



NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY

6th Session

Day 4

15th Assembly

HANSARD

Thursday, May 10, 2007

Pages 87 - 116

The Honourable Paul Delorey, Speaker

Legislative Assembly of the Northwest Territories

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Published under the authority of the Speaker of the Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES

Thursday, May 10, 2007

Members Present

Honourable Brendan Bell, Mr. Braden, Honourable Paul Delorey, Honourable Charles Dent, Mrs. Groenewegen, Honourable Joe Handley, Mr. Hawkins, Honourable David Krutko, Mr. Lafferty, Ms. Lee, Hon. Michael McLeod, Mr. McLeod, Hon. Kevin Menicoche, Mr. Miltenberger, Mr. Pokiak, Mr. Ramsay, Honourable Floyd Roland, Mr. Villeneuve, Mr. Yakeleya

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Paul Delorey): Good afternoon, colleagues. Welcome back to the House. Orders of the day. Ministers' statements. The honourable Minister of Finance, Mr. Roland.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 8-15(6): Fiscal Update

HON. FLOYD ROLAND: Thank you, Mr. Speaker. I would like to provide an update on the fiscal position of the Government of the Northwest Territories. Since the Legislative Assembly approved the 2007-08 Main Estimates for the GNWT in March of this year, there have been significant changes to the government's financial picture. The changes are positive and with prudent decision-making will help to establish a solid foundation on which this Legislature can plan future activities.

As Members are aware, appropriate and predictable territorial formula financing, or TFF, arrangements and an increased GNWT borrowing limit have been key goals in this government's fiscal discussions with Canada. These goals have proven challenging to achieve, but I am pleased to report that we have been successful in resolving both issues.

The federal budget speech delivered on March 19th described a new TFF that will be used to determine the grant provided to the GNWT each year beginning in 2007-08. The new formula will be based in federal legislation that is expected to be approved in June 2007 and will result in predictable and stable fiscal arrangements with Canada.

The new TFF is based largely on the expert reports that were submitted to Canada over the past two years. The GNWT and many northerners were active in contributing to the development of these reports. I am pleased that many of these recommendations have been accepted and will become part of the revised TFF. Highlights of the new TFF include:

- separate territorial financing arrangements for each territory;
- improved certainty with respect to the calculation of the federal grant through the establishment of a single payment estimate in October prior to the next fiscal year;
- use of the previous gross expenditure base escalator that measures population adjusted growth in provincial/local government spending;
- an economic development incentive of 30 percent of adjusted own source revenues; and
- an adjusted gross expenditure base that includes additional federal funding for fiscal years 2004-2005 and 2005-2006.

The GNWT borrowing limit has also been increased effective April 1 of this year, from \$300 million to \$500 million. This is a significant step in providing the GNWT with flexibility to make strategic investments in infrastructure to improve the lives of northerners.

Mr. Speaker, I must acknowledge the leadership of the federal Finance Minister in addressing these two priority areas. Mr. Flaherty promised to deliver predictability and stability to our fiscal relationship with Canada and he has done so in a timely and collaborative manner.

---Applause

Based on the available information regarding the TFF, we expect that the federal grant for 2007-08 will be just over \$788 million. This is an increase of nearly \$25 million from that shown in the 2007-08 Main Estimates. Additional increases to the grant of \$25 million in 2008-09 and \$23 million in 2009-10 are also expected over the amounts in the recently approved main estimates.

The federal budget also included announcements related to changes in the Canada health and social transfers, several program-specific trusts and a one-time payment to the GNWT that is related to an outstanding tax matter. The federal eco-Trust has been effectively linked to our energy plan and Greenhouse Gas Strategy allowing us to expand our efforts in this important area.

The federal budget included an additional \$25 million per year for seven years for infrastructure activities in each territorial and provincial jurisdiction. Federal infrastructure initiatives related to P3s and high priority highway projects were also announced. It is worth noting the details associated with potential requirements or limitations on usage for this infrastructure funding have not been clearly defined.

As with TFF, these initiatives are contingent on the passing of federal budget legislation, likely this June.

The federal budget also indicated discussions on resource revenue sharing will continue as part of devolution negotiations. Natural resource revenues will be treated separately from TFF. To be consistent with equalization, 50 percent of these revenues will be excluded from the offset calculation against the TFF grant up to a yet to be determined overall cap.

I am pleased to report the government's overall financial situation at the end of the 2006-07 fiscal year is generally consistent with previous projections. Our cash position is somewhat better than expected due to capital carryovers and one-time funding received from Canada.

When I presented the 2007-08 GNWT budget in February, I noted the uncertainty surrounding the government's revenue picture. I committed to consulting with Members on the allocation of any further revenues resulting from the federal budget, and to return during this session with a revised expenditure plan.

Because of our strengthened fiscal situation, and following consultation with the Standing Committee on Accountability and Oversight, the government will now advance a proposal for modest increases in spending on

selected programs and services during the 2007-08 fiscal year. The proposal is based on key areas identified in the government's strategic plan established at the beginning of the 15th Legislative Assembly.

Mr. Speaker, I am pleased that the hard work of the past few years has been successful. We have appropriate territorial formula financing arrangements and an increased borrowing limit on which to base our fiscal planning.

During the term of this Assembly, we have successfully stabilized our fiscal picture while investing in key programs and services. The fiscal responsibility policy and an Aa1 credit rating from Moody's Investors Service are examples of our commitment to responsible financial management.

Government must continually examine activities, set priorities and make adjustments when necessary. As the term of the 15th Legislative Assembly comes to a close, we can be confident that we have achieved many of our financial goals and built a solid foundation for the legislators of the 16th Assembly. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. Roland. Ministers' statements. The honourable Minister responsible for the Status of Women, Mr. Dent.

Minister's Statement 9-15(6): Northern Women In Mining, Oil And Gas Projects

HON. CHARLES DENT: Thank you, Mr. Speaker. Good afternoon. At noon today, the Status of Women Council of the NWT just announced they have secured funding for a northern women in mining, oil and gas project that could have a significant impact on women's involvement in industry across the North.

The northern women in mining, oil and gas is a \$1.7 million pilot project that uses a holistic approach while training women to work in trades and industry. One goal of this project is to prove that providing supports to women in trades training will increase the number of women successfully completing the training and achieving certification across the Northwest Territories. The courses offered in this project will be for women only and will provide participants with the skills required to enter into trades. Participants will work with mentors, receive life-skills and workplace culture training, safety training, as well as ongoing post-employment support.

Over 100 women will directly benefit by taking trades and industrial-based courses as a result of this project. As well, many more women will be assessed and through that process will be better informed of the possibilities offered through trades and industrial-based occupations in the mining, oil and gas industry.

The Department of Education, Culture and Employment has been a member of the Project Advisory Committee since its inception and has provided bridge funding to the Status of Women Council to allow them to develop their project proposal.

Mr. Speaker, ECE as well as Aurora College, will be providing cash and in-kind contributions such as classroom space, instructors, career counselling supports, marketing and program development. The department's participation will also ensure that the training provided during this research phase will lead to accreditation and certification under the Apprenticeship, Trade and Occupations Certification Act.

The department expects the research results will help to shape future trades training in the NWT and will assist both the GNWT and its industry partners in setting commitments and achieving targets pertaining to employment of women set out in various socio-economic agreements.

This initiative represents collaboration on the part of many sectors of government and education. The federal government, through the pan-Canadian innovations initiative, will be providing \$1.3 million over the next three years to fund the research relating to this initiative.

This is an exciting project that will assist women to participate more fully in industry. This is good for women's equality in the Northwest Territories.

This project would not be possible without the vision of the Status of Women Council of the Northwest Territories and partners such as the GNWT, federal government and industry who share the goal of a fair and equitable northern society. I would like to thank all those involved in making this project a reality. We hope this project will be a model for other projects that increase women's ability to participate fully in economic opportunities in the Northwest Territories. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. Dent. Ministers' statements. Members' statements. The honourable Member for Thebacha, Mr. Miltenberger.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Support For The Ecotourism Sector

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, today I would like to touch briefly on tourism and Tourism 2010, which has been characterized in my constituency as being long on paper and short on cash and commitment as the government romances big oil. The concern, Mr. Speaker, is that it's not only underfunded, but we need to look at ways that we are going to be able to do a better job with tourism in the Northwest Territories. Specifically, I would like to make reference to the whole issue of eco-tourism and the accreditation and branding of this particular type of delivery of nature-based tourism that has been developed in Sweden very successfully. It's been picked up in Australia, New Zealand and other European Union countries, as well as being looked at in the States.

It's a way that we can put a brand and a way of delivering a unique world-class product in the Northwest Territories that is not available any other place, especially, Mr. Speaker, when you consider the fact that the caribou numbers are affecting the sports outfitting and hunting sector of our economy. That type of switch would be a way to still bring people in who are willing to pay to look at the wildlife, to enjoy the natural wonders of the Northwest Territories, but in a different way. It requires an investment by the government to get involved with all the stakeholders. It's best driven from the bottom up. It has been successful in Sweden. They have some very successful websites and marketing. Once you have the accreditation, then you are able to put your name out there of your business and it allows you to access a whole new market segment.

So later today, I will ask the Minister responsible for tourism if he would consider looking at this particular area as a way to maybe improve the support in the small

communities in the upcoming business planning process for '08-09. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Miltenberger. Members' statements. The honourable Member for Inuvik Twin Lakes, Mr. McLeod.

Member's Statement On Tribute To Gwich'in Leader Fred Carmichael

MR. MCLEOD: Thank you, Mr. Speaker. Yesterday, the Premier mentioned there was an AIP reached between the government, the Inuvialuit, Metis, Sahtu and Gwich'in on a devolution and resource revenue sharing position. I would like to commend these groups for doing what's best for the Northwest Territories.

SOME HON. MEMBERS: Hear! Hear!

MR. MCLEOD: I would like today, Mr. Speaker, to pay tribute to one of the main players of these groups.

I recently had the privilege of attending the Aboriginal Achievement Awards in Edmonton to honour a man of great vision and passion. Fred Carmichael, Mr. Speaker, has been on a quest to get, not only for the people he represents but the people of the Northwest Territories, what is rightfully ours. Fred has been a trapper, pilot, businessman and, more recently, he's been the president of the Gwich'in Tribal Council. He has been there, he's done that. So when he speaks, we should listen and pay attention because he speaks from experience. He understands that while we can still live a traditional lifestyle, we have to be in a position to seize any opportunities that will come our way as a result of development and that it's our land's way of still providing for us.

Fred could be sitting on his deck out at Shell Lake. He could be relaxing and watching the ice melt, but he has a vision that the people of the NWT should be the primary beneficiaries of our resources and he's doing what he can, Mr. Speaker, to make that happen. That's the type of leadership I admire and we should also strive to provide that type of leadership and vision.

I was able, Mr. Speaker, thanks to Minister McLeod and his staff, to have university students from my riding and across the NWT as my guests. I felt it very important, Mr. Speaker, that these young people join me in honouring a true role model and a great northern leader. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. McLeod. Members' statements. The honourable Member for Monfwi, Mr. Lafferty.

Member's Statement On Chief Jimmy Bruneau High School Graduation Class

MR. LAFFERTY: Mahsi, Mr. Speaker. (Translation) Today I will make a statement regarding something that's really important regarding the graduating of 12 students at the end of this month. There is going to be approximately 32 graduates this year. There are a lot of graduates from other communities, the communities of Gameti, Wekweeti and Behchoko. Once they graduate, a lot of them are carrying on into the colleges and universities, which is very important.

Not only that, but we have Chief Jimmy Bruneau School. Most of all of these teachers have been in these schools for many years, and they should be recognized for the

work they have been doing for our school for many years that they committed to our school. So on May 26th, we are going to have a celebration for them. (Translation ends)

...celebrating an historic event. We are proud to announce that this year's Grade 12 graduating class of Chief Jimmy Bruneau Regional High School in Behchoko is the school's largest number of graduates ever, for a total of 32 graduates.

---Applause

Mr. Speaker, Chief Jimmy Bruneau Regional High School has produced nearly 200 high school graduates since the graduation class in June of 1993. Many of these students are from Wekweeti, Gameti, Whati and Behchoko. Mr. Speaker, we are proud to say the vast majority of Tlicho high school graduates do continue their lifelong journey of learning by moving on to post-secondary education programs at various post-secondary institutions across Canada. Upon completion of their higher education, many of these college and university graduates return to the Tlicho region and hold a variety of positions. These are our future leaders and decision-makers, Mr. Speaker.

The Tlicho Nation will also acknowledge long-term service education staff of the Tlicho Community Services Agency during this Chief Jimmy Bruneau Regional High School graduation ceremony. There will be five long-term dedicated community members that will be recognized for their endless efforts and tremendous contribution to the Tlicho school system. These are the individuals who have, over the last number of years, made a positive difference in the Tlicho region's education system.

Mr. Speaker, the Chief Jimmy Bruneau Regional High School graduation will take place on Saturday, May 26th, in Edzo. I will certainly be there to speak to the graduating class and share with my constituents the truly memorable and special event. Mahsi.

---Applause

MR. SPEAKER: Thank you, Mr. Lafferty. Members' statements. The honourable Member for Kam Lake, Mr. Ramsay.

Member's Statement On Deh Cho Bridge Project

MR. RAMSAY: Thank you, Mr. Speaker. I am going to speak again today about the Deh Cho Bridge project. Having now had the opportunity to read through yesterday's Hansard, I am left even more confused today than I was yesterday. After listening to both the Premier and the Minister of Transportation, it would appear as though the decision to proceed has already been made. This decision has been made in the absence of any federal funding and, Mr. Speaker, the question was asked yesterday: Is the project contingent on P3 dollars from the federal government? The Minister of Transportation responded, "That is a good question." His response leaves me very uneasy about where the government is allowing this project to go.

As I mentioned yesterday, each and every time the loan guarantee to the Deh Cho Bridge Corporation was increased, the excuse was they were waiting for the federal government to come in and help the project. Here we are today, Mr. Speaker, with the government admitting that they really don't need the federal dollars to build this bridge. I am left wondering why all of a sudden the Government of the Northwest Territories thinks it is a good time to start construction on the bridge this summer which, coincidentally, Mr. Speaker, is just a few months short of the next territorial election.

Yesterday, the Premier told the CBC Northbeat that the government would be committing to the project the \$2 million a year it spends on ferry operations and ice crossing maintenance at Fort Providence, plus an additional \$2 million per year. What I am seeking, Mr. Speaker, is proof that this is what it will cost us and that we will get a clear understanding of what the tolls and the concession agreement will look like before any agreement is signed off.

Mr. Speaker, is this too much to ask of the Premier and of the government? I want to understand how it is that the government can say construction is going to start this summer without first providing this House the details of the project. Both the Premier and the Minister of Transportation suggested the bridge project would lower the cost of living. That might have been the case four or five years ago when the tolls on this project were pegged at \$4 to \$5 per ton and the bridge was estimated to cost 70 to 75 million. With the project now over \$130 million and tolls looking like they are going to be over \$6 per ton, what will that do to the price of consumer goods in the North Slave region and the city of Yellowknife?

In closing, Mr. Speaker, I just want some answers. I want the government to commit to providing this House every detail of this project before it proceeds. Again, I want my colleagues to understand that I do support the construction of a Deh Cho Bridge. However, as an Assembly, we have...

MR. SPEAKER: Mr. Ramsay, your time for Member's statement has expired.

MR. RAMSAY: Thank you, Mr. Speaker. I seek unanimous consent to conclude my statement.

MR. SPEAKER: The Member is seeking unanimous consent to conclude his statement. Are there any nays? There are no nays. You may conclude your statement, Mr. Ramsay.

MR. RAMSAY: Thank you, Mr. Speaker. Thank you, colleagues. I just again want to reiterate I do support the construction of a Deh Cho Bridge. However, Mr. Speaker, as an Assembly and as stewards of public funds, we need to make an informed decision. Thus far, Mr. Speaker, I have not seen that. Mahsi.

---Applause

MR. SPEAKER: Thank you, Mr. Ramsay. Members' statements. The honourable Member for Hay River South, Mrs. Groenewegen.

Member's Statement On Resale Of Home Heating Oil

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, it has come to my attention that the Government of the Northwest Territories has recently made changes to the fuel tax regime that will have serious repercussions for businesses and consumers. I understand the Department of Finance has told fuel resellers who are also responsible for collecting the fuel tax on behalf of the GNWT, that as of April 1st they can no longer purchase heating fuel from their suppliers, only diesel and, further, that they can no longer sell heating fuel to their reseller customers. This has serious implications for residents of the Northwest Territories, and it is very recent. So I hope that other constituents and people involved in this business will certainly let their MLAs know of this concern.

The GNWT's fuel tax is currently 9.1 cents per litre for diesel. However, no tax is charged for heating fuel. The intent of the change is apparently to prevent people from

trying to avoid the tax by purchasing heating fuel and then selling it as diesel. Unfortunately, Mr. Speaker, this new way of doing business will result in huge costs for northerners. The purchase price for diesel is higher than the price for heating oil. This increased cost will be passed on to consumers. Further, resellers will also have to pay the federal excise tax upfront for the diesel that they purchase and then apply and wait for a refund. This has placed a tremendous burden on small businesses with limited cash flow. Preventing tax evasion is clearly an important objective, but surely there are other checks that can be put in place that do not require increasing our already high cost of living or punishing the vast majority of businesses to operate honestly.

So, Mr. Speaker, I think this is a relatively new development. It is something that definitely requires our attention. It flies in the face of this government's commitment to address the issues of the high cost of living in the Northwest Territories. Maybe there had been some violators or some businesses that have not dealt with this the way they should have. But, as my constituency assistant said, we don't cancel the dance because two kids are drinking. So this is a very knee jerk, punitive, and draconian method of dealing with this. I will have questions for the Minister of Finance. Thank you.

---Applause

MR. SPEAKER: Thank you, Mrs. Groenewegen. Members' statements. The honourable Member for Great Slave, Mr. Braden.

Member's Statement On Devolution And Resource Revenue Sharing Agreement-In-Principle

MR. BRADEN: Mahsi, Mr. Speaker. I stand here today to applaud the signing of the agreement-in-principle on devolution and resource revenue sharing that was announced by the Premier yesterday.

---Applause

The years of effort, the strain and expense that was involved in this are certainly evident, Mr. Speaker, that these deals are not easily achieved. In the past decades of the political, social and economic evolution and struggle in the Northwest Territories, regrettably there are many more examples of failure than the success in negotiating joint action and commitment. So it is a mark of real leadership, vision and courage that the Gwich'in, Metis, Sahtu and Inuvialuit nations have joined with the GNWT in this quest. They all deserve our acknowledgement and our thanks.

Mr. Speaker, this AIP is, of course, awaiting other First Nations to come on board. I do not look at this as rejection. Rather, Mr. Speaker, it should be looked at as continuing opportunity that I hope they will be able to realize even as they continue to negotiate their own land claims self-governments agreements with Canada and the GNWT. Mr. Speaker, I hope that the signing of this agreement-in-principle will be at more incentive for those other northerners to join in and, of course, incentive for Ottawa to do their part in helping us realize our vision of a prosperous North, Mr. Speaker. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Braden. Members' statements. The honourable Member for Nunakput, Mr. Pokiak.

Member's Statement On Funding For The Tuktoyaktuk Access Road To Gravel Source 177

MR. POKIAK: Thank you, Mr. Speaker. The Premier, yesterday in his sessional statement, indicated the Mackenzie bridge would proceed as planned. Once again I feel the Beaufort-Delta has been left out on major projects. However, I stand here today to lobby and ask the government to allocate \$15 million to construct the 22-kilometre access road from Tuktoyaktuk to source 177.

Mr. Speaker, the mayor of Tuktoyaktuk and members of the Tuk Highway Committee and I have met, on numerous occasions, with Premier Handley, the deputy minister of Transportation, and recently with DIAND Minister Prentice, to lobby and allocate infrastructure funding for the construction of a 22-kilometre access road. Mr. Speaker, if this government can allocate funds to the construction of the 22-kilometre access road, it will provide employment, training and economic stability for local people and regional businesses.

Mr. Speaker, the community of Tuktoyaktuk requires granular material to upgrade their road and prepare for lot developments. The Premier, in his sessional statement on May 9th, 2007, indicated, and I quote, "a lack of infrastructure is perhaps the single biggest impediment for further development in our territory." The Premier further mentioned a base of \$25 million annually infrastructure funding will be available for the next seven years. Mr. Speaker, the Premier's promise holds true because if the infrastructure funding is not in place, we will not progress as a territory. By investing some of the \$25 million into the construction of the 22-kilometre access road, it will generate employment and contracts for local businesses.

Mr. Speaker and Members, construction of the access road will be the start of an all-weather road between Tuktoyaktuk and Inuvik. Mr. Speaker, I urge this government to invest some of the \$25 million towards the construction of the 22-kilometre access road from Tuk to source 177. Mr. Speaker, by investing into the 22-kilometre access road, it will eventually lead to the construction of the Tuk-Inuvik highway, therefore enabling all Canadians to travel from coast to coast to coast. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. Pokiak. Members' statements. The honourable Member for Yellowknife Centre, Mr. Hawkins.

Member's Statement On Sale Of Hydroelectric Power To Tamerlane Ventures

MR. HAWKINS: Thank you, Mr. Speaker. Today I'd like to talk about Tamerlane and the Tantalus tragedy. When I think of the Tamerlane Ventures and their attempt to get hydro power from the NWT Power Corporation, I'm reminded of the Greek myth of Tantalus, whose punishment is now synonymous with temptation without satisfaction. The Greek gods punished Tantalus by forcing him to stand in a pool of water beneath a fruit tree with low branches. Whenever he reached for the fruit, Mr. Speaker, the branches raised his intended meal from his grasp. Whenever he bent down to get a drink, the water drained from his feet so he could not get anything to drink.

So why tell this story, Mr. Speaker? Well, Tamerlane Ventures is forced to stand on their Pine Point property, where they can literally see the power lines out their front window, but the NWT Power Corporation won't give them any power. They won't even talk to them. As we all know

very well, the NWT Power Corporation has an excess of five megawatts of power to sell from the Taltson hydro power, but they will not enter into discussions with Tamerlane about this or their power requirements. That power potential and customer just flows down the drain and is lost, Mr. Speaker.

So what then? Well, Tamerlane is actually forced to bring in diesel generators to supply power to their mining operation. Tamerlane Ventures is focussed on placing the Pine Point lead-zinc property into production. The deposit has historic resources of one million tons of grade zinc and lead. The company says their project will lead to almost a \$90 million gross domestic product increase in the NWT that will generate almost \$12 million in labour income and almost \$16 million of other benefits through the south of the NWT.

Tamerlane has come to the Territories, filed their environmental application, negotiated with aboriginal groups, provided employment guarantees, training to our residents, and yet the GNWT is not helping. Reputedly we hear about how companies are discouraged from exploring and further going forward on resource development because of the complex regulatory policies. We are now refusing to sell power to a mine -- clean power, Mr. Speaker -- which leaves very few options other than to bring forward diesel generators.

Mr. Speaker, at this time may I seek unanimous consent to conclude my statement?

MR. SPEAKER: The Member is seeking unanimous consent to conclude his statement. Are there any nays? There are no nays. You may conclude your statement, Mr. Hawkins.

MR. HAWKINS: Thank you, Mr. Speaker, and thank you, colleagues. The Minister of the NWT Power Corporation has told us that in order to bring down power rates, we need a large customer base. Well, here's an opportunity to expand the customer base, but the Power Corporation won't sell power to this potential customer that has deep pockets and is certainly willing to pay. But, Mr. Speaker, we'll certainly put the cost of power generation on our citizens at a 12 percent power rate.

Mr. Speaker, just like the intended hydro plan bill about running clean power up to the diamond mines, let's seize this opportunity to show that the government is open for business, not closed, by linking the hydro power to the Pine Point project. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. Hawkins. Members' statements. The honourable Member for Sahtu, Mr. Yakeleya.

Member's Statement On Funding For Bear River Bridge Project

MR. YAKELEYA: Thank you, Mr. Speaker. Mr. Speaker, I wanted to bring my Member's Statement to the point of bridges since we're talking about the bridge that's going to benefit the people of the Northwest Territories; specifically the city of Yellowknife and also to the community of Fort Providence in terms of having a bridge being constructed across the mighty Deh Cho.

I want to ask and talk about my statement in terms of the Great Bear River bridge in the Sahtu River that has been somewhat postponed. I'm afraid to say cancellation because of the increased costs of this bridge. However, the people in our region have been waiting for a long time

in terms of seeing what they can do to work with industry to increase the benefits into our region and to extend the winter operations such as oil and gas and mining exploration; also for the people in the Sahtu to use the winter roads. There's a very small window of opportunity for them to drive out with their families, do some shopping in Yellowknife, Hay River, even Fort Simpson, in terms of reducing their cost of living in terms of the grocery bills. But also to look at where they can look at opportunities for the communities to train and have businesspeople look at the types of benefits that could build capacity within their own community.

I'm here in somewhat, I guess, a frustrated mode in terms of the Deh Cho Bridge can get full support of this government, even on a risky basis, to go ahead with this and I certainly see the benefits of this and I would like to have the same type of opportunity to be given to the people of the Sahtu in terms of putting our bridge forward. It seems that we're getting stopped in terms of how do we put a bridge at the Bear River and not expand on some of the oil and gas companies that could be used in our region to boost our economies a little further there. So, Mr. Speaker, I wanted to remind the government that life is beyond the region here, and our region, so far, has been shut out and shut down and no wonder we hear comments of being the isolated region. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Yakeleya. Members' statements. The honourable Member for Range Lake, Ms. Lee.

Member's Statement On Deh Cho Bridge Project

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I'd like to speak today in support of the Premier's statement yesterday that the GNWT and the Fort Providence combined council are in the final stages of negotiating the concession agreement and project financing for the great Deh Cho Bridge project. Mr. Speaker, I do appreciate that questions about the details are warranted and should be provided, and they will be forthcoming. I also respect that Members may have differing opinions on things. But I do believe very strongly that it's very important for us to not lose sight of the fact that this is a very important project that deserves ongoing support from this government.

Mr. Speaker, I may be going back a little in history, but during the last Assembly this was a particularly big issue of debate as the GED committee held hearings in Yellowknife and up and down the valley on a bill that would set up the Deh Cho Bridge Corporation and allow the corporation to levy a highway toll on commercial vehicles to allow the bridge to happen. The law is very detailed on what the corporation is allowed to do and not, and many questions being asked now were thoroughly examined and answered to in the last Assembly.

Mr. Speaker, what we should keep in mind is that there is a need for public funds for building of a bridge like this and it's not a frivolous expense, it's a good investment. We incur enormous costs for businesses and individuals on a daily basis from being cut off from the rest of the world every spring and fall. In fact, during our public hearings, the NWT Trucking Association told us that the trucking companies charge premiums for having to cross the ferry, not to mention the cost that we bear as we watch the trucks idle on both sides of the river and the warehouse sits empty when the road is cut off, or when sometimes warehouses have to carry excess storage as well in

anticipation of the closure of the road in the spring and fall.

Mr. Speaker, these costs will not go down; not the cost of building the bridge and not the cost of living for all of us who have to bear the cost. So, Mr. Speaker, another important aspect of this is the fact that this is a very important community project for the Fort Providence area who have not been able to benefit from a lot of industrial projects that are going on this end of the road. Mr. Speaker, the details of this project are important and they need to be answered, but I want to make it very clear that I support...

SOME HON. MEMBERS: Thousands, thousands.

---Applause

MR. SPEAKER: Thank you, Ms. Lee. Members' statements. Reports of standing and special committees. Returns to oral questions. Recognition of visitors in the gallery. The honourable Minister responsible for the Status of Women, Mr. Dent.

ITEM 6: RECOGNITION OF VISITORS IN THE GALLERY

HON. CHARLES DENT: Thank you, Mr. Speaker. We're joined in the gallery today by a number of people who are with the Status of Women Council of the Northwest Territories who were here at noon for the press conference announcing the northern women in mining, oil and gas project. Sharon Thomas is the executive director of the council; Theresa Handley is the office manager. On this side of the House she's also known as the boss's wife.

---Laughter

We are also joined by Leila Besarra who is the community development worker; Lorraine Phaneuf who is programs and research manager; Renea Agrey who will be running the northern women in mining, oil and gas project; Cassandra English who is the assistant researcher; and Samantha Dechief who is the executive and programs assistant. With them is Karen Willy who is the acting special advisor to the Minister responsible for the Status of Women. I know that on behalf of all Members, Mr. Speaker, we'd like to say thanks for the pencils and we'd like to encourage all Members to remind their female constituents about this program and encourage them to take part in it. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Dent. Recognition of visitors in the gallery. The honourable Member for Weledeh, Mr. Handley.

HON. JOE HANDLEY: Thank you, Mr. Speaker. I, too, would like to recognize all the Status of Women delegation and particularly my wife, Theresa. She's not the boss's wife; she is the boss.

---Laughter

But without her support it would be very difficult to do my job and I appreciate that. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Handley. Recognition of visitors in the gallery. The honourable Member for Inuvik Twin Lakes, Mr. McLeod.

MR. MCLEOD: Thank you, Mr. Speaker. I'd like to take this opportunity to recognize my wife, Judy, who's down here on annual leave to come and watch us in the

Assembly. I'd also like to recognize -- they were in the gallery just a couple of minutes ago -- two constituents of mine: Elijah and Mabel Allen, who were down also for, I think, graduation ceremonies taking place tomorrow and they thought they'd take in some of the Assembly. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. McLeod. Recognition of visitors in the gallery. If we've missed anyone in the gallery today, welcome to the House. It's always nice to have an audience. I hope you're enjoying the proceedings. Acknowledgements. Oral questions. The honourable Member for Yellowknife Centre, Mr. Hawkins.

ITEM 8: ORAL QUESTIONS

Question 45-15(6): Sale Of Hydroelectric Power To Tamerlane Ventures

MR. HAWKINS: Thank you, Mr. Speaker. In following my Member's statement today about the concern of Tamerlane not being able to hook up to clean hydro energy, Mr. Speaker, I have questions to the Minister of the Power Corp. The first question would be: Can the Minister of the Power Corp tell me if the Power Corporation is mandated to make a profit and how do they justify not selling surplus power to Tamerlane Ventures? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Hawkins. The honourable Minister responsible for the Power Corporation, Mr. Krutko.

Return To Question 45-15(6): Sale Of Hydroelectric Power To Tamerlane Ventures

HON. DAVID KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, we are in the business to make a profit and we have definitely been working with Tamerlane with regard to discussions we have had with them to trying to assist by supplying power. Again, we do have to work out a power purchase agreement and make sure they do have the project.

MR. SPEAKER: Thank you, Mr. Krutko. Supplementary, Mr. Hawkins.

Supplementary To Question 45-15(6): Sale Of Hydroelectric Power To Tamerlane Ventures

MR. HAWKINS: Thank you, Mr. Speaker. Mr. Speaker, the Minister brings interesting news, because the vice-president had just recently told me that they are not in any type of discussions to formalize any type of power agreement. So could the Minister at least take back this as a commitment to look into this a little further and to make sure that we are proceeding with this? Thank you.

MR. SPEAKER: Thank you, Mr. Hawkins. Mr. Krutko.

Further Return To Question 45-15(6): Sale Of Hydroelectric Power To Tamerlane Ventures

HON. DAVID KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I will commit to meeting with the Power Corp, but I have spoken with my office this morning and they have informed me that they are in discussions with Tamerlane in working out an agreement. Thank you.

MR. SPEAKER: Thank you, Mr. Krutko. Oral questions. The honourable Member for Kam Lake, Mr. Ramsay.

Question 46-15(6): Deh Cho Bridge Project

MR. RAMSAY: Thank you, Mr. Speaker. I'd like to follow up on my Member's statement and ask some questions to the Minister of Transportation. It gets, again, back to the

Deh Cho Bridge project. Mr. Speaker, five years ago -- and some of my colleagues here have been talking about that -- five years ago when this project was first publicly vetted through the Deh Cho Bridge Corporation Act, I, as a city councillor, attended committee meetings where the NWT Trucking Association was here; local business groups were in attendance. Mr. Speaker, back then, that Deh Cho Bridge project was estimated to be between 70 and 75 million dollars; tolls on the bridge were \$4 to \$5, in that range. Mr. Speaker, things have changed tremendously since five years ago. This project is upwards of \$130 million; tolls, we don't know what they're going to be, in excess of \$6. I'd like to ask the Minister of Transportation when will the public and the Regular Members of this House get an opportunity to publicly vet the details of the Deh Cho Bridge proposal? Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The honourable Minister responsible for Transportation, Mr. Menicoche.

Return To Question 46-15(6): Deh Cho Bridge Project

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. Absolutely, the Deh Cho Bridge has been on the books not only of this Legislature, but on the minds of our Northerners for many, many years. I think it's about 50 years, even, Mr. Speaker. However, I'm proud to be the Minister that is looking after this now and it's something that our government has really considered a priority and we'd like to move forward with it. The Member is asking for more involvement. Certainly, we've briefed committee before and I can commit to brief committee for further details soon, Mr. Speaker. Thank you very much.

MR. SPEAKER: Thank you, Mr. Menicoche. Mr. Ramsay.

Supplementary To Question 46-15(6): Deh Cho Bridge Project

MR. RAMSAY: Thank you, Mr. Speaker. Mr. Speaker, yes, we did receive a briefing about a month ago. However, Mr. Speaker, we don't know what the total cost of the project is going to be; we don't know what the tolls are going to be; the public hasn't been involved at all. I believe we, as a government, at the very least we should go back to the stakeholders in the North Slave region where costs of goods are going to increase if the tolls on those trucks crossing that bridge are going to be in excess of \$6. I'd like to know what the impact is going to be on residents in my constituency and the rest of the residents here in Yellowknife in the North Slave region. Has the Minister got that level of detail on what the increased costs will be to residents here in the North Slave? Mahsi.

MR. SPEAKER: Thank you, Mr. Ramsay. Mr. Menicoche.

Further Return To Question 46-15(6): Deh Cho Bridge Project

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. Some of the discussions that are ongoing with the Deh Cho Bridge Corporation are exactly that, are doing the financing modelling and certainly the toll is between \$4 and \$6 per ton. Just as an example, Mr. Speaker, \$6 per ton, that's like \$250 per truckload and that's the figure that's currently being used in our financial modelling right now, Mr. Speaker. Mahsi.

MR. SPEAKER: Thank you, Mr. Menicoche. Mr. Ramsay.

Supplementary To Question 46-15(6): Deh Cho Bridge Project

MR. RAMSAY: Thank you, Mr. Speaker. Mr. Speaker, I would hazard to guess that tolls will be in excess of \$6. I mean it doesn't take a mathematician to figure that out. With the project in excess of \$130 million, the tolls are obviously going to have to be over \$6. It was obvious from yesterday's discussion that the government isn't going to wait for the federal government to come in with capital dollars to put into this project. It is obvious. I would like to ask the Minister of Transportation, has the government drawn a line in the sand where it can say too much is too much? Be that either on tolls or on construction costs, on costs to the government over the 35 year period. Is there a line that has been drawn? Mahsi.

MR. SPEAKER: Thank you, Mr. Ramsay. Mr. Menicoche.

Further Return To Question 46-15(6): Deh Cho Bridge Project

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. I am not too sure what the Member implies by drawing a line in the sand. If there is a line to be drawn, Mr. Speaker, we cannot wait any further for a project of this significance. However the Deh Cho Bridge Corporation is doing their negotiating on this. Our government is really involved as a P3 project. Previously, DIAND has committed up to \$3 million in equity to get the project off the ground. They continue to stand by that, Mr. Speaker. Thank you very much.

MR. SPEAKER: Thank you, Mr. Menicoche. Final supplementary, Mr. Ramsay.

Supplementary To Question 46-15(6): Deh Cho Bridge Project

MR. RAMSAY: Thank you, Mr. Speaker. Mr. Speaker, what I am hearing the Minister say today is it doesn't matter what the project costs. If it costs 150 or 160 million, it doesn't matter what the toll will end up being at the end of the day; \$6, \$7, or \$8, that doesn't matter. What matters the most to the government is that the bridge gets built. I think that is foolhardy, Mr. Speaker. I think the government has to come up with the real numbers and provide the House with the details on this project. No agreement should be signed off until Members of this House have a chance to look at it and question what the tolls are going to be and what the cost to the government is going to be over 35 years. Without doing that, we are failing the residents here, Mr. Speaker. I would like to ask the Minister, when can we get a briefing with the Minister and perhaps the Premier on this project? Mahsi.

MR. SPEAKER: Thank you, Mr. Ramsay. Mr. Menicoche.

Further Return To Question 46-15(6): Deh Cho Bridge Project

HON. KEVIN MENICOCHÉ: Thank you, Mr. Speaker. The tolls are laid out in the Deh Cho Bridge Act. It is \$6 right now plus inflationary factors as the years go on. As well, I can commit to having a briefing with the committee any time soon. But as for divulging the information to the public right now, Mr. Speaker, where sensitive negotiations are ongoing, that is something that is just not doable at this time. I can reassure that the real winners of this project are the North and northerners, Mr. Speaker. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Menicoche. Oral questions. The honourable Member for Hay River South, Mrs. Groenewegen.

Question 47-15(6): Resale Of Home Heating Oil

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, my questions are in relation to the Member's statement I made today and my questions are for the Minister of Finance. Can the Minister please explain his department's reasons for restricting fuel resellers from purchasing heating fuel? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister of Finance, Mr. Roland.

Return To Question 47-15(6): Resale Of Home Heating Oil

HON. FLOYD ROLAND: Thank you, Mr. Speaker. Mr. Speaker, the work that we are doing within Finance around fuel tax collectors -- and there are about 30 of them in the Northwest Territories -- comes out of a result of a number of things that have occurred. One, in the tax administration of how we deal with home heating oil versus diesel, or motive diesel as we call it. In the Northwest Territories, there is no distinction between that. When a supplier purchases from a bulk supplier, there is no difference when it comes in the Northwest Territories. In fact, they can purchase home heating oil and motive diesel, but it is put in the same tankage. Our problem in the Northwest Territories is when it comes to reselling that. The changes that we are looking at are as a result of doing some of the work. We are realizing and having to focus on some of our collectors around the sale. We see a lot of purchases of home heating oil which doesn't have any sales tax on it or fuel tax in the Northwest Territories, but motive diesel does have a fuel tax applied to it. We see a lot of purchases of home heating oil, but we are starting to look at it and question the fact is there that much home heating oil being sold or is it being sold as motive diesel. We have to follow up on that. That is what is happening here. We have to follow up on that and do better work on our end, and that includes involving some of the fuel tax collectors. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Supplementary, Mrs. Groenewegen.

Supplementary To Question 47-15(6): Resale Of Home Heating Oil

MRS. GROENEWEGEN: Thank you. That is a nice way of involving our fuel tax collectors. I want to ask the Minister what consultation, if any, took place between the Minister's department and the fuel tax collectors and resellers who are impacted by this decision? Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. Mr. Roland.

Further Return To Question 47-15(6): Resale Of Home Heating Oil

HON. FLOYD ROLAND: Thank you, Mr. Speaker. Mr. Speaker, our normal procedures are we have contact with the fuel tax collectors around tax season or regularly as we get input. We have some good tax collectors. The status of our fuel tax collectors is good. We also have areas where we are challenged in and doing further investigation. We normally would contact them initially with written correspondence around any potential changes and inform them through that avenue. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Supplementary, Mrs. Groenewegen.

Supplementary To Question 47-15(6): Resale Of Home Heating Oil

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Given perhaps unforeseen impact that this restriction on purchasing heating oil will have on small businesses and customers, would the Minister agree to rescind his department's earlier direction? I think there must be some other way of addressing this tax issue without taking such a broad sweep approach to it. I would like to ask the Minister, does this inability of fuel resellers to buy home heating oil...Am I going to have to pay as a consumer? Am I going to have to pay the extra 9.1 cents that includes the tax for my home heating fuel if they are not allowed to buy home heating fuel? Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. Mr. Roland.

Further Return To Question 47-15(6): Resale Of Home Heating Oil

HON. FLOYD ROLAND: Thank you, Mr. Speaker. Mr. Speaker, this goes on from quite a long process; it just didn't come up overnight. We have worked with our tax collectors, those that have that status, in collecting the taxes. We don't charge home heating oil any fuel tax. The problem is, as those that purchase the bulk supply, they buy under the home heating oil banner and, for the Northwest Territories, there is no limit to that. What happens as a result of this is the federal excise tax can kick in, because what we are saying in the Northwest Territories now is that everyone purchasing fuel would purchase it under motive diesel, which then our fuel tax arrangement falls under. But if they resell it as a home heating oil and can prove it is being sold as home heating oil, then there is a reimbursement that occurs. So there is no tax there and we are not limiting the motive diesel or home heating oil. It is at the time of reselling that we have some issues with and are following up on. Again, this is not going to be a broad stroke approach. We have looked at that and heard some of the concerns. Those that are in good standing, we are not going to enforce further rigid controls on, but those that we are having some issues with, we are going to continue to pursue.

I have heard some of the concerns and directed the department to look at meeting with those that have tax collector status to try to work out some of these concerns that are being raised. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Final supplementary, Mrs. Groenewegen.

Supplementary To Question 47-15(6): Resale Of Home Heating Oil

MRS. GROENEWEGEN: So is the Minister saying that, of the 30 operators that collect tax for the Northwest Territories, this only impacts a few, this is not an across the board thing? What evidence does the department or the Minister have that this fuel that was being purchased as home heating fuel was not being sold as home heating fuel? What evidence does the government have to impose such an onerous administrative burden on these businesses? Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. Mr. Roland.

Further Return To Question 47-15(6): Resale Of Home Heating Oil

HON. FLOYD ROLAND: Thank you, Mr. Speaker. Mr. Speaker, in some cases, yes, there are a couple of additional steps that are required because of the federal excise tax piece of it, but a number of the companies that have tax collector status on fuel sales have already done quite a thorough job. As they supply us information, it is very clear as to what happened.

Mr. Speaker, just to highlight some of the concerns, when we have problems with the administration or the processes of change an application to rebate taxes to entities that have used fuel for purposes of having a lesser tax rate than the one that is paid, it gets complicated. But sometimes these things are re-branded, as we call it, because it is all in one tank. It can be sold from one supplier to another under different headings until the final resale portion where it goes into a tank beside somebody's home that goes into their furnace. It can be re-branded about three times. For us to track through that and to make sure that the right tax is being paid, or no tax in the case of home heating oil, is very difficult. The fact that we have a small group going out and doing these, it is a very intensive process. Hence, the commitment I now made with my department to get out there and meet with those that have tax collector status to see if we can work out some scenarios here. Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Oral questions. The honourable Member for Great Slave, Mr. Braden.

Question 48-15(6): Aviation Fuel Shortages At The Yellowknife Airport

MR. BRADEN: Thank you, Mr. Speaker. My questions this afternoon are for the Minister of Transportation, Mr. Menicoche. It regards information that I recently heard that there are fuel shortages at the Yellowknife Airport, Mr. Speaker.

A few weeks ago, the airport in Fort Simpson encountered a similar situation due to what was understood to be an error by the fuel supplier. Mr. Speaker, can the Minister advise the Assembly of this problem or confirm that this problem does indeed exist at the Yellowknife Airport? Does it pose any threat to reliable air transportation for the region, Mr. Speaker?

MR. SPEAKER: Thank you, Mr. Braden. The honourable Minister of Transportation, Mr. Menicoche.

Return To Question 48-15(6): Aviation Fuel Shortages At The Yellowknife Airport

HON. KEVIN MENICOCHÉ: Thank you, Mr. Speaker. Yes, I was advised earlier this week of a potential problem of a fuel shortage at the Yellowknife Airport. We have made some inquiries. There is enough fuel in the city of Yellowknife that is provided for aeronautical needs up until next Tuesday or Wednesday, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Menicoche. Supplementary, Mr. Braden.

Supplementary To Question 48-15(6): Aviation Fuel Shortages At The Yellowknife Airport

MR. BRADEN: Mr. Speaker, has the department notified all of the air carriers? What contingency plans are in place to ensure uninterrupted air service should we hit that unfortunate circumstance by early next week, Mr. Speaker?

MR. SPEAKER: Thank you, Mr. Braden. Mr. Menicoche.

Further Return To Question 48-15(6): Aviation Fuel Shortages At The Yellowknife Airport

HON. KEVIN MENICOCHÉ: Thank you, Mr. Speaker. I should have added that there is good news for the Fort Providence ferry. It will be running this coming Monday. It is good for the travelling public.

---Applause

As well, the suppliers are aware of this. They do have stock waiting at Providence right now to cross on that first ferry to provide for aircraft fuel for the city of Yellowknife. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Menicoche. Mr. Braden.

Supplementary To Question 48-15(6): Aviation Fuel Shortages At The Yellowknife Airport

MR. BRADEN: Thank you, Mr. Speaker. I appreciate the information by the Minister. He gives us a certain extraordinary confidence that the ferry will be in the water by Monday. That is four days from now. A lot can happen in that time. I am going to return to the question that I originally asked. Has the department advised the air carriers of this problem? Are there contingency plans in place? I am not ready to accept that the ferry will resume service on Monday, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Braden. Mr. Menicoche.

Further Return To Question 48-15(6): Aviation Fuel Shortages At The Yellowknife Airport

HON. KEVIN MENICOCHÉ: Thank you, Mr. Speaker. I know the department has not offered an advisory to the aircraft carriers, but there are other contingencies that are being looked at. We don't feel it is a problem at this point. One of them, of course, is landing and using the Hay River Airport there. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Menicoche. Final supplementary, Mr. Braden.

Supplementary To Question 48-15(6): Aviation Fuel Shortages At The Yellowknife Airport

MR. BRADEN: Mr. Speaker, I would like to ask the Minister, whose responsibility is it to maintain adequate fuel supplies at the Yellowknife Airport especially at such a critical time? It is break-up season not just for the resupply to Yellowknife but all across the Northwest Territories. Fuel supplies are essential at this time of year. Whose responsibility is it to maintain this fuel supply? Just what happened to cause this potentially disastrous situation, Mr. Speaker?

MR. SPEAKER: Thank you, Mr. Braden. Mr. Menicoche.

Further Return To Question 48-15(6): Aviation Fuel Shortages At The Yellowknife Airport

HON. KEVIN MENICOCHÉ: Thank you, Mr. Speaker. The responsibility for providing necessary fuel does not lie with the department. However, we do facilitate discussions with suppliers and users of the fuel. In this case, once again, it is the early shut down of the ice bridge that led to this. Hopefully, some of the few things that we are doing which, of course, long term is the Deh Cho Bridge. It will help alleviate these kinds of problems. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Menicoche. Oral questions. The honourable Member for Monfwi, Mr. Lafferty.

Question 49-15(6): Aboriginal Language Curriculum Development

MR. LAFFERTY: Mahsi, Mr. Speaker. (Translation) Thank you, Mr. Speaker. I would like to question the Minister of Education, Culture and Employment regarding our important language and it being taught in the schools. We want to be able to teach our language in our schools. I want to ask him a question regarding that. (Translation ends)

...address my question to the Minister of Education, Culture and Employment. I would like to, first of all, congratulate the Minister and his department for the recent decision to allow the Athabaskan language communities to work independently on their own language curriculum. While there may be some similarities between the Gwich'in curriculum document and the Dene language curriculum, such a move recognizes distinctive language differences of these language communities, Mr. Speaker. Mr. Speaker, I would like to ask a question to Minister Dent. How much time and money was spent on the initial curriculum? Mahsi.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister of Education, Culture and Employment, Mr. Dent.

Return To Question 49-15(6): Aboriginal Language Curriculum Development

HON. CHARLES DENT: Thank you, Mr. Speaker. The Member is right; it is very important that we have good curricula in all of the regions so that aboriginal languages may be taught. What we were hoping to do is initially have something that worked like Dene Kede. Dene Kede was a framework that was developed and could be used all across the Northwest Territories. Each of the cultural groups filled in different parts of it to make sure that it was appropriate in their areas. We are finding that is not working as well as we had hoped with the curriculum that is being developed in the Gwich'in area, so we are now expanding into other areas. It was always the intention that each language would have to have some work done to develop that individual curriculum to support that language.

I can't say here today exactly how much has been spent to date, but I can assure the Member that we are intending to work with all of the regions to ensure that there is a curriculum available in all of the regions for all of the languages.

MR. SPEAKER: Thank you, Mr. Dent. Supplementary, Mr. Lafferty.

Supplementary To Question 49-15(6): Aboriginal Language Curriculum Development

MR. LAFFERTY: Mahsi, Mr. Speaker. Mr. Speaker, I am glad to hear the Minister is committed to working with other aboriginal language organizations in different respective regions. Mr. Speaker, I would like to continue with my question concerning these distinct and philosophical differences each group expressed in the development of the original curriculum. Is the Minister prepared to provide the same amount of financial support to Athabaskan language communities for the work on the new curriculum? Mahsi.

MR. SPEAKER: Thank you, Mr. Lafferty. Mr. Dent.

Further Return To Question 49-15(6): Aboriginal Language Curriculum Development

HON. CHARLES DENT: Thank you, Mr. Speaker. In order to develop the curriculum for the different language groups we have in the Northwest Territories, it may take more in some areas; it may take less in others. We are prepared, over the next few years, to spend what it takes to develop appropriate curriculum in each region. We have to work within existing budgets, so it may take longer to do in some areas or it may take less time depending on how quickly the work can get done.

MR. SPEAKER: Thank you, Mr. Dent. Supplementary, Mr. Lafferty.

Supplementary To Question 49-15(6): Aboriginal Language Curriculum Development

MR. LAFFERTY: Mahsi, Mr. Speaker. Mr. Speaker, when questioned on this issue -- it was addressed during the previous session -- the Minister informed this House all the areas that are part of the curriculum in the Northwest Territories have to receive attention and make sure there is an important curriculum in place. Considering the state of our languages and the rapid rate of language loss, the need for aboriginal language curriculum is urgent. What measures will the Minister take to ensure that the language curriculum is given equal priority to other subjects and funds are found to guarantee its success? Mahsi.

MR. SPEAKER: Thank you, Mr. Lafferty. Mr. Dent.

Further Return To Question 49-15(6): Aboriginal Language Curriculum Development

HON. CHARLES DENT: Thank you, Mr. Speaker. As the Member is aware, we have issued a directive ensuring that all of the DECs and education councils have to deliver aboriginal language and culture according to the directive. We want to see the money spent where it is going to do the most good. We have the same commitment to aboriginal languages as we have to social studies to English to all of the other areas of the curriculum. We are investing in those areas.

Mr. Speaker, one of the other things we've done recently is make sure that this year we have a base-funded program to help the college deliver a program for aboriginal language and culture instructors, and those people will also be needed to help us develop the curricula. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. Final supplementary, Mr. Lafferty.

Supplementary To Question 49-15(6): Aboriginal Language Curriculum Development

MR. LAFFERTY: Thank you, Mr. Speaker. Mr. Speaker, maybe I can throw in another angle. Assuming that the DEAs, the teaching and learning centres, the language communities, have committed to working together to create a language curriculum that fits their needs in the regions, will the Minister at least commit to considering the work plan and suggestions put forth by the Aboriginal Languages Special Advisory Committee? Mahsi.

MR. SPEAKER: Thank you, Mr. Lafferty. Mr. Dent.

Further Return To Question 49-15(6): Aboriginal Language Curriculum Development

HON. CHARLES DENT: Thank you, Mr. Speaker. Of course we can consider work plans that are brought forward by people who are specialists in that area from

the region. It's important to remember, though, like the development of the Dene Kede which took many years to develop in each of the regions so that it actually works for all of the different cultures in the Northwest Territories, it's going to take a number of years for us to develop all of the curricula for languages in the North. But we are committed to doing that work and working with people who are experts in that area. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. Oral questions. The honourable Member for Inuvik Twin Lakes, Mr. McLeod.

Question 50-15(6): Prognosis For GNWT Medical Leave Requests

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, in my Member's statement yesterday I spoke to the practice of asking employees to sometimes provide a medical prognosis from a doctor when they get a medical leave form. Twenty-four hours later my opinion hasn't changed. I still think it's unfair. Mr. Speaker, my questions today are for the Minister of Human Resources, Mr. Dent. I'd like to ask the Minister if there's a policy in place that requires employees to have a prognosis if they're getting a medical leave form from a doctor. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Minister responsible for Human Resources, Mr. Dent.

Return To Question 50-15(6): Prognosis For GNWT Medical Leave Requests

HON. CHARLES DENT: Thank you, Mr. Speaker. I listened, with interest, to the Member's statement yesterday and I understand the concern that he's expressed, particularly if there was some thought that a patient's personal information could be included in a prognosis. Our policy allows the employer to get a prognosis from a doctor to get an indication of when an employee might be able to come back to work and whether or not they're going to be able to resume work without some limitations. So quite clearly, under the policy of sick leave, Human Resources, or part of the human resource manual that deals with sick leave, the policy clearly says that it's a statement from a medical practitioner which outlines the long or short-term impact of the employee's medical condition on the employee's ability to carry out all or some duties. The medical prognosis does not provide detailed information respecting the condition, but provides information respecting the employee's medically endorsed precautions and capabilities. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. Supplementary, Mr. McLeod.

Supplementary To Question 50-15(6): Prognosis For GNWT Medical Leave Requests

MR. MCLEOD: Thank you, Mr. Speaker. The doctor's leave form says an employee can't be at work for a week. Is that not sufficient enough? Does this apply to all employees who have received a medical leave form or just a select few? Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Mr. Dent.

Further Return To Question 50-15(6): Prognosis For GNWT Medical Leave Requests

HON. CHARLES DENT: Thank you, Mr. Speaker. The medical prognosis isn't required with all employees, but it can be requested of any employee. It's something that each manager is left to determine whether or not it's

something they should ask an employee to provide. Thank you.

MR. SPEAKER: Thank you, Mr. Dent. Supplementary, Mr. McLeod.

Supplementary To Question 50-15(6): Prognosis For GNWT Medical Leave Requests

MR. MCLEOD: Thank you, Mr. Speaker. I'd like to ask the Minister if there was a particular reason this policy was brought forward. Were they having problems with employees taking advantage of medical leave forms? Is that why this policy was brought forward? Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Mr. Dent.

Further Return To Question 50-15(6): Prognosis For GNWT Medical Leave Requests

HON. CHARLES DENT: Thank you, Mr. Speaker. I can't speak as to why this item would have been included in the sick leave policy, but I would say that it's certainly something that an employer would be interested in knowing whether or not there are terms or conditions, or there are certain conditions, that the employer should be aware of in making sure whether or not there's an accommodation required for an employee, or how long an employee might be expected to be off work, and whether or not there should be a plan put in place to ensure that when they return to work they are able to continue.

MR. SPEAKER: Thank you, Mr. Dent. Final Supplementary, Mr. McLeod.

Supplementary To Question 50-15(6): Prognosis For GNWT Medical Leave Requests

MR. MCLEOD: Thank you, Mr. Speaker. I'll repeat once again, the medical leave form usually has a date of return from the doctor. So in his opinion, that's when the employee can return to work and perform their duties. In my opinion, that sometimes questions the integrity of the doctors by asking for a prognosis on top of the medical leave form they've already given to the employer. I'd like to ask the Minister if the NWT Medical Association was consulted in any way on this particular policy. Thank you.

MR. SPEAKER: Thank you, Mr. McLeod. Mr. Dent.

Further Return To Question 50-15(6): Prognosis For GNWT Medical Leave Requests

HON. CHARLES DENT: Thank you, Mr. Speaker. I can't say whether they were consulted on this policy or not.

MR. SPEAKER: Thank you, Mr. Dent. Oral questions. The honourable Member for Thebacha, Mr. Miltenberger.

Question 51-15(6): Support Of The Ecotourism Sector

MR. MILTENBERGER: Thank you, Mr. Speaker. My questions are for the Minister of ITI and it's to follow up just briefly on my Member's statement and the fact that many countries around the world, from New Zealand to Sweden, Norway, and countries in between, have taken to looking at the development of nature-based tourism as a way to provide more support and revitalize their rural communities. Given the North's tremendous natural assets, beauties and marketable tourism attractions, and the fact that many communities don't have other resource-based development on their doorstep, I'd just like to ask the Minister if he would commit to instructing his officials to build some reference to the potential of this particular type of marketing that's been developed into the 2008-2009 business development plan so that the incoming 16th

Assembly will have an opportunity to consider how they want to move on this type of opportunity? Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. The honourable Minister responsible for Industry, Tourism and Investment, Mr. Bell.

Return To Question 51-15(6): Support Of The Ecotourism Sector

HON. BRENDAN BELL: Thank you, Mr. Speaker. I want to assure Members that we're certainly doing what we can to support this sector. I think we can do more but, as Members will be aware, in the 2010 proposal and documents, since about 2003-2004 we've essentially virtually doubled the marketing money that we're spending in tourism; the amount of money of the contribution that goes to our partner, NWTT. They are spending a lot more on marketing. One of the areas they've targeted, Mr. Speaker, is outdoor adventure.

I think that Members have probably by now had a chance to see the 2007 Explorer's Guide. A nice feature in there, some 13 pages of operators who are advertising and promoting outdoor adventure. There's a nice piece on south of the lake. We're doing a number of things related to this segment. I think the Member's region is probably particularly very well suited for this and the promotion of this industry. So we will continue to work with him in that respect, but, as I say, this has been now I think our third year of the 2010 program. There's more to come, but I think we are off to a good start. Thank you.

MR. SPEAKER: Thank you, Mr. Bell. Supplementary, Mr. Miltenberger.

Supplementary To Question 51-15(6): Support Of The Ecotourism Sector

MR. MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, the whole area of ecotourism has some fairly stringent accreditation requirements that are developed in the jurisdiction. There's some marketing requirements and it's a specific way of doing business that's been developed through trial and error in other countries. So the question once again to the Minister is, given all the opportunities in the North, would he commit to having his officials build a reference into this particular area the way it's done in other jurisdictions to see if there's an applicability here in the Northwest Territories for the 2008-2009 Business Plan? Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. Mr. Bell.

Further Return To Question 51-15(6): Support Of The Ecotourism Sector

HON. BRENDAN BELL: Mr. Speaker, I would propose that I could meet with the NWTT to talk about this. They have identified the segment as outdoor adventure. I think, in their minds, this includes ecotourism. If there are some specific nuances here or references here to programs internationally that have been successful, that's certainly something that I'd like to learn more about. I could talk to the Member. I'm also, Mr. Speaker, in the process of trying to plan for a trip south of the lake to both Hay River and Fort Smith and when I have some acceptable dates identified, I will come back to the Members of those communities and talk about meetings that might be scheduled. Probably a good meeting with the Member if he'd be prepared to work with me to host to bring in some tourism stakeholders into the community, possibly with the mayor and council. We could talk about that kind of thing. But that's certainly something that I think is a good idea and I'd be prepared to discuss further. Thank you.

MR. SPEAKER: Thank you, Mr. Bell. Supplementary, Mr. Miltenberger.

Supplementary To Question 51-15(6): Support Of The Ecotourism Sector

MR. MILTENBERGER: Thank you, Mr. Speaker. I appreciate the Minister's offer. Unfortunately, I don't think I'm going to be in the community or even in the territory the week that he's thinking about being there. However, the question still is, Mr. Speaker, that this is a very specific type of development. The Minister is going to be in office for another four months before we all hit the hustings, or those of us who are going to run again are going to hit the hustings. The key is the development and building this into the 2008-2009 business planning process. While I appreciate the words of support from the Minister that we also have this other process that the 16th Assembly will pick up. So the question is, in addition to those words of support, will he ensure that it's built into the 2008-2009 Business Plan? Thank you.

MR. SPEAKER: Thank you, Mr. Miltenberger. Mr. Bell.

Further Return To Question 51-15(6): Support Of The Ecotourism Sector

HON. BRENDAN BELL: Mr. Speaker, I will certainly meet, as I periodically do, with our tourism marketing advisory committee. They are industry stakeholders, representing the tourism industry, and they've been tasked with identifying our business plan priorities. There are four of them this year: recreational vehicle general touring, outdoor adventure, German and Japanese markets. I will sit down and talk to them about ecotourism and outdoor adventure, make sure I understand the nuances, and if we can work to build that into their priorities, that's something that I'm prepared to do. What they do is bring this forward, this business plan, after the industry has looked at it. We endorse it and make the contribution. So it's very much one of working with our stakeholders. I'll continue to do that, but I appreciate the Member's suggestions. Thank you.

MR. SPEAKER: Thank you, Mr. Bell. Oral questions. The honourable Member for Range Lake, Ms. Lee.

Question 52-15(6): Deh Cho Bridge Project

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, my questions are on the Premier's statement yesterday about the negotiations going on about the concession agreements and the project financing of the Deh Cho project. I think the questions could be answered by either the Premier or the Minister of Transportation. Mr. Speaker, I just want to preface it by, obviously even though I support this project 1,000 percent, it has to stand on its own leg and make a sound business case. But business case for public business is a little different than a private business, which is profit motivated. A bridge like this is a public project and we need to look into costs and benefit analysis. But we throw into that a lot of benefit questions and one of the most important things being reducing the cost of living for northern residents and businesses. The toll that's being proposed will be imposed on commercial trucking and commercial trucks and commercial haul, and the cost has to be something that the commercial market can bear, and that it needs to be an investment on the part of the government to make this project viable. The fact that the federal government will not come into play as of yet is unfortunate. But if the GNWT can bear the cost and make it viable, I think it's something that warrants our support. So I'd like to ask the Minister, as the Premier or Minister, whoever's going to

answer the question, about what is the extent of the negotiations that's going on under the concession agreement and project financing? What are the parameters they are looking at to make sure that the cost and benefit analysis of this will make it viable? Thank you.

MR. SPEAKER: Thank you, Ms. Lee. The question is probably most suited for the Minister of Transportation. I'll address it to the Minister of Transportation, Mr. Menicoche.

Return To Question 52-15(6): Deh Cho Bridge Project

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. There has been a cost-benefit analysis done many, many, many times on the Deh Cho Bridge project. Certainly as of last fall or even last year, when we deferred the project, it was because it wasn't self-financing and needed additional expenditures or money from government. At this point, we're hopeful that the federal government will still buy into it using the P3 money available. They're willing to, their P3 project right now as it stands, they're willing to contribute up to 25 percent of a P3 project, and it is on their National Highway Strategy for the federal government as well, Mr. Speaker. We know that they're looking at it seriously. It is with the top P3 projects on their books across Canada, Mr. Speaker. Up until this point, that's where it stands without any formal written commitment. Thank you very much.

MR. SPEAKER: Thank you, Mr. Menicoche. Supplementary, Ms. Lee.

Supplementary To Question 52-15(6): Deh Cho Bridge Project

MS. LEE: Thank you, Mr. Speaker. My understanding of this project is that government will make an investment, whether it be the GNWT or federal government, to lend the money to the corporation and the corporation will levy enough toll to pay for the project and make a little bit of profit so that the communities can benefit from that. But the return on investment has to be viable. So I'd like to ask the Minister to confirm whether the cost of the project and the increase that's going on is still making it viable for the corporation to be able to pay the money over a period of time that's been determined and still make a little profit. I guess I'm asking if, I have to assume, and I'd like the Minister to confirm that this is still an economically viable project for the corporation and for the government. Thank you.

MR. SPEAKER: Thank you, Ms. Lee. Mr. Menicoche.

Further Return To Question 52-15(6): Deh Cho Bridge Project

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. Once again I'll commit to continue to share that with committee. In fact, we're trying to find a time slot sometime early next week. Some of the details the Member is referring to, of course, are in the concession agreement and being negotiated and is confidential at this point. However, once we're in committee, we'll be able to share as much as possible that we can with the Regular Members there, Mr. Speaker. Thank you very much.

MR. SPEAKER: Thank you, Mr. Menicoche. Supplementary, Ms. Lee.

Supplementary To Question 52-15(6): Deh Cho Bridge Project

MS. LEE: Thank you, Mr. Speaker. The Premier's sessional statement indicated that the negotiations are underway and that construction could begin as early as

this fall. So I'd like to ask the Minister about what the timeline is. While he cannot reveal all the details, it certainly sounds like the deals are imminent. So could he give us an indication as to whether it's weeks away or months away or what is the timeline of that negotiation? Thank you.

MR. SPEAKER: Thank you, Ms. Lee. Mr. Menicoche.

Further Return To Question 52-15(6): Deh Cho Bridge Project

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. Just with respect to the negotiations, we're holding firm to a 30-day negotiating period right now. I can just say that at this point it's not 100 percent either. The project can still fail if we don't come to terms, but we're really positive it's still a 99 percent go at this point, Mr. Speaker. We'll continue to update committee as this progresses. In fact, at the end of the 30-day period we would be prepared to give even that much more level of detail to committee at that point, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Menicoche. Final supplementary, Ms. Lee.

Supplementary To Question 52-15(6): Deh Cho Bridge Project

MS. LEE: Thank you, Mr. Speaker. In terms of timing, we are here until next Thursday. We don't meet again until next August. I'd like to know if he could tell us when is that 30-day period. Maybe he could sneak that answer in and also answer the question as to whether he's...He mentioned that the federal government has this project at the top of its list, but what is, are there any meetings proposed, are their officials meeting on this project, and could he give us a date on that? Thank you.

MR. SPEAKER: Thank you, Ms. Lee. Mr. Menicoche.

Further Return To Question 52-15(6): Deh Cho Bridge Project

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. Just for clarification, the negotiation is happening with the Deh Cho Bridge Corporation and, as government, we're supportive of the initiatives of the Deh Cho Bridge Corporation, but we're outside the process. We're not really privy to their discussions. While in fact just last week the Premier had sent a letter to the Prime Minister himself saying, look, in terms of the federal government helping us with this project, it's a good project for Canada, it's a good project for northerners, and that's the stage it is at, Mr. Speaker. We have had many, many meetings on this topic and we're looking forward to progressing with the project. Mahsi cho.

MR. SPEAKER: Thank you, Mr. Menicoche. Oral questions. The honourable Member for Sahtu, Mr. Yakeleya.

Question 53-15(6): Future Of Norman Wells Gas Field

MR. YAKELEYA: Thank you, Mr. Speaker. Mr. Speaker, I want to ask the Premier in terms of the very disturbing meeting I had with the Town of Norman Wells, also some of the Regular MLAs that pass through here, that shocking crisis that the town of Norman Wells is at the beck and call of Imperial Oil in terms of turning off their gas by April 2008, April 1st. Shame on Imperial Oil. I want to ask the Government of the Northwest Territories, Imperial Oil, asking Imperial Oil to come up here and justify why they made this move. Shame on Imperial Oil. I want to ask the Government of the Northwest Territories, the Premier, what is he doing to help the community of Norman Wells

and the people of the Northwest Territories? Pipeline not good for me.

MR. SPEAKER: Thank you, Mr. Yakeleya. The honourable Premier, Mr. Handley.

Return To Question 53-15(6): Future Of Norman Wells Gas Field

HON. JOE HANDLEY: Thank you, Mr. Speaker. I think the deadline Imperial gave us, of course, is determined by the amount of gas that's there. We know the Norman Wells field is a field that is gradually being depleted. That's the challenge with fossil fuels, is that at some point they run out. So, Mr. Speaker, we will be asking Esso for more information on why it's necessary to cut back on the supply to the town. My understanding is that they are providing fuel to the Power Corporation. However, Mr. Speaker, the alternatives are complex. We need to get more information and I'm sure that the denouement of this situation is going to be one that's beneficial to everybody. Thank you.

MR. SPEAKER: Thank you, Mr. Handley. Mr. Yakeleya.

Supplementary To Question 53-15(6): Future Of Norman Wells Gas Field

MR. YAKELEYA: Thank you, Mr. Speaker. The town of Norman Wells was told that Imperial Oil were going to reduce their gas consumption in terms of supplying the town of Norman Wells. They were shocked that Imperial Oil said the reduction will be zero. Now that causes a huge crisis in my community of Norman Wells, in the region. Then Imperial Oil says, come on you guys, the pipeline is a good thing for us, sign on and let's do something. How does Imperial Oil drag the people of Norman Wells through this, I don't know what to call it, Mr. Speaker, but I'm asking can this government here demand to have the president of Imperial Oil come up here and meet with the Town of Norman Wells, meet with us and say is this how Imperial Oil does business with people in the Northwest Territories and hold them hostage to the community of Norman Wells? Thank you.

MR. SPEAKER: Thank you, Mr. Yakeleya. Mr. Handley.

Further Return To Question 53-15(6): Future Of Norman Wells Gas Field

HON. JOE HANDLEY: Thank you, Mr. Speaker. Certainly, we want to meet with the town. I understand the town has hired a consultant. I understand our Department of Municipal and Community Affairs has been dealing with other departments in our government to figure out what's the best solution for this problem we could face in April 2008. Mr. Speaker, in terms of Imperial Oil's involvement, yes, we will let them know. I will raise this with them when I have opportunity and we will insist that they come and provide an explanation. I assume, Mr. Speaker, that they've already planned to do that in Norman Wells, but I can't speak for them. However, we want to hear from them as well. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Handley. Supplementary, Mr. Yakeleya.

Supplementary To Question 53-15(6): Future Of Norman Wells Gas Field

MR. YAKELEYA: Thank you, Mr. Speaker. I think Imperial Oil's model, their way of thinking, is profit over people. That's been there since 1920. Shame on them. It's a crying shame that in this day and age Imperial Oil can do this to the people of the Northwest Territories. You know, Norman Wells is a prime example of Imperial Oil

going in there, taking out what it has to do to benefit its company and leave the community. So I'm really, really angry that this could happen in this day and age. I'm asking the Government of the Northwest Territories in terms of how do we help the community of Norman Wells, you know, because Imperial Oil told them the cut-off date is April 1, 2008. I'm not too sure if that's an April Fool's joke or that's a reality for the people of Norman Wells. I asked the Premier, through a letter, that he would get to meet the people in Norman Wells with the appropriate Ministers to see what can be done as soon as possible. Thank you.

MR. SPEAKER: Thank you, Mr. Yakeleya. Mr. Handley.

Further Return To Question 53-15(6): Future Of Norman Wells Gas Field

HON. JOE HANDLEY: Thank you, Mr. Speaker. The appropriate government departments are already discussing this within our government along with the Power Corporation. It's not as urgent with the Power Corporation because we do have a purchase agreement up to 2010 that's firm, but we still have to look further ahead down the road. Mr. Speaker, I can assure the Member and this House that we are taking this seriously; we are collecting information and at the appropriate time, once we have our information, then we want to meet both with Imperial Oil and also with the Town of Norman Wells. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Handley. Final, short supplementary, Mr. Yakeleya.

Supplementary To Question 53-15(6): Future Of Norman Wells Gas Field

MR. YAKELEYA: Thank you, Mr. Speaker. Mr. Speaker, I understand also that the Government of Canada owns one-third of the Norman Wells field. You know, where are they in this business here in terms of helping out our people in the Northwest Territories? You know, the royalties that they collect in Norman Wells, the oilfield has produced billions of dollars for Imperial Oil so the board of directors and shareholders can sit on a nice cushy place in the southern parts of the States here. So, Mr. Speaker, again, I'm demanding that this government here ask the president of Imperial Oil to come up here and sit in this House with us and answer some questions that need to get done. They want to put the pipeline through, and right now a pipeline is not a good thing if they're going to treat people in the communities of the Sahtu. So, again, Mr. Speaker, I ask if this government here, through the leadership of the Premier, to ask the president to come up, talk to the people in Norman Wells, talk to this Legislative Assembly, and say is this how you're going to do business in the future. You know, it's David and Goliath time.

---Applause

MR. SPEAKER: Thank you, Mr. Yakeleya. Mr. Handley.

Further Return To Question 53-15(6): Future Of Norman Wells Gas Field

HON. JOE HANDLEY: Thank you, Mr. Speaker. If the Government of Canada would just turn their one-third share over to us, it would be much easier to resolve this. But, Mr. Speaker, I can't speak for the federal government and where they are on their share. I expect that Imperial is the operating partner and the majority partner, so they are calling the shots. Mr. Speaker, I will be getting more information on this one. We will be talking with Imperial on it; we will hear what they have to say and at that time

decide when, where and how we should meet with the Town of Norman Wells. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Handley. Oral questions. The honourable Member for Nunakput, Mr. Pokiak.

Question 54-15(6): Funding For The Tuktoyaktuk Access Road To Gravel Source 177

MR. POKIAK: Thank you, Mr. Speaker. Mr. Speaker, today in my Member's statement I indicated that I think the Beaufort-Delta is being left out again with projects. I'm speaking in terms of the mention of a Deh Cho Bridge and everything over the last couple of days. I understand, Mr. Speaker, that the new highways are the responsibility of the federal government, but at the same time with the recent announcement by the federal government about \$25 million over seven years. My question is for the Minister responsible for Transportation, Mr. Menicoche. I understand that right now they're still trying to find out how that money can be spent. So I'd like to ask the Minister, has his department determined what the stipulations are with regard to that funding, or can that funding be used to construct a 22-kilometre access road to Tuktoyaktuk from source 177? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Pokiak. The honourable Minister for Transportation, Mr. Menicoche.

Return To Question 54-15(6): Funding For The Tuktoyaktuk Access Road To Gravel Source 177

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. I can assure the Member that myself and this government, that we are doing nothing; that we are not saying no to the Inuvik-Tuk road. Some of the new initiatives that have been announced in the federal budget, the details are still being worked out and we'd like to see what they are so we can roll out the program. We've committed to the House and to committee that we'd like to work with you in identifying the priorities of where to allocate that money there, Mr. Speaker. Certainly, we have maintained, and will always maintain, that responsibility for new roads rests with the federal government. Mahsi cho.

MR. SPEAKER: Thank you, Mr. Menicoche. Supplementary, Mr. Pokiak.

Supplementary To Question 54-15(6): Funding For The Tuktoyaktuk Access Road To Gravel Source 177

MR. POKIAK: Thank you, Mr. Speaker. I'd like to ask the Minister, has the government decided which priorities are in place right now with regard to spending that money and is the access road to source 177 to Tuk one of the highest priorities? Thank you.

MR. SPEAKER: Thank you, Mr. Pokiak. Mr. Menicoche.

Further Return To Question 54-15(6): Funding For The Tuktoyaktuk Access Road To Gravel Source 177

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. I'd just like to say that the Premier and I are very supportive of the initiative that you continue to raise in this House. It is a good initiative of the honourable Member and something that we always support are ground base initiatives. That project specifically will be addressed in the fullness of time, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Menicoche. Supplementary, Mr. Pokiak.

Supplementary To Question 54-15(6): Funding For The Tuktoyaktuk Access Road To Gravel Source 177

MR. POKIAK: Thank you, Mr. Speaker. I'd like to ask the Minister, has he had discussion with his Cabinet already to make sure that some of that \$25 million that's identified right now from the federal government will be allocated towards source 177 from Tuk? Thank you.

MR. SPEAKER: Thank you, Mr. Pokiak. Mr. Menicoche.

Further Return To Question 54-15(6): Funding For The Tuktoyaktuk Access Road To Gravel Source 177

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. That particular project, source 177, is amongst the many priorities that are laying before us as Cabinet to decide on. Once again, we'll work with committee in establishing the priorities as laid out by the guidelines of how we're going to spend the money for the federal programming that has been announced. Mahsi.

MR. SPEAKER: Thank you, Mr. Menicoche. Final supplementary, Mr. Pokiak.

Supplementary To Question 54-15(6): Funding For The Tuktoyaktuk Access Road To Gravel Source 177

MR. POKIAK: Thank you, Mr. Speaker. I appreciate the Minister providing information but again, I think, this is a gravel source that's really required by the community and I think it's really important that if government wants to help people build pads and build roads, access roads and stuff like that, I think for the community of Tuktoyaktuk, this is one issue that's really important to their hearts and that it's really important that they find the funds for the allocation from Tuk to Inuvik, the 22 kilometres. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Pokiak. Mr. Menicoche.

Further Return To Question 54-15(6): Funding For The Tuktoyaktuk Access Road To Gravel Source 177

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. Our government and this department continue discussions with Inuvik-Tuk road committee and we are considering it seriously. In fact, we had provided the Hamlet of Tuktoyaktuk with \$25,000 in the past and the federal government has committed some funding towards the engineering and survey work required for the road to source 177. So we've continued to move forward on this agenda item that is very important to the Member. Mahsi.

MR. SPEAKER: Thank you, Mr. Menicoche. Oral questions. The honourable Member for Kam Lake, Mr. Ramsay.

Question 55-15(6): Deh Cho Bridge Proposal

MR. RAMSAY: Thank you, Mr. Speaker. Mr. Speaker, I'd like to continue with a line of questioning for the Minister of Transportation. Again it's on the Deh Cho Bridge project and I'd like to certainly sign up to negotiate with this government. I mean, here the Minister talks about negotiations going on and these guys can't even put a top level on what they're willing to spend; what the tolls are going to be. It's an open-ended negotiation. I think that's what I haven't heard from the government is what is the ceiling? Where are we going to go to? What are we prepared to spend? What are we willing to put the residents here at risk of paying in terms of consumer goods? What's going to be the increase to consumer goods here in the North Slave region? So I'd like to, again, ask the Minister of Transportation, and I understand negotiations are going on, what is the ceiling?

Is it an open-ended negotiation and we're going to build a bridge at any cost? Is that what's going to happen, Mr. Speaker? Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The honourable Minister responsible for Transportation, Mr. Menicoche.

Return To Question 55-15(6): Deh Cho Bridge Proposal

HON. KEVIN MENICOCHÉ: Thank you, Mr. Speaker. As per the Deh Cho Bridge Act, we've committed to \$6 per ton for the trucks per load plus inflationary costs over the years that come. As well, Mr. Speaker, we have committed a lot of the costs that it actually costs us to operate our ferries and ice bridges right now. Thank you.

MR. SPEAKER: Thank you, Mr. Menicoche. Supplementary, Mr. Ramsay.

Supplementary To Question 55-15(6): Deh Cho Bridge Proposal

MR. RAMSAY: Thank you, Mr. Speaker. Mr. Speaker, I'm still a little bit confused on this aspect of it, too. Yesterday in the sessional statement by the Premier, the Premier talked of a couple of things: the Deh Cho Bridge project on one hand and then on the other hand we talk of the Taltson expansion, which would take, in his sessional statement, an estimated 2,000 truckloads of fuel from going across that bridge. In my estimation, and the Minister said it earlier today, it's \$250 a truckload; that equates to over \$1 million in lost revenue, lost whole revenue on that bridge. Has the government accounted for that lost revenue should the Taltson expansion go ahead? Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. Mr. Menicoche.

Further Return To Question 55-15(6): Deh Cho Bridge Proposal

HON. KEVIN MENICOCHÉ: Thank you, Mr. Speaker. Some of the discussion that we have been talking to the Deh Cho Bridge Corporation with is, of course, still in our concession agreement, but some of the maximum costs that we are looking at is up to around \$4 million a year annually to the Deh Cho Bridge Corporation. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Menicoche. Supplementary, Mr. Ramsay.

Supplementary To Question 55-15(6): Deh Cho Bridge Proposal

MR. RAMSAY: Thank you, Mr. Speaker. Mr. Speaker, I'd like to get that figure of \$4 million, and I guess it's in Hansard now, so I'm not sure if it's written in stone anywhere but that would be a good place to start, and I don't think it should go over that, Mr. Speaker. I'd also like to ask a question to the Minister about risk. Should the toll revenue decrease \$1 million a year five years from now, who's going to absorb that \$1 million in risk, Mr. Speaker? Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. The time for question period has expired; however, I'll allow this line of questioning to continue. Mr. Menicoche.

Further Return To Question 55-15(6): Deh Cho Bridge Proposal

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. That level of detail is in the concession

agreement as to risk factors, what happens if the federal government bans trucks altogether where do we even collect any money at all. Some of those details are in the concession agreement. That level of detail, I cannot state in this House at this moment, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Menicoche. Final supplementary, Mr. Ramsay.

Supplementary To Question 55-15(6): Deh Cho Bridge Proposal

MR. RAMSAY: Thank you, Mr. Speaker. Mr. Speaker, again, that points clearly to why it is so very, very important that before the government enters into a concession agreement, that it shares the information with Members of this House so that we can ask questions so that we can assess the risk that the government, not just this government but the next governments for the next 35 years are going to be having to live with. So will the Minister commit to sharing that level of detail with this House before a concession agreement is signed off? Thank you.

MR. SPEAKER: Thank you, Mr. Ramsay. Mr. Menicoche.

Further Return To Question 55-15(6): Deh Cho Bridge Proposal

HON. KEVIN MENICOCHÉ: Thank you very much, Mr. Speaker. Yes, we can provide that to the Member and to the committee at the appropriate time. I think I said we committed to find some time next week to further discuss the Deh Cho Bridge project in as much detail as we can to the committee. Thank you.

MR. SPEAKER: Thank you, Mr. Menicoche. The time for oral questions has expired. Written questions. The honourable Member for Yellowknife Centre, Mr. Hawkins.

ITEM 9: WRITTEN QUESTIONS

Written Question 4-15(6): Consumer Protection On Gas Prices

MR. HAWKINS: Thank you, Mr. Speaker. Mr. Speaker, my question is for the Minister of Finance.

During the winter road closure and in the absence of ferry service, automotive and home heating oil prices in Yellowknife have continued to rise without re-supply.

Please provide examples of past and current instances where the government has intervened on behalf of the consumer in order to prevent price gouging of fuel costs and please provide a detailed list of the legislation used to do so.

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Hawkins. Written questions. The honourable Member for Sahtu, Mr. Yakeleya.

Written Question 5-15(6): Supports For Secondary School Students

MR. YAKELEYA: Thank you, Mr. Speaker. My question is for the Minister of Education, Culture and Employment.

1. Can the Minister provide to me as to how the funding formula for small high schools ensures that core courses that our students take can and will get them into universities and/or colleges?
2. Can the Minister explain to me how students in these small high schools who want to take courses such as biology, chemistry or trades in their community?

3. Who is responsible for paying the cost of sending students to other high schools to take courses that are not offered in our small high schools?

Thank you.

MR. SPEAKER: Thank you, Mr. Yakeleya. Written questions. Returns to written questions. Replies to opening address. Petitions. Reports of committees on the review of bills. Tabling of documents. The honourable Member for Yellowknife Centre, Mr. Hawkins.

ITEM 14: TABLING OF DOCUMENTS

Tabled Document 13-15(6): Letter From NWT Human Rights Commission Regarding Housing For Persons With Assistive Animals

MR. HAWKINS: Thank you, Mr. Speaker. I have three documents to table today. The first one is a letter from the Human Rights Commissioner here in the NWT in regards to human rights and housing for persons with assistive animals.

Tabled Document 14-15(6): Ontario Court Of Justice Judgement Regarding Assistive Animals

Tabled Document 15-15(6): British Columbia Human Rights Tribunal Decision Regarding Assistive Animals

The second and third items are two cases that Ontario and British Columbia have heard in regards to pet policies and people with disabilities. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Hawkins. Tabling of documents. Notices of motion. Notices of motion for first reading of bills. The honourable Member responsible for Finance, Mr. Roland.

ITEM 16: NOTICES OF MOTION FOR FIRST READING OF BILLS

HON. FLOYD ROLAND: Thank you, Mr. Speaker. I have a bunch of notices I would like to give.

Bill 9: Write-off Of Debts Act, 2007-2008

Mr. Speaker, I give notice that on Monday, May 14, 2007, I will move that Bill 9, Write-off of Debts Act, 2007-2008, be read for the first time.

Bill 10: Forgiveness Of Debts Act, 2007-2008

Mr. Speaker, I also give notice that on Monday, May 14, 2007, I will move that Bill 10, Forgiveness of Debts Act, 2007-2008, be read for the first time.

Bill 12: Public Health Act

Mr. Speaker, I give notice that on Monday, May 14, 2007, I will move that Bill 12, Public Health Act, be read for the first time.

---Applause

Bill 13: Change Of Name Act

Mr. Speaker, as well, I give notice that on Monday, May 14, 2007, I move that Bill 13, Change of Name Act, be read for the first time.

---Applause

Bill 15: Liquor Act

Mr. Speaker, I give notice that on Monday, May 14, 2007, I will move that Bill 15, Liquor Act, be read for the first time. Thank you, Mr. Speaker.

---Applause

SOME HON. MEMBERS: Yay!

MR. SPEAKER: Thank you, Mr. Roland. Notices of motion for first reading of bills. The honourable Minister of Justice, Mr. Bell.

Bill 11: Miscellaneous Statutes Amendment Act, 2007

HON. BRENDAN BELL: Mr. Speaker, I give notice that on Monday, May 14, 2007, I will move that Bill 11, Miscellaneous Statutes Amendment Act, 2007, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Bell. Notices of motion for first reading of bills. The honourable Minister of Education, Culture and Employment, Mr. Dent.

Bill 14: Employment Standards Act

HON. CHARLES DENT: Thank you, Mr. Speaker. I give notice that on Monday, May 14, 2007, I will move that Bill 14, Employment Standards Act, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Dent. Notices of motion for first reading of bills. The honourable Member for Thebacha, Mr. Miltenberger.

Bill 16: An Act To Amend The Legislative Assembly And Executive Council Act

MR. MILTENBERGER: I give notice that on Monday, May 14, 2007, I will move that Bill 16, An Act to Amend the Legislative Assembly and Executive Council Act, be read for the first time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Miltenberger. Notices of motion for first reading of bills. Motions. First reading of bills. Second reading of bills. Consideration in Committee of the Whole of bills and other matters: Bill 1, Bill 2 and Bill 3, with Mrs. Groenewegen in the chair.

ITEM 20: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

CHAIRPERSON (Mrs. Jane Groenewegen): Okay. I would like to call Committee of the Whole to order. I would ask what is the wish of the committee this afternoon? Mr. Jackson Lafferty.

MR. LAFFERTY: Mahsi, Madam Chair. Madam Chair, at this time, the committee wishes to consider Bill 1, An Act to Amend the Partnership Act; Bill 2, An Act to Amend the Condominium Act; and Bill 3, An Act to Amend the Legal Services Act. Mahsi, Madam Chair.

CHAIRPERSON (Mrs. Jane Groenewegen): Thank you, Mr. Lafferty. Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Jane Groenewegen): Okay. We will do that right after a short break.

---SHORT RECESS

CHAIRPERSON (Mrs. Groenewegen): Committee of the Whole, I call this committee back to order. I would ask Minister Bell if he would like to provide his opening remarks.

HON. BRENDAN BELL: I would. Madam Chair, if you would allow me just before I start, I would like to say hello to my daughter, Emily, who is watching at home with her friend Myra, I understand. They are probably onto other things by now, but they were watching for a brief moment.

The primary purpose of this bill is to permit the registration of limited liability partnerships formed or operating in the Northwest Territories and to establish basic rules and procedures for the registration of these partnerships.

In a general partnership, each partner is liable for the obligations of the partnership, as well as the obligations of all other partners. Once the partnership assets have been used to satisfy any claims, the personal assets of each partner are available to satisfy claims. In a limited liability partnership, only the personal assets of the negligent partner would be available in addition to the partnership assets. The personal assets of non-negligent partners would be protected.

Limited liability partnerships currently exist in almost all provinces in Canada. Over 50 such partnerships operate in the Northwest Territories but the limited liability of the partners that applies elsewhere is not currently recognized in the NWT.

An ad hoc committee representing the self-regulated professions, in particular the legal and accounting professions, first proposed the registration and recognition of limited liability partnerships. The Department of Justice supported this request and ultimately prepared a consultation draft of amendments to the Partnership Act that was released to the committee. The committee has indicated its support for the proposed bill in all respects.

The bill also includes a number of minor amendments. In most instances, no change would be made to the substance of the law. The amendments simply update or clarify the language of various provisions of the act.

I wish to thank the Standing Committee on Social Programs for its considered review of this bill. I will be pleased to answer any questions that the committee may have. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Minister Bell. We got the greeting to Emily, the really important things in life. Before I proceed, I would like to recognize in the gallery today, in the visitor's gallery, Mark Aitken, who you often see in this building, his parents, Eric and Freda Aitken are visiting and also his mother-in-law, Doreen Scheer, and they are here for their grandson's graduation. Their grandson, Eric, is graduating this weekend here in Yellowknife. So welcome to the Legislative Assembly; welcome to Yellowknife.

---Applause

Okay. It's now time for the chair of the Standing Committee on Social Programs. Please provide the committee's remarks on the bill. Ms. Lee.

MS. LEE: Thank you, Madam Chair. Maybe I should also say hi to Emily and Myra. They should keep watching and run for office some day.

Madam Chair, the committee held public hearings on Bill 1, An Act to Amend the Partnership Act, in Yellowknife on April 19th and 20th; on May 8th in Tuktoyaktuk; in Inuvik on April 23rd; in Ulukhaktok on April 24th; in Colville Lake on April 25th; and in Behchoko on April 26, 2007.

The committee would like to thank the Minister and the one witness who spoke to this bill on April 19, 2007. The committee heard from Glen Tait, a lawyer in private practice in Yellowknife. Mr. Tait pointed out that the proposed amendments would bring the NWT into line with the rest of Canada and would provide assurances to young professionals considering coming north. It was also pointed out by Mr. Tait that there is still a need to amend the Partnership Act to allow for the creation of professional corporations within partnerships. Professional corporations allow for the protection of basic assets from seizure in the event of a successful lawsuit against an

individual in a partnership. This is also in line with the current practices in the rest of Canada.

The committee understands that the issue of professional corporations is complex and cannot be addressed in this bill. We appreciated the Minister's commitment to work towards introducing the required amendments early in the life of the next Assembly.

Following the clause-by-clause review, a motion was carried to report Bill 1 to the Assembly as ready for Committee of the Whole.

Madam Chair, this concludes the committee's general comments on Bill 1. Individual committee members may have questions and comments as we proceed. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Lee. At this time I would like to ask the Minister if he would like to bring a witness into the Chamber. Mr. Bell.

HON. BRENDAN BELL: I would, thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bell. Is committee agreed?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Thank you. Then I will ask our Sergeant-at-Arms to please escort the witness into the Chamber.

Minister Bell, for the record, would you please introduce your witnesses.

HON. BRENDAN BELL: Thank you, Madam Chair. With me today, on my left is Gary MacDougall; on my right, Mark Aitken from the Department of Justice.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Minister Bell. So on Bill 1, An Act to Amend the Partnership Act, are there any general comments? Mr. Braden.

MR. BRADEN: Thank you, Madam Chair. I speak in favour of the bill. Given the very light load we had from the public, I think this is a demonstration that the bill was well shopped by the department with interested parties. The drafting was quite successful, so this is a very easy one and a straightforward one for us to endorse.

My question, Madam Chair, is whether this amendment, like many others that we deal with, requires any degree of new or rewritten regulation to enable it to be implemented and what would an anticipated implementation date be for this amendment, Madam Chair?

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Braden. Mr. Bell.

HON. BRENDAN BELL: Madam Chair, thank you. It does require that we develop some new regulations. We think we can do that before the end of this calendar year. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bell. I have Ms. Lee.

MS. LEE: Thank you, Madam Speaker. Just as a Member, I would like to speak in support of this bill. I do appreciate that this may not be the most exciting and stimulating piece of legislation that we have had to deal with, but it is an important bill to address a gap that we've had in our business practice, legislation, where for those professionals who are not able to take advantage of the law that allows corporations incorporation that is available to other professionals or other businesspeople in order that they be free from liability issues that could...I don't think this takes away liability responsibility from

professionals, but it does allow those who are practising in professional jobs like lawyers and accountants and not doctors in this jurisdiction since most of them are government employees. Lawyers and accountants are responsible for their professions and they are responsible for their conduct and their duties, but still I think that we want to create a space where they are found to be liable, they have a little bit of protection for that, so they don't lose all their assets or personal belongings or the necessities in life that everybody else is allowed to keep in the event of a mishap.

So I think this is important legislation, especially in light of the fact that a lot of professional companies, law firms and accounting firms, are aligned with offices elsewhere in Canada. There are lots of exchanges of lawyers and accountants where people practising in southern jurisdictions may need to practise in the North and we don't want to be in a situation where they may not want to come up to practise or they may be open to liability questions that they would not be subject to in the rest of the country. This is a step in the right direction to give professionals a little bit of comfort in the way they practise here. I don't think it relieves them from responsibility, but it does give them an equal playing field with the rest of Canada. For that reason, I do support this legislation and I do appreciate the Minister and the government for bringing this forward. With that, I will be voting in favour of this bill. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Lee. Any further general comments? If there are no further general comments, then we will proceed to the clause-by-clause review of the bill. Clause 1. Ms. Lee.

MS. LEE: I'm sorry, Madam Chair. Before we go to clause by clause, I would like to just put on record that the Minister's commitment that would be binding I would think to the next government, that at the earliest opportunity they bring legislation forward to enable professional corporations. Could I ask the Minister to confirm that for the record? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Lee. We will begin the clause by clause. Minister Bell.

HON. BRENDAN BELL: Thank you, Madam Chair. I believe the Member is looking for a commitment that I gave in standing committee the other day about our desire to move forward, look at professional corporations and work towards introducing that in the next government. It does involve some other departments. We think Finance, certainly Health with the Medical Professions Act and possibly some others. So we have flagged it. We are going to bring those departments, which we would logically be involved, together and discuss how we could move this forward. There are also some questions as to why we didn't deal with this at the same time we were dealing with this piece of legislation. It wouldn't be an amendment to the Partnership Act; it would be a new act. It would be amendments to various acts, so it has to be dealt with in another manner. But we are committed to moving that forward and we will do so in the next government. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bell. Okay, if there are no more comments or questions, Bill 1, An Act to Amend the Partnership Act, clause 1.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 2.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 3.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 4.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 5.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 6.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Agreed. Thank you. Onto page 2, clause 7.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 8.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 9.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 10.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 11.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 12.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 13.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Agreed. Thank you. Page 3, clause 14.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 15.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 16.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 17.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Page 4, clause 18.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 19.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 20.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Page 5, clause 21.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 22.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 23.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 24.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 25.

SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 26.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 27.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 28.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 29.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Page 6, clause 30.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 31.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): We now fast forward to page 22 of the bill. Clause 32.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 33.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Clause 34.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Thank you. To the bill as a whole.
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Thank you. Does the committee agree that Bill 1 is ready for third reading?
SOME HON. MEMBERS: Agreed.
CHAIRPERSON (Mrs. Groenewegen): Thank you. Bill 1 is now ready for third reading. I would like to thank Minister Bell, Mr. Aitken, and Mr. MacDougall for helping us with this today.
 The next item on our agenda, then, is Bill 2, An Act to Amend the Condominium Act. Does the Minister have any opening comments on the Condominium Act?
HON. BRENDAN BELL: I do have them, if you can believe it, Madam Chair, in my other chair. So if I can go to my other chair and read the comments, I will do that and come back. Thank you.
CHAIRPERSON (Mrs. Groenewegen): No, you have to recite them from memory.
 ---Laughter
 Minister Bell, when you are ready.
HON. BRENDAN BELL: Madam Chair, I am pleased to appear before the committee to review Bill 2, An Act to Amend the Condominium Act.
 This bill would bring the Condominium Act up to date. A number of amendments were made to address specific issues since the act was first passed in 1969 and the first condominiums were established in 1986, but a thorough review of the act had never been undertaken.
 With this in mind, the Department of Justice developed a consultation paper in the fall of 2005. The paper was made available on the department's website and a copy was distributed to numerous stakeholders, including condominium owners, developers, management

companies, real estate agencies and lawyers. Last spring, public meetings were held to discuss the proposals in communities that currently have condominiums: Yellowknife, Inuvik and Hay River. Public feedback indicated wide support for the proposed amendments. In addition, the consultations identified further changes that have been included in this bill.

A number of important amendments support the principle of consumer protection. While this legislation recognizes decision-making should be left to the owners because condominiums are privately owned buildings, there is also a need for owners, purchasers, lenders and tenants to have the information necessary to make informed decisions.

Fundamental to the review of this act was issues relating to the capital reserve fund and the adequacy of such funds. This bill addresses several critical aspects:

- every condominium would be required to establish a capital reserve fund;
- a condominium would be required to conduct a reserve fund study every five years to assess the long-term needs of the condominium and develop a comprehensive plan to repair or replace depreciating property; and
- the reserve fund study and plan, as well as other relevant material, would be provided to owners in advance of the annual general meeting, and the reserve fund would be a mandatory agenda item at the meeting.

Decisions regarding the amounts to be contributed to the fund would remain with the owners but these requirements will help ensure that owners are able to make knowledgeable decisions in this regard.

Further significant amendments to the act provide for:

- improved disclosure of information to owners, purchasers, mortgagees and tenants;
- a more orderly transition of ownership from the developer to the eventual purchasers of a new condominium, including protections for tenants on the conversion of rental accommodations to a condominium;
- a more appropriate balance in respect of the majority of owners required to terminate a condominium or amend the plan, declaration and bylaws; and
- the option for developers to develop condominiums in phases or for two or more condominiums to amalgamate.

I would like to thank the Standing Committee on Social Programs for its review of this bill. I look forward to responding to any questions the committee may have.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Minister Bell. At this time, I will call on Mr. Robert McLeod if he would please provide the committee's response to the Condominium Act. Mr. McLeod.

MR. MCLEOD: Thank you, Madam Chair. The committee held public meetings on Bill 2, An Act to Amend the Condominium Act, in Yellowknife on April 19th and 20th, and on May 8th in Tuktoyaktuk, and Inuvik on April 23rd, in Ulukhaktok on April 24th, in Colville Lake on April 25th, and in Behchoko on April 26th, 2007. The committee would like to thank the Minister and one presenter for appearing before the committee.

The proposed amendments will provide protection for consumers, provide direction to condo corporations on governance and financial planning, as well as broadening the scope of options available to developers interested in building and selling condominiums. Madam Chair, I would like to now turn it over to my colleague, Mr. Braden, to conclude the report. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. McLeod. Mr. Braden.

MR. BRADEN: Madam Chair, the one presenter to committee, Ms. Cathy Harper of Yellowknife was in favour of the amendments but had a concern with the final consultations by the Department of Justice being done during the Christmas season. It was pointed out by Ms. Harper, and rightly so, that this is not the best time of the year to be closing our consultations on government legislation. However, it was recognized by committee members that the department was working towards some tight deadlines and this is not regular practise.

Following the clause-by-clause review, a motion was carried that Bill 2 was ready for Committee of the Whole. This concludes the committee's general comments on Bill 2. Individual members may have questions and comments as we proceed. Thank you, Madam Chair.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Braden. That concludes the committee's response. Thank you. I will ask if the Minister would like to keep his witnesses in the Chamber. Minister Bell.

HON. BRENDAN BELL: Yes, we would like to do that. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bell. Does the committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Thank you. Then I will turn to the Members for general comments. Are there any general comments? Ms. Lee.

MS. LEE: Thank you, Madam Chair. I would like to just state how important this legislation is really in terms of consumer protection. It is quite surprising that some of the provisions being provided in this bill were either not completed or inadequately addressed in the original Condominium Act. In Yellowknife, I have lived here for...This is my 29th year. In the last 15 years or so, lots of condominiums have gone up or existing dwellings or apartment buildings, but they could be just a collection of housing units or mobile homes have condominiumized. There was a lot happening once in the early '90s. I think a lot of people might have fallen through the gap because of the fact that the legislation was not as strong as it should have been. It is unfortunate that, probably, some of them would not be able to take advantage of this legislation because, typically, legislation does not apply retroactively. In that way, I think that it is very important and good that we are able to address this now.

I have also been a condo owner. I was lucky in my ownership to be a member of the Condominium Corporation where the capital reserve issue or some of the responsibilities of the Condominium Corporation as a group were quite sophisticated and were able to take care of things and make sure the money is collected and they budget for it and they do forecasting. I don't think that is the case for all the corporations. Hence, the need for this legislation. Also, I don't think the general population will buy into condominiums. There are lots of condominiums on sale if you go to the real estate market in the city of

Yellowknife. I am not sure if the potential buyers of condominiums are aware of what some of the things they should be looking into or even are aware of. One of the kinds of questions that I could ask...I remember when I was selling my condominium, I had a very sophisticated potential buyer who asked for lots of documents, but I don't think that is the case for everyone. You are buying into a percentage of ownership of a corporation when you buy a condominium. It is not just the building and the house that you are buying.

I would like to ask the Minister who would be responsible for implementing this legislation for administering this legislation. I assume it is the Department of Justice, but consumer protection section is with MACA. There used to be a separate section in the Department of Justice of consumer affairs, but we don't have that anymore. I would like to ask the Minister who would be responsible for this. What kind of efforts will be made to let the people know that these legislative protections do exist not only for potential buyers of existing corporations, but also communities in the North who may be interested in condominiumizing their property? Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Lee. Mr. Bell.

HON. BRENDAN BELL: Madam Chair, it is our department's act. We are the department that brought this forward. We do have currently available on the website, and I understand it goes out. There are condo owners or interested condo buyers. We have brochures and information that can go out about the existing legislation, existing state today. We are proposing that we would revise that once this legislation is passed and get some more information out there to those who might be interested in buying or selling. We will make them aware of the changes we have made to the legislation. I think the Member is right; we may see more and more of these in other NWT communities as we move forward. It is important that we get this information out. To the question, it is our department that has the responsibility for this legislation. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Minister Bell. Ms. Lee.

MS. LEE: Thank you. Could I ask the Minister to engage his officials to do more, take an extra step? Maybe they are doing that already, but maybe I can get a confirmation from the Minister. I know that not everyone goes through realtors, but a lot of people go through realtors when they buy properties. When you are closing your transaction, realtors have packages of information for purchasers to be aware of whether they're banking, insurance information, fuel delivery and such. I am wondering if the Minister's department will make a conscious effort to get those documents to them. I am assuming that when a condominium corporation gets condominiumized or they register their corporation, perhaps the corporate corporation registry section could...maybe that is already too late because you are incorporating a corporation. Maybe I should just ask the Minister this question and not try to answer it.

What steps could we take to let the potential people who are interested in condominiumizing or getting into this ownership to be aware of all the things they need to do? After all, you could pass the legislation, but we want to make sure that everybody is aware of this and they act accordingly so that they do not fall through the cracks that

they did when they didn't have this kind of protection. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Lee. Minister Bell.

HON. BRENDAN BELL: Madam Chair, it is a good suggestion. We do have this information and we do disseminate it to realtors currently, to lawyers, to those existing condominium corporations. Unfortunately, we obviously don't know who is intending to convert to condominium, so it is difficult for us to know. But we make the information available and also people who are interested and need more information, if they can't find it there, they can always come to the Department of Justice. I think it is pretty widely disseminated already. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Minister Bell. Ms. Lee.

MS. LEE: Thank you, Madam Chair. Just a final follow-up to that. I know that although we didn't have a lot of people coming before us in the committee, this initiative has gone through public consultation in at least three communities. I have had lots of people come up and tell me that they would like to see this legislation passed as soon as possible. We do work here, but not everybody knows what we are doing here on a daily basis. I would like to ask the Minister if he would commit to doing some sort of public awareness, not a campaign but just a public service announcement, maybe a little 30-30 in newspapers -- the 30-30s are little ads in the paper -- just to let people know that such laws exist and that people should be aware of that just as a consumer awareness initiative. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Ms. Lee. Mr. Bell.

HON. BRENDAN BELL: Madam Chair, there is regulation development work that has to happen here once the legislation is passed. In order to do that, we will be sitting down with the condo corporations themselves. We do have a list of stakeholders, a distribution list that we communicate with. I have indicated some of those who are on that list. We will make sure that they have this information and we get it out to them. Thank you.

CHAIRPERSON (Mrs. Groenewegen): Thank you, Mr. Bell. Are there any further general comments? Okay. Does the committee agree that we will proceed with the clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Thank you. Bill 2, An Act to Amend the Condominium Act. Clause 1.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 2.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 3.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 4.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): On page 4, clause 5.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Page 6, clause 6.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Page 14, clause 7.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 8.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 9.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Page 16, clause 10.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 11.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 12.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 13.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): To the bottom of page 22, clause 14.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 15.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): On to page 35, clause 16.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Page 36, clause 17.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 18.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 19.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 20.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 21.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 22.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 23.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 24.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Page 42, clause 25.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Clause 26.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): To the bill as a whole.

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Does the committee agree that Bill 2 is ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mrs. Groenewegen): Thank you. Bill 2 is now ready for third reading. Thank you, again, Minister Bell.

The next item on our agenda is Bill 3. I am going to turn you over to Mr. Ramsay for Bill 3.

CHAIRMAN (Mr. Ramsay): Thank you, committee. I would now like to ask the Minister responsible for Bill 3, the honourable Minister Bell to introduce the bill, please. Mr. Bell.

HON. BRENDAN BELL: Thank you, Mr. Chair. The purpose of this bill is to permit staff lawyers working out of different law clinics of the Legal Services Board to advise both parties in a legal matter without that being in and of itself a conflict of interest.

The Legal Services Board and department identified the need for this amendment in response to a diminishing private bar and increasing reliance on staff lawyers. This amendment is in place in other jurisdictions for the same reason: to ensure the provision of timely and quality legal service to clients. The Law Society, which regulates the legal profession in the Territories, is in support of this amendment.

In the long term, this amendment will allow to continue with, and expand if necessary, its complement of staff lawyers in order to ensure NWT residents have access to family and criminal law services, and that the court system remain accessible.

I would like to thank the Standing Committee on Social Programs for its consideration of this bill. I would be pleased to answer questions that the committee may have. Thank you, Mr. Chair.

CHAIRMAN (Mr. Ramsay): Thank you, Minister Bell. I would now like to ask the Standing Committee on Social Programs for their comments. For that I will turn first to Mr. Braden. Sorry; Mr. Yakeleya.

MR. YAKELEYA: Thank you, Mr. Chair. The Standing Committee on Social Programs met to review Bill 3, An Act to Amend the Legal Service Act, on April 19th and 20th and on May 8th in Yellowknife, on April 23rd in Tuktoyaktuk, and Inuvik and on April 24th in Ulukhaktok; on April 25th in Colville Lake; on April 26th in Behchoko. The committee would like to thank the Minister and all the witnesses who spoke to the bill.

The committee heard from Ms. Katherine R. Peterson, a member of the private bar in Yellowknife. Ms. Peterson was very concerned that the proposed amendment would create a different or a lower standard of conflict of interest for lawyers employed by the legal aid system versus all other practising members of the legal profession. Ms. Peterson referred to the governing rules of the Canadian Bar Association Code of Professional Conduct that had been adopted by the NWT Law Society. She also pointed out that a legal aid program with many community law offices isn't included in the definition of "law firm" for the purposes of interpreting who, in the above mentioned code of conduct, should apply to.

She felt strongly that Bill 3 does not solve the conflict problem but rather exemplifies a conflict situation from consequences which would otherwise apply under the governing code. Recognizing the complexity of the issue at stake, for example, the access to justice questions and

the government's intent to improve the clinical delivery model, she stated that if these different standards for conflict of interest are to be adopted, then the public and other legal aid counsels must have assurance that appropriate protocols, practice, guidelines and directions are in place that adequately protects the interests of clients and confidentiality of information. Mr. Chair, I would like to turn the report now over to Mr. Lafferty.

CHAIRMAN (Mr. Ramsay): Mahsi, Mr. Yakeleya. Mr. Lafferty.

MR. LAFFERTY: Mahsi, Mr. Chair. Mr. Chair, to continue on with the comments. Mr. Brad Enge, a lawyer in private practice from Yellowknife also made a presentation on April 19th expressing his concerns with the bill. He also pointed to the Professional Code of Conduct of the Canadian Bar Association and stated that the conflict of interest would exist regardless of the proposed amendments to the Legal Services Act.

Mr. Enge, like Ms. Peterson, referred to the definition of the law firm which includes legal aid. Furthermore, Mr. Enge made a reference to abundant case law dealing with the obligation of confidentiality, breach of fiduciary obligations and conflict of interest. Mr. Enge suggested two alternative initiatives that Justice could undertake in order to address existing challenges and pressures. One would be to start a recruitment and retention initiative for legal practitioners. The other would be to retain lawyers from neighbouring jurisdictions to avoid conflict when both parties access legal aid. If the bill is approved, he stated that stringent conditions and rules should be implemented internally to ensure that conduct and liability are respected.

In Tuktoyaktuk, Mr. James Pokiak expressed general concerns as a private citizen about fairness when accessing the legal aid system. He referred to the working poor who are just over the set eligible income limit and, therefore, would not qualify for legal aid nor be able to afford to retain legal counsel themselves.

Committee recognizes the challenges that the government and the Department of Justice are facing in terms of providing access to justice and timely legal services to the clients of the Legal Services Board. We believe that the government must take action to address this public interest matter. Committee also considered that the history of backlogs, existing trends and pressures have led to increased reliance on legal services clinics and staff lawyers. If at all possible, committee would prefer that at least one private practice lawyer would be retained in cases where both parties qualify for legal aid in order to avoid any possibility or appearance of conflict of interest. However, it is clear to committee that the private bar in the NWT presently does not have the capacity to address the needs of the legal aid system and that retaining private bar lawyers from other jurisdictions is not fiscally practical or responsible.

Committee also understands the need to address the concerns brought forward by the witnesses. On May 8, 2007, during the clause-by-clause review, the committee discussed these concerns with the Minister and the director of the Legal Services Board, Ms. Lucy Austin. Committee was satisfied with the assurance for protocols both the Minister and Ms. Austin gave. At this time, Mr. Chair, I'd like to hand over the comments to my colleague, Mr. Pokiak. Mahsi.

CHAIRMAN (Mr. Ramsay): Mahsi, Mr. Lafferty. Mr. Pokiak.

MR. POKIAK: Thank you, Mr. Chair, colleagues. Continuing on, the Minister indicated that prior to representing a client, counsel must provide full disclosure of their respective clients from the nature of that employment relationship including supervision by the same director and employment by the Legal Services Board, seek the client's acknowledgement, legal aid lawyers must come from two separate clinics and represent the two parties in one case. Administration of clinics are physically separated and access to files are separated.

Following the clause-by-clause review, a motion was carried to report Bill 3 to the Assembly as ready for Committee of the Whole. Mr. Chair, this concludes the committee's general comments on Bill 3. Individual committee members may have questions or comments as we proceed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ramsay): Thank you very much, Mr. Pokiak. I'd now like to ask the Minister if he could introduce his witness just for the record. Mr. Minister.

HON. BRENDAN BELL: Thank you. We'll have Lucy Austin, who's the executive director of Legal Services Board, joining us and Mark Aitken, as well. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Sergeant-at-Arms if you could escort the additional witness in. Thank you.

Welcome, Ms. Austin, Mr. Aitken, and Mr. Minister. I now open the floor to general comments on Bill 3. Ms. Lee.

MS. LEE: Thank you, Mr. Chair. As you can see from the report of the committee which was prepared and delivered by the hardworking Social Programs committee...

SOME HON. MEMBERS: Hard working committee.

MS. LEE: ...ever so conscientious, and we've done travels on this bill and others. You know, this bill is very interesting and it is trying to address the larger public interest goal of making access to legal services and legal counsel more available to those residents in the NWT who qualify for legal aid. I think everybody is aware of the shortage of lawyers not only here but everywhere in Canada, and we have heard over the years about the serious backlog in family law files and criminal files, which are the other...Probably the criminal don't have as much of a waiting list as family files but, at any rate, we are very well aware of those backlogs and we understand that this is an effort to address those.

So that's the public interest question, but there's a very real issue that we are dealing with here and that is that in the process we don't want to create a situation where our legal aid lawyers may find themselves in any type of conflict of interest situation, whether by perception or actual, and we take those comments given to us by the private practitioners, lawyers, very seriously and, I believe, we have tried to address those in our committee hearing. It's also important for us to put that on record here so that we give assurance and comfort to the public that we have addressed them.

So I'd like to ask the Minister a couple of questions that were not addressed in much detail in any of the opening comments. That has to do with the fact that it is my understanding that the scenario being contemplated in this legislation where the legal aid office is presently allowed to, or they do practice, having two lawyers from the legal aid office representing both sides of a file; say, for example, in family law cases. So could I just get confirmation from the Minister or Ms. Austin that, in fact,

this has been going on and it's been an accepted practice and that this legislation is trying to formalize that? Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Ms. Lee. Mr. Minister.

HON. BRENDAN BELL: That is correct. I want to make the point that we are talking about separate offices, not the same office. So physically separate offices, same employer; the Member is right. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I understand that having separate offices is an important distinction, but the witnesses that appear before us were of the opinion that that may not necessarily address the question of possible conflicts of interest as fully as they would like. So could I ask the Minister, for the record, to elaborate more about why those separate offices are necessary and how that would address this concern and what other procedures are in place to make sure the government addresses any potential conflict of interest question. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Ms. Lee. Mr. Minister.

HON. BRENDAN BELL: Thank you, Mr. Chairman. Yes, the lawyers representing both parties would be from separate offices, the files are separate. Obviously, we need them physically separated. We need to avoid any appearance of conflict of interest. The employer would still be the Legal Services Board or the GNWT, but we do feel it's important to have that separation, that physical separation. That's how it currently exists today. We are going even further to make sure that administration is separated from the local clinics as well, so there is a further barrier and no file sharing.

The one other issue I think that is important would be the fact that there is no information flow between the two offices. We do have some protocols; we discussed some protocols and some directives that can be given to lawyers. Obviously, they are governed by their code of conduct. I will go to Ms. Austin to talk about the kinds of protocols that we can potentially develop to further aid us here in avoiding conflicts. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Ms. Austin.

MS. AUSTIN: Thank you. Just to clarify in terms of the separation, the electronic systems are completely separate, there is no paper flow between the offices, the files are kept separate and there is no information flow between the offices because lawyers don't talk to each other about their files in such a way that they are going to breach confidentiality.

CHAIRMAN (Mr. Ramsay): Thank you, Ms. Austin. Ms. Lee.

MS. LEE: Thank you, Ms. Austin. One of our witnesses, Ms. Peterson, when she appeared before us, she gave us an example. I think in her view, even if you have separate offices in legal services, that is not any different from any law firms and many large law firms and even law firms in Yellowknife where they have offices in Yellowknife, Vancouver and Toronto. There are lots of branch offices here where they are headquartered elsewhere. Even if a lawyer has a file in Yellowknife, a lawyer employed by that same law firm based in Vancouver would not be able to take on the other side of the same file. That would

constitute a conflict. The distinction here is that while the law firm where they have branch offices here, they would share the same admin offices and the same files, whereas the legal aid offices here do not. The crucial matter here is the definition of what a law firm is. Some witnesses who came before us in our public hearings felt that the legal aid office as a whole, whether or not the legal aid office is including their branch offices in Inuvik and two offices in Yellowknife, constitute a law firm, and that two lawyers within this law firm should be able to represent two sides on a file.

Some of the suggestions that she made was to do a very strong disclosure when the clients come and they get a lawyer assigned within legal aid here, that they are advised about the fact that a family law file, one spouse gets legal assistance from legal aid. Say if it's a man, his ex-wife, his current wife or his separated wife, if she gets assigned another lawyer from the legal aid, that they are advised that they are being represented by legal aid, both, and that there would be some kind of consent or acknowledgement so they are aware that they are being represented by the same legal aid service. Can I ask the Minister what steps in that regard they are taking to make sure that people who come to the legal aid office and if both parties are represented by legal aid, that they will be made aware of that and address that possible conflict of interest? Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Ms. Lee. Mr. Minister.

HON. BRENDAN BELL: Mr. Chairman, a number of points were made by the Member. Let me first start by saying we are working to try to get more members to the private bar who would be interested in doing this type of legal aid work as it relates to civil matters. We are working cooperatively with the Law Society on recruitment and retention initiatives. We have been doing some joint work at ventures in the South to try to recruit more members into the bar. I think that is the answer. Ideally, we would like to not have this issue. Other larger jurisdictions have the luxury, where there are more members doing this kind of work, to insist that a staff lawyer from the government only represent one party. We would like to be able to insist on that in future. So we would need to continue to work. But in the interim, if we were to stipulate that we can only represent one party in a case, it would result in material delays to getting to court and seeing representation. That is our first aim, to see that all parties have competent and timely legal help, legal advice, legal representation.

So we would agree that the issue of disclosure is important and we are intending to make sure that both parties understand the nature of the relationship, the employment relationship. In fact, including that they are supervised by the same director and the employer is the Legal Services Board. So we would agree that it makes sense to provide that information, provide full disclosure and also go a step further in ensuring that both parties acknowledge that they understand this relationship, this employment relationship.

We do have a concern about seeking client consent. Members obviously know that any party can decide that they don't feel comfortable with this and they can walk away and go and find somebody in the private bar if they so choose for themselves. Our concern is having them, we think it would be potentially right for abuse, having them able to say they won't give their consent and forcing the other party to go and look for a lawyer in the private bar. There is the potential for that abuse and it would

cause significant delays. So we agree with the disclosure. We agree that there should be some acknowledgement provision built in. We have a concern with the consent. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Are there any further general comments on Bill 3? Mr. Yakeleya.

MR. YAKELEYA: Thank you. A short comment, Mr. Chair. I certainly want to encourage this strong protocol, folks, in terms of implementing this legislation here and the situation we, in the Northwest Territories, have to deal with in terms of the shortage of lawyers and the court issue and making this legislation sensitive to people in the smaller communities to deal with and having a strong procedure in place that would ensure that they are getting the services they require to handle sensitive and difficult issues in the court proceedings.

I just want to urge the Minister, Mr. Chairman. I also note the Minister's comments in the interim. In an ideal world, we want to see that this doesn't have to be the case here. However, because of the situation we are in, our finances, that's the challenge we have in our communities. I guess that's what happens when you live in a shoe. You have to deal with what you have to deal with. I hope that some day we will take a look at this legislation again and deal with it in that way. A witness came before us and spoke about the issues of conflict of interest and how we deal with that. So I am going to support the bill on this. Those are my comments. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Yakeleya. I didn't hear a question there. I am going to move to the next general comment. Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. This was an interesting process for me. I am always learning around here and this one gave me some insights into the legal community and the significance of conflict and how it's managed and assessed. I speak in favour of the amendment. But to this aspect that was brought to our attention, that is the providers of this service to the public of the NWT, we must also be mindful of this very significant principle of providing legal services. While we are cognizant of potential conflicts that will occur or have occurred or are occurring and will, that we can, with good administration and good practice and good protocol, avoid the true consequences of a conflict inadvertent or otherwise. In fact, if I recall, the witnesses that appeared before committee, while they pointed out the legal services administration, they also indicated that with good practise, they were supportive of the bill going through. So that is what gives me the confidence to endorse this amendment and the certainties that we were given by the Minister and his staff that, indeed, we can protect the general public and clients from the consequences from the bad side of conflict. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ramsay): Thank you for your comments, Mr. Braden. Next on the list I have Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Just a short follow-up question. We learned during our public hearings, Mr. Chairman, from the Minister that the NWT Law Society was consulted on this legislation and that the Minister received consent or approval from the Law Society. So could I ask the Minister what form of public consultation has taken place with the Law Society? Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Ms. Lee. Mr. Minister.

HON. BRENDAN BELL: Mr. Chairman, I am not sure how the Law Society handled the consultation with their own membership. We brought it to their attention and presumably they took it to their membership. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Anything further, Ms. Lee?

MS. LEE: Maybe our Law Clerk can help me with this. It was committee's understanding that the Law Society was formally contacted. I think it's important that they have a say in this. It was our understanding from somebody that this was communicated to them and they had no objection to this amendment. Thank you.

CHAIRMAN (Mr. Ramsay): Thank you, Ms. Lee. Mr. Minister.

HON. BRENDAN BELL: Sorry; just to be clear, we contacted the Law Society. They indicated they were in support of this. I am not sure what internal consultation they would have done, but they did indicate they were in support of this.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Anything further, Ms. Lee? Thank you. Any further general comments on Bill 3?

SOME HON. MEMBERS: No.

CHAIRMAN (Mr. Ramsay): Does committee agree we go clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Thank you, committee. We are on Bill 3, An Act to Amend the Legal Services Act. Page 1, clause 1.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Clause 2.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Does committee agree to Bill 3, as a whole?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Does committee agree that Bill 3 is ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ramsay): Thank you, committee. Bill 3 is now ready for third reading. I would like to thank you, Mr. Minister, Ms. Austin and Mr. Aitken, for being with us this afternoon. Mr. Minister.

HON. BRENDAN BELL: Sorry; just before we go, Mr. Chairman, I wanted to make the point on the record that we looked at a number of other jurisdictions. I talked about the best case scenario where we would have enough private bar lawyers doing this type of work. We did look at some other jurisdictions that have similar models. I was hoping that maybe Mr. Aitken could provide some insight into the draft of this legislation and which of the jurisdictions we looked at.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Minister. Yes, I will go to Mr. Aitken.

MR. AITKEN: Thank you, Mr. Chairman. The Minister was right in his earlier remarks when he talked about the difference between larger jurisdictions like Ontario and British Columbia where there is a large private bar and this kind of legislation is not necessary. The bill we have before us is similar to legislation for smaller jurisdictions in Canada. Newfoundland, Manitoba and Saskatchewan

have provisions in their legislation like this. I am suspecting some of those jurisdictions, they don't need it in every community, but in smaller communities where there are legal aid clinics, they may very well need it. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ramsay): Thank you very much, Mr. Aitken. Now I would like to ask committee, what is the wish of committee? Mr. Lafferty.

MR. LAFFERTY: Mahsi, Mr. Chair. I move to report progress, Mr. Chair. Mahsi.

CHAIRMAN (Mr. Ramsay): Thank you, Mr. Lafferty. The motion is to report progress. The motion is not debatable. All those in favour? All those opposed? The motion is carried.

---Carried

I will rise and report progress. Thank you.

MR. SPEAKER: Can I have the report of Committee of the Whole, please? Mr. Ramsay.

ITEM 21: REPORT OF COMMITTEE OF THE WHOLE

MR. RAMSAY: Thank you, Mr. Speaker. Your committee has been considering Bill 1, An Act to Amend the Partnership Act; Bill 2, An Act to Amend the Condominium Act; and Bill 3, An Act to Amend the Legal Services Act, and would like to report that Bills 1, 2 and 3 are ready for third reading. Mr. Speaker, I move that the report of Committee of the Whole be concurred with.

MR. SPEAKER: Thank you, Mr. Ramsay. Do we have a seconder? The honourable Member for Range Lake, Ms. Lee. All those in favour? All those opposed? The motion is carried.

---Carried

Third reading of bills. Mr. Clerk, orders of the day.

ITEM 23: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Mercer): Mr. Speaker, there will be meetings of the standing committees on Governance and Economic Development and Social Programs at the rise of the House. Orders of the day for Friday, May 11, 2007, at 10:00 p.m.:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Acknowledgements
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to Opening Address
11. Petitions
12. Reports of Standing and Special Committees
13. Reports of Committees on the Review of Bills
14. Tabling of Documents
15. Notices of Motion
16. Notices of Motion for First Reading of Bills
17. Motions
18. First Reading of Bills

- Bill 8, Supplementary Appropriation Act, No. 1, 2007-2008

19. Second Reading of Bills

20. Consideration in Committee of the Whole of Bills and Other Matters

21. Report of Committee of the Whole

22. Third Reading of Bills

- Bill 1, An Act to Amend the Partnership Act

- Bill 2, An Act to Amend the Condominium Act

- Bill 3, An Act to Amend the Legal Services Act

23. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. Accordingly, this House stands adjourned until Friday, May 11th, at 10:00 a.m.

---ADJOURNMENT

The House adjourned at 16:59.