understanding of the legal opinion or legal advice that we received is that the Aboriginal Summit, the intervenors, will have to apply for a leave to be heard. The advice is that they have a fairly good chance of being heard. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Morin.

Supplementary To Question 47-13(7): Intervenor Appeal Application

MR. MORIN:

Thank you, Mr. Speaker. Can the Premier please make available to the Members of the Western Caucus all legal opinions that they have on this case of Justice de Weerd on the percentage of chance that the aboriginal governments will have on winning the right to an appeal; the percentage of chance that they do have on winning an appeal on their grounds as well as the percentage of chance that they will have if this Legislative Assembly passes Bill 15?

MR. SPEAKER:

Again, with regard to questions, a question must not seek information about matters which are secret such as decisions or proceedings of Cabinet. I do not know whether or not the documents would fall into that category would be considered secret by Cabinet, but I will ask the Premier if he wishes to respond.

Further Return To Question 47-13(7): Intervenor Appeal Application

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, the deputy minister of Justice briefed Members of the Western Caucus yesterday and will continue to be available for any other briefings, if it is desired. As for the documents and so forth, I think the information that the deputy minister has offered to the Western Caucus is the same thing. Whatever we have, has already been shared with the Western Caucus. Thank you.

MR. SPEAKER:

Oral questions. Supplementary, Mr. Morin.

Supplementary To Question 47-13(7): Intervenor Appeal Application

MR. MORIN:

Thank you, Mr. Speaker. I have all of those documents in my office. Are those public documents now? If they are, can we share them with our constituents, as well as, will the Premier commit to having the deputy minister as well as the Minister of Justice prepare written briefing notes on the meeting

that we had, I believe it was yesterday, and his legal opinions on the percentage of chances for the aboriginal governments to win the right to an appeal, to win an appeal, as well as the right -- how it would be affected if Bill 15 comes ahead or a change in the number of seats in the House? That was part of the verbal briefing yesterday, not a written briefing. I have not seen it in writing yet; it is not a secret document or anything like that.

MR. SPEAKER:

Thank you. The Member for Tu Nedhe has used up his two supplementaries. Mr. Antoine.

Page 146

Further Return To Question 47-13(7): Intervenor Appeal Application

HON. JIM ANTOINE:

Thank you, Mr. Speaker. Mr. Speaker, these legal opinions are legal opinions and they are not public, they are for use by the Members of the Cabinet to weigh whatever decision we have to make. I am going to have to, I think there was a couple of questions in the last one there, so I would like to review Hansard and then get back to the honourable Member as soon as we can, hopefully, before the end of the day. Thank you.

MR. SPEAKER:

Thank you. Oral questions. Mr. Rabesca.

Question 48-13(7): Highway 3 Reconstruction

MR. RABESCA:

Thank you, Mr. Speaker. I would like to ask a question to the Honourable Mr. Roland, Minister of the Department of Transportation, regarding the reconstruction of highway 3 between here and Rae. I understand that the contract has been awarded some time ago and then the communities are quite anxious to see the reconstruction start as soon as possible since the road seems to be deteriorating. I was wondering if the Minister would give us some idea or an indication as to whereabouts the reconstruction, when the reconstruction is going to take place. Thank you, Mr. Speaker.

MR. SPEAKER:

The Minister of Transportation, Mr. Roland.

Return To Question 48-13(7): Highway 3 Reconstruction

HON. FLOYD ROLAND:

Thank you, Mr. Speaker. Mr. Speaker, the highway 3 reconstruction is broken into a number of phases. Two contracts were let out, publicly tendered, one from the far end from Rae-Edzo section towards Yellowknife.

--Laughter

Mr. Speaker, let me start again. The contract has been broken into two sections this year. It started initially in the previous year, work had begun. The contract had been broken down into two sections, one from Rae-Edzo towards Yellowknife and the other section is from Yellowknife towards Rae. They have been broken down into two sections. The far section, a multi-year contract was awarded to the team of Nishi-Khon SNC Lavilin and Pelly Construction along with Arny's Construction. They have the section there and I believe it is to cover approximately nine kilometres, in that area, and there is another four kilometres from Yellowknife towards Rae that just recently went out, and I believe that clearing has already been done on these areas and the work is to start in the very near future. Thank you, Mr. Speaker.

MR. SPEAKER:

Oral questions. Item 7, written questions. Item 8, returns to written questions. Item 9, 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. Item 13, tabling of documents. Mr. Dent.

ITEM 13: TABELLING OF DOCUMENTS

Tabled Document 24-13(7): Aurora College Annual Report 1997-98

HON. CHARLES DENT:

Thank you, Mr. Speaker. Mr. Speaker, I have two documents to table this morning. I wish to first of all table the following document entitled Aurora College Annual Report 1997-98.

Tabled Document 25-13(7): Nunavut Arctic College Annual Report, 1997-98

And, Mr. Speaker, I would also like to table the document entitled Nunavut Arctic College Annual Report, 1997-98. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. Tabling of documents. Item 14, notices of motion. Mrs. Groenewegen.

ITEM 14: NOTICES OF MOTION

Motion 7-13(7): Expedient Reporting of Bill 15 to the House

MRS. GROENEWEGEN:

Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Monday, March 29, 1999, I will move the following motion.

Now therefore, I move seconded by the honourable Member for Nunakput, that this Legislative Assembly strongly urges the Standing Committee on Government Operations to consider and report to this House with all due diligence and haste on their review of Bill 15, in a timeframe that would allow this Legislature to continue to operate as a duly elected Assembly beyond April 1, 1999.

Mr. Speaker, at the appropriate time I will seek unanimous consent to deal with my motion today. 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 6-13(7), Mr. Henry.

ITEM 16: MOTIONS

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

MR. HENRY:

Thank you, Mr. Speaker. Mr. Speaker, I would seek unanimous consent to have this motion deemed to have been read in its entirety and printed in Hansard. Thank you, Mr. Speaker.

MR. SPEAKER:

Thank you. The Member for Yellowknife South is seeking unanimous consent to have this motion deemed to have been read in its entirety and printed

in Hansard. Are there any nays? There are no nays. Mr. Henry, you have unanimous consent.

WHEREAS on April 1, 1999, the creation of Nunavut will reduce the membership of the 13th Legislative Assembly of the Northwest Territories to 14 Members;

AND WHEREAS the Standing Committee on Rules and Procedures has considered certain rules provisions respecting attire in the Chamber and Standing Committee structures in light of their applicability after March 31, 1999;

Page 147

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.

MR. SPEAKER:

The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried. Motions. Mrs. Groenewegen.

MRS. GROENEWEGEN:

Mr. Speaker, I am seeking unanimous consent to deal with the Motion 7-13(7): Expedient Reporting of Bill 15 to the House. Thank you, Mr. Speaker.

MR. SPEAKER:

The Member for Hay River is seeking unanimous consent to deal with Motion 7-13(7): Expedient Reporting of Bill 15 to the House. Are there any nays?

SOME HON. MEMBERS:

Nay.

Page 148

MR. SPEAKER:

I am sorry, Mrs. Groenewegen, you do not have unanimous consent. Motions. Item 17, first reading of bills. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters. Item 20, report of committee of the whole. Item 21, third reading of bills.

Before we ask for orders of the day, I would first of all like to say that on March 20th, we had a supper at the Prospector Bar and Grill that I was unable to attend, but there were presentations done at that time. My

friend, the Member for Tu Nedhe was not there either, so he missed out on the presentations. I would like to ask Mr. Morin if he could come up. Before he does, we have a North of 60 diploma, which says this certificate certifies that Mr. Don Morin has been awarded the hanging G award for his noted reluctance to use the consonants when speaking. Can the Member come up.

--Applause

Item 22, Orders of the day. Mr. Clerk.

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton):

Mr. Speaker there will be a meeting of the Western Territorial Leadership Committee at 9:30 a.m. on Monday morning. Orders of the day for Monday, March 29, 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

- Motion 7-13(7): Expedient Reporting of Bill
15 to the House

17. First Reading of Bills
18. Second Reading of Bills
19. Consideration in Committee of the Whole of Bills and Other Matters
20. Report of Committee of the Whole
21. Third Reading of Bills
22. Orders of the Day

MR. SPEAKER:

Thank you. This House stands adjourned to Monday, March 29, at 1:30 p.m.

--ADJOURNMENT