



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

3rd Session

11th Assembly

HANSARD  
Official Report  
Day 3

Friday, October 14, 1988

Pages 44 - 94

Speaker: The Hon. Red Pedersen, M.L.A.

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

Speaker

The Hon. Red Pedersen, M.L.A.  
 General Delivery  
 Coppermine, N.W.T.  
 XOE OEO  
 (403) 873-7629 (Office)  
 (403) 873-5788 (Home) (Yellowknife)  
 (403) 982-5788 (Coppermine)  
 (Kitikmeot West)

Allooloo, The Hon. Titus, M.L.A.  
 5024 - 57th Street  
 Yellowknife, N.W.T.  
 X1A 1Y6  
 (403) 873-7113 (Office)  
 (403) 873-4813 (Home)  
 (Amittuq)  
 Minister of Culture & Communications  
 and Renewable Resources

Angottitauruq, Mr. Michael, M.L.A.  
 General Delivery  
 Gjoa Haven, N.W.T.  
 XOE 1J0  
 (403) 360-6600 (Office)  
 (403) 360-6704 (Home)  
 (Natilikmiot)  
 Deputy Chairman  
 Committee of the Whole

Arlooktoo, Mr. Joe, M.L.A.  
 General Delivery  
 Lake Harbour, N.W.T.  
 XOA ONO  
 (819) 939-2363 (Home)  
 (Baffin South)

Ballantyne, The Hon. Michael, M.L.A.  
 P.O. Box 1091  
 Yellowknife, N.W.T.  
 X1A 2N8  
 (403) 873-7658 (Office)  
 (403) 920-2963 (Home)  
 (Yellowknife North)  
 Minister of Finance and Justice

Butters, Mr. Tom, M.L.A.  
 P.O. Box 1069  
 Inuvik, N.W.T.  
 XOE OTO  
 (403) 979-2373 (Office)  
 (403) 979-2373 (Home)  
 (Inuvik)

Cournoyea, The Hon. Nellie, M.L.A.  
 P.O. Box 1184  
 Inuvik, N.W.T.  
 XOE OTO  
 (403) 873-7128 (Office)  
 (403) 977-2405 (Tuktoyaktuk)  
 (403) 979-2737 (Inuvik)  
 (Nunakput)  
 Minister of Health and Public  
 Works & Highways

Crow, Mr. Charlie, M.L.A.  
 General Delivery  
 Sanikiluaq, N.W.T.  
 XOA OWO  
 (819) 266-8940 (Home)  
 (Hudson Bay)

Ernerk, Mr. Peter, M.L.A.  
 Box 182  
 Rankin Inlet, N.W.T.  
 XOC OGO  
 (819) 645-2800  
 (819) 645-2500  
 (Aivilik)

Gargan, Mr. Samuel, M.L.A.  
 General Delivery  
 Fort Providence, N.W.T.  
 XOE OLO  
 (403) 873-7999 (Office)  
 (403) 699-3171 (Home)  
 (Deh Cho)  
 Deputy Speaker and Chairman,  
 Committee of the Whole

Kakfwi, The Hon. Stephen, M.L.A.  
 P.O. Box 1320  
 Yellowknife, N.W.T.  
 X1A 2L9  
 (403) 873-7139 (Office)  
 (403) 873-8215 (Home)  
 (Sahtu)  
 Minister of Education, Government  
 Services and Housing

Kilabuk, Mr. Ipeelee, M.L.A.  
 General Delivery  
 Pangnirtung, N.W.T.  
 XOA ORO  
 (819) 437-8827 (Home)  
 (Baffin Central)

Lewis, Mr. Brian, M.L.A.  
 P.O. Box 1320  
 Yellowknife, N.W.T.  
 X1A 2L9  
 (403) 873-7999 (Office)  
 (403) 873-5549 (Home)  
 (Yellowknife Centre)

Marie-Jewell, The Hon. Jeannie, M.L.A.  
 P.O. Box 1051  
 Fort Smith, N.W.T.  
 XOE OPO  
 (403) 873-7959 (Office)  
 (403) 872-2940 (Home)  
 (Slave River)  
 Minister of Social Services and  
 Personnel

McLaughlin, Mr. Bruce, M.L.A.  
 P.O. Box 2637  
 Yellowknife, N.W.T.  
 X1A 2P9  
 (403) 393-2939 (Office)  
 (403) 393-2226 (Home)  
 (403) 920-3166 (Office)  
 (403) 873-6220 (Home)  
 (Pine Point)

Morin, Mr. Don, M.L.A.  
 General Delivery  
 Fort Resolution, N.W.T.  
 XOE OMO  
 (403) 394-3471  
 (Tu Nede)

Nerysoo, Mr. Richard, M.L.A.  
 Fort McPherson, N.W.T.  
 XOE OJO  
 (403) 979-2668 (Home) (Inuvik)  
 (Mackenzie Delta)

Patterson, The Hon. Dennis, M.L.A.  
 P.O. Box 310  
 Iqaluit, N.W.T.  
 XOA OHO  
 (403) 873-7112 (Office)  
 (819) 979-5993 (Office)  
 (403) 873-2802 (Home)  
 (Iqaluit)  
 Government Leader,  
 Chairman of Executive Council,  
 Minister of Executive

Pollard, Mr. John D., M.L.A.  
 Box 1095  
 Hay River, N.W.T.  
 XOE ORO  
 (403) 874-2345 (Office)  
 (403) 874-2600 (Home)  
 (Hay River)

Pudluk, Mr. Ludy, M.L.A.  
 P.O. Box 240  
 Resolute Bay, N.W.T.  
 XOA OVO  
 (819) 252-3719 (Home)  
 (High Arctic)

Sibbeston, Mr. Nick, M.L.A.  
 P.O. Box 560  
 Fort Simpson, N.W.T.  
 XOE ONO  
 (403) 873-6215 (Home)  
 (Nahendeh)

Wray, The Hon. Gordon, M.L.A.  
 Baker Lake, N.W.T.  
 XOC OAO  
 (403) 873-7962 (Office)  
 (819) 793-2700 (Home)  
 (Kivallivik)  
 Minister of Municipal & Community  
 Affairs and Economic Development  
 & Tourism

Zoe, Mr. Henry, M.L.A.  
 P.O. Box 1320  
 Yellowknife, N.W.T.  
 X1A 2L9  
 (403) 873-7999 (Office)  
 (403) 873-4136 (Home)  
 (Rae - Lac la Martre)  
 Deputy Chairman,  
 Committee of the Whole

Officers

Clerk  
 Mr. David Hamilton  
 Yellowknife, N.W.T.

Clerk Assistant  
 Mrs. Rhoda Perkison  
 Yellowknife, N.W.T.

Law Clerk  
 Mr. Don Cooper, Q.C.  
 Yellowknife, N.W.T.

Editor of Hansard  
 Ms Marie J. Coe  
 Yellowknife, N.W.T.

Sergeant-at-Arms  
 Mr. Harry Finnis, B.E.M., C.D.  
 Fort Smith, N.W.T.

**TABLE OF CONTENTS**

**FRIDAY, OCTOBER 14, 1988**

	<b><u>PAGE</u></b>
<b>Prayer</b>	<b>44</b>
<b>Minister's Statements</b>	
- 7-88(2) Child Care	44
- 8-88(2) Young Offender Facility	45
- 9-88(2) Support for the Constitutional Alliance	47
- 10-88(2) Artists in our Schools	47
<b>Members' Statements</b>	
- Mr. Nerysoo on Role of Public Servants in Political Campaigns	48
- Mr. Lewis on Process for Choosing Executive Council Ministers	48
- Mr. McLaughlin on Development of Public Service Commission	48
- Mr. Gargan on Extended Health Care Benefits for Seniors	49
- Hon. Stephen Kakfwi on Representatives of International Youth for Peace and Justice Tour	49
<b>Returns to Oral Questions</b>	<b>49</b>
<b>Oral Questions</b>	<b>50</b>
<b>Returns to Written Questions</b>	<b>61</b>
<b>Tabling of Documents</b>	<b>61</b>
<b>Notices of Motion</b>	<b>62</b>
<b>Motions</b>	<b>45</b>
<b>Consideration in Committee of the Whole of:</b>	
- Bill 3-88(2) Condominium Act	62
- Bill 5-88(2) Disease Registries Act	62
- Bill 8-88(2) Evidence Act	62

THE HISTORY OF THE  
CITY OF BOSTON

1630  
1631  
1632  
1633  
1634  
1635  
1636  
1637  
1638  
1639  
1640  
1641  
1642  
1643  
1644  
1645  
1646  
1647  
1648  
1649  
1650  
1651  
1652  
1653  
1654  
1655  
1656  
1657  
1658  
1659  
1660  
1661  
1662  
1663  
1664  
1665  
1666  
1667  
1668  
1669  
1670  
1671  
1672  
1673  
1674  
1675  
1676  
1677  
1678  
1679  
1680  
1681  
1682  
1683  
1684  
1685  
1686  
1687  
1688  
1689  
1690  
1691  
1692  
1693  
1694  
1695  
1696  
1697  
1698  
1699  
1700

**TABLE OF CONTENTS, OCTOBER 14, 1988 (CONTINUED)**

	<u>PAGE</u>
- Bill 9-88(2) International Sale of Goods Act	62
- Bill 11-88(2) Judicature Act	62
- Bill 16-88(2) Reciprocal Enforcement of Judgments (Canada - U.K.) Act	62
<b>Report of Committee of the Whole of:</b>	
- Bill 3-88(2) Condominium Act	93
- Bill 5-88(2) Disease Registries Act	93
- Bill 8-88(2) Evidence Act	93
- Bill 9-88(2) International Sale of Goods Act	93
- Bill 11-88(2) Judicature Act	93
- Bill 16-88(2) Reciprocal Enforcement of Judgments (Canada - U.K.) Act	93
<b>Orders of the Day</b>	93

YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, OCTOBER 14, 1988

MEMBERS PRESENT

Hon. Titus Allooloo, Mr. Arlooktoo, Hon. Michael Ballantyne, Mr. Butters, Hon. Nellie Cournoyea, Mr. Crow, Mr. Ernerk, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Kilabuk, Mr. Lewis, Hon. Jeannie Marie-Jewell, Mr. McLaughlin, Mr. Morin, Mr. Nerysoo, Hon. Dennis Patterson, Mr. Pollard, Hon. Red Pedersen, Mr. Pudluk, Mr. Sibbeston

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Red Pedersen): Orders of the day for Friday, October 14th. Item 2, Ministers' statements. Mrs. Marie-Jewell.

Point Of Privilege

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, I had my hand up before you had asked for orders of the day. I would like to rise on a point of privilege.

Mr. Speaker, I would like to deny a public accusation made against me in a radio report on Wednesday, October 12th. The president of the Union of Northern Workers said that I was becoming directly involved in the hiring practices of the Yellowknife Correctional Centre. Mr. Speaker, I would like to assure this House that all positions at the centre are staffed according to proper government procedures. I did meet with Mr. Crook, the president of the Union of Northern Workers, to try and determine why he would make incorrect statements to the press. However, it was determined Mr. Crook was ill-informed about the situation he referred to.

Mr. Speaker, it certainly is disheartening to note such an organization initiating unwarranted and unfounded statements to the public. In reference to the accusation of casual staff retained, there are some casual staff at the centre; vacancies do occur on a regular basis, but are filled as rapidly as possible. Our current staff ratio is one staff to every two inmates. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mrs. Marie-Jewell. Item 2, Ministers' statements. Mrs. Marie-Jewell.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 7-88(2): Child Care

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, I would like to make a statement regarding child care in the Northwest Territories. As you know, the proposed national child care legislation did not receive approval before the federal election was called. Because of this no one really knows what will happen in this area once a new federal government is formed. Unfortunately the federal government was not prepared to discuss funding arrangements and other details with provincial or territorial governments until their act was approved.

These events have placed my department in an awkward position. It has become extremely difficult to develop our child day-care program because of the federal uncertainty, particularly because we are reluctant to start an initiative that would not be cost-shareable under a new federal program.

At the same time we recognize the need to support the child day-care system in the Northwest Territories. Because of this I would like to assure Members that the territorial government and my department are committed to the implementation of an interim NWT day-care program.

---Applause

The program will be subject to change once the federal government brings back its own legislation. Until that time our future program will include: support to social assistance recipients under Canada Assistance Program; support to low income earners; support to existing child care centres; support to new child care centres. Mr. Speaker, the program will be included in the 1989-90 budget. I plan to make a detailed announcement on the program during the budget session.

Until that interim program can be put in place my recently announced child care emergency fund will be used to help NWT centres meet the requirements of our NWT child care facilities act. Since the fund was introduced we have received nine applications from child care operators for funding. We have issued funds to four programs and are dealing with the other requests as quickly as possible. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Madam Minister. Ministers' statements. Mr. Butters.

Motion To Move Ministers' Statement 7-88(2) To Committee Of The Whole, Carried

MR. BUTTERS: Thank you, Mr. Speaker.

I MOVE, seconded by the Member for Hay River, that Ministers' Statement 7-88(2), be moved into committee of the whole for examination and consideration.

MR. SPEAKER: Thank you, Mr. Butters. The motion is seconded by Mr. Pollard. To the motion. All those in favour? All those opposed? Ministers' Statement 7-88(2) on child care is moved into committee of the whole.

---Carried

Ministers' statements. Mr. Patterson.

Ministers' Statement 8-88(2): Young Offender Facility

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. In response to questions raised at last winter's budget session, cabinet undertook to review our decision to locate the young offender facility in Fort Smith. In order to ensure an objective analysis, three departments were directed to jointly undertake the review; the Department of Social Services, the Department of Public Works and Highways, and the Financial Management Board Secretariat.

For the purpose of the analysis, five possible locations for the facility were identified: Yellowknife, Hay River, Fort Smith, Cambridge Bay and Inuvik. Each possible location was considered based on several factors. These included the costs of locating the facility there, the ongoing costs of maintaining the facility, personnel considerations and training needs. Availability of a range of services such as medical, legal and educational services was also considered.

Results Of Analysis

Mr. Speaker, the analysis revealed that in terms of costs there was no significant difference among Yellowknife, Hay River or Fort Smith. Yellowknife, Hay River and Fort Smith were all considered to have an adequate range of services available to meet the needs of the facility, with Yellowknife having the greatest variety. However, other factors in cabinet's consideration weighted the decision in favour of Fort Smith. If the facility were located in Yellowknife, more than 19 positions would have been lost in either Hay River or Fort Smith. This would have

represented an economic blow to either community. Furthermore, it would have been extremely difficult for displaced employees in Fort Smith to locate other employment in the community. Locating the facility in Fort Smith, on the other hand, only involved the loss of eight staff positions in Yellowknife. There is more opportunity in Yellowknife for these individuals to be provided with other jobs than would be the case in Fort Smith. Thus, the overall disruption to GNWT employees and their families is significantly reduced by locating the facility in Fort Smith.

Another factor that was considered was that locating the facility in Yellowknife would have involved recruiting staff from other communities or providing extensive training to locally hired staff. After taking all the factors into account, cabinet made the decision to locate the new young offender facility in Fort Smith. A committee of officials from the Departments of Social Services and Public Works and Highways has been established to oversee development of this project. It is expected that construction should begin by December with an expected completion date of summer 1989. Thank you, Mr. Speaker.

MR. BUTTERS: Point of order.

MR. SPEAKER: Point of order, Mr. Butters.

#### Point Of Order

MR. BUTTERS: Point of order, Mr. Speaker. I thought that debate had been concluded in the budget session. I would ask you to draw the Government Leader's attention to Rule 21(1) which says, "A Minister may make a short factual statement of government policy." His statement was a substantiation for a government decision, sir.

HON. MICHAEL BALLANTYNE: Point of order, Mr. Speaker.

MR. BUTTERS: Table it. You are allowed a response.

MR. SPEAKER: Mr. Ballantyne, do you wish to talk to Mr. Butters' point of order?

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Just to clarify our understanding of a request from the Assembly. We promised that we would come back to this session with a report of a review of that decision. We did not know another way to make that review available to the House. We thought it should be made this way but in future, perhaps, I could work with chairmen of committees on the other side and develop a better procedure to do that. Thank you.

#### Speaker's Ruling

MR. SPEAKER: I have reviewed Mr. Butters' point of order and the comments by Mr. Ballantyne and I do find that under the rules of this House that the Ministers' statement, technically, should not be under that category and I would suggest Mr. Ballantyne's offer to the ordinary Members' committee is the correct way of proceeding to rectify that problem.

We will carry on with Ministers' statements. Item 3, Ministers' statements. Mr. Kakwi.



Ministers' Statement 9-88(2): Support For The Constitutional Alliance

HON. STEPHEN KAKFWI: Thank you. Mr. Speaker, on June 24th the Executive Council approved interim funding of \$94,000 for the Constitutional Alliance of the Northwest Territories. This represents a major step in the revival of the alliance.

Members will recall that the alliance's two subgroups, the Western and Nunavut Constitutional Forums were forced to wind down after March 1987. The federal government significantly reduced their funding when the Dene/Metis and Inuit did not agree on a land claims boundary that spring. The Dene/Metis are eager to make progress on self-government before a final claims settlement is ratified. I am told, as well, that the Inuit consider the creation of the Nunavut territory essential for the settlement of their claim.

Funding For Constitutional Alliance

On April 10 and 11, 1988, representatives of the House and the aboriginal organizations agreed to work together as one organization, the Constitutional Alliance. They wanted to make progress on common principles for constitutional development, without prejudicing division.

One small problem was that the forums had run out of federal funding on March 31, 1988. I submitted a statement of agreement, a short-term action plan and a budget to my Executive colleagues, on behalf of the alliance. It was on this basis that we agreed to fund the alliance for five months.

I am pleased to say that there has been progress, Mr. Speaker. The Dene/Metis and the Inuit have agreed to resolve the claims boundary issue by March 31, 1989. The Inuvialuit are no longer sitting back as observers, but are playing a full role as participants. The alliance members have worked hard to come to a common understanding. They have developed a long-term plan with the goal of protecting aboriginal political rights within public government in the Northwest Territories.

Members will have the opportunity to discuss the alliance and its work during the session. The government will be bringing forward a supplementary appropriation bill for this expenditure. A progress report will also be tabled. Progress in the Constitutional Alliance is essential to the settlement of claims and to political and economic progress for all of us. I hope we can count on the continuing support of this House for the alliance. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements. Mr. Kakfwi.

Ministers' Statement 10-88(2): Artists In Our Schools

HON. STEPHEN KAKFWI: Mr. Speaker, earlier this year the Department of Education initiated a unique pilot project. The Northwest Territories artists in schools program was developed for students as a culturally relevant link with their past, present and future. The program also promotes student creativity and development of a positive self-image.

Pilot projects were introduced last spring in Fort Simpson, Holman, Fort Good Hope, Baker Lake and Yellowknife. Communities and schools decide what they want to have in their artists in schools program. Although there are similarities, each pilot project is unique and serves the objectives of the program for that particular school and community.

Mr. Speaker, so far in this program, schools have chosen to stage musical and dramatic productions, carve ice and soapstone sculptures, experiment with printmaking, write and publish short stories and poetry, to name just a few.

Students from kindergarten through to high school have had the opportunity and pleasure to meet and appreciate local, regional and national professional artists and craftspeople. The program is

designed to enhance current territorial fine arts curriculum and provide students with hands-on experience. As well, it is an opportunity for artists to share their skills and talents with students at school. This experience not only teaches children some skills but also does much for their self-esteem.

Mr. Speaker, I would like to take this opportunity to invite my colleagues and others in the House today to share some of the results of these fine student efforts. In the foyer are samples of some of the work produced by northern students through the program. I am sure everyone will agree that their work is outstanding and deserves our continued encouragement and support. Please join me in congratulating these young people on their talents and efforts. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements. Item 3, Members' statements. Mr. Nerysoo.

### ITEM 3: MEMBERS' STATEMENTS

#### Member's Statement On Role Of Public Servants In Political Campaigns

MR. NERYSOO: Thank you, Mr. Speaker. I rise to speak to a very important policy issue and I wish to clarify a concern that arose by my written question to the Government Leader with regard to the role of public servants in political campaigns. Mr. Speaker, it seems that my concern about unfairness in the application of government policy as it applies to the role of public servants in political campaigns is being taken as a personal attack on Executive Council Members, and in particular with regard to and directed to cabinet staff.

Mr. Speaker, that is not the concern that I have. The concern that I have is that if the government is prepared to change its policy with allowing public servants to participate in political campaigns, then the policy should be applied fairly and equally throughout the public service, and not applicable only to individuals that the cabinet deems as necessary. I just wanted to clarify that so that there was no confusion about the reason as to why I am raising this particular item in this Legislative Assembly.

MR. SPEAKER: Thank you, Mr. Nerysoo. Members' statements. Mr. Lewis.

#### Member's Statement On Process For Choosing Executive Council Ministers

MR. LEWIS: Mr. Speaker, a year ago when we chose our Executive Council I was one of several people who tried to make that a public process, and I attempted, with several of my colleagues, to make that selection in the House so that the public that we serve could observe the process. I am personally disappointed that we again chose on October 11 to set up a process that would be done behind locked doors in secret so that the public could not listen to and look at the candidates who are offering themselves to serve in this executive capacity. Therefore, today, Mr. Speaker, I shall be introducing a notice of motion that we make that a public process and that the selection be somewhat delayed. Thank you.

MR. SPEAKER: Thank you, Mr. Lewis. Members' statements. Mr. McLaughlin.

#### Member's Statement On Development Of Public Service Commission

MR. McLAUGHLIN: Thank you, Mr. Speaker. I would just like to basically follow up on the Member's statement that Mr. Lewis made yesterday. I discussed the idea of a public service commission with him earlier and he related to me all the problems he was having with individual cases of people coming to him. In discussion with him I told him what previously myself and some people in the Executive thought were disadvantages of a public service commission and how I had changed my mind on it. What we had always been told was that one of the disadvantages of a public service commission was that that commission would not carry out, and

could be in the way of, what the Executive Council or the Legislative Assembly wanted to do. An example that was always given us was the native hiring policy, for example, or equal opportunity programs. But after seeing the situation going on for the last half a dozen years like it has been, I think the reverse is true. I think a public service commission, if it is instructed by cabinet-order-in council to follow a certain policy, to hire people in a certain manner, will sit down and they will do it consistently, regularly and with a set matter of principles that will be used each time. So in the native hiring process, for example, you will not have any inconsistencies. Right now I do not think what our government, or the Assembly wants done on the native hiring policy is being done out in the field, so Ministers do have to step in once in a while and make sure the process is right. But by doing that it makes it look bad. So, I think a public service commission will better implement such policies. Thank you.

MR. SPEAKER: Thank you, Mr. McLaughlin. Members' statements. Mr. Gargan.

Member's Statement On Extended Health Care Benefits For Seniors

MR. GARGAN: Mr. Speaker, I feel like a Maytag man over here at this end. Mr. Speaker, I was very pleased yesterday when Ms Cournoyea and Mrs. Marie-Jewell announced extended health benefits and increased supplementary benefits to senior citizens. I was particularly happy about these increases because on November 18, 1987 I made two motions regarding those two announcements, one seconded by Mr. Pudluk, recommending that the minimum territorial income supplement for senior citizens be raised. The increase announced yesterday will assist seniors in meeting the high cost of living in the Northwest Territories, particularly the fact that it will be retroactive to April 1 of this year.

The Members of this Assembly also passed a motion I made at that time, seconded by Mr. Ernerk, asking for a review of the health benefits available to the people of the Northwest Territories. At that time I was concerned that Metis people did not receive the same level of health benefits available to territorial residents. I am pleased that the Metis of the Northwest Territories and others over the age of 60 will benefit from the extended health benefits.

Further, Mr. Speaker, I would hope that the government is striving toward a universal program in the area of health benefits for all territorial residents regardless of ethnic origin. Once again, I would like to thank the Members of the Legislative Assembly for their support. I am sure the Members will support in making this a reality.

MR. SPEAKER: Thank you, Mr. Gargan. Members' statements. Mr. Kakfwi.

Member's Statement On Representatives Of International Youth For Peace And Justice Tour

HON. STEPHEN KAKFWI: Mr. Speaker, it gives me great pleasure to welcome five students to the Assembly today. They are members of the International Youth for Peace and Justice tour and are representatives of Namibia, El Salvador, Finland, Labrador and Montreal, Canada. They have already visited three communities in the Yukon and have been to Inuvik, Hay River, Fort Resolution and Yellowknife and they plan to travel to Rankin Inlet, Eskimo Point and Iqaluit. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. Kakfwi. Members' statements. Item 4, returns to oral questions. Mr. Allooloo.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question O5-88(2): Storage Of PCBs

HON. TITUS ALLOOLOO: Mr. Speaker, I have a return to oral Question 5-88(2), asked by Mr. Butters on October 13 concerning PCBs in the Northwest Territories.

Much work has gone on in the Northwest Territories with respect to PCBs in the NWT prior to the recent PCB incident in Quebec. In fact, a clean-up of abandoned DEWline sites in 1985 and 1986 by DND and by DIAND, with the co-operation of US military, resulted in the removal of approximately 14,500 litres of PCBs from the NWT. I am pleased to state that the GNWT played a significant role in bringing this clean-up about.

At the present time there is only one PCB destruction facility in Canada that is capable of treating high concentration of PCBs. It is located in Alberta and they are not taking PCBs from other jurisdictions. We have had discussions with Alberta officials and these discussions will continue. The recent announcement by the federal government that they will eventually make their proposed mobile disposal facility available to other jurisdictions is encouraging, but at this time PCBs in the NWT must be stored.

The responsibility for storage lies with the users of PCBs, and to date, storage has been carried out in a responsible manner. The recent federal interim order on storage of PCBs in Canada issued under the Canadian Environmental Protection Act brings in more stringent regulations which will offer an additional degree of safety. There are no plans for this government to construct a large central storage facility. It is likely that destruction facilities will be available to us within the next two years to three years.

Experience to date has shown that the larger the storage facility, the greater the impact to the environment and to public health. We are satisfied at the present time that the storage arrangement is in the best interests of the NWT and its residents.

Continued surveillance by Renewable Resources staff with the assistance of the general public has given rise to locating PCBs at other isolated abandoned military sites since their recent discovery at Resolution Island. In this regard, it is encouraging to see the federal government taking a much more significant role in regulating PCBs. The passage of the Canadian Environmental Protection Act and the issuing of the interim order application to all Canada will be very instrumental in bringing about the satisfactory conclusion to PCBs at these sites.

Immediately, Mr. Speaker, after the incident in Quebec we co-operated with the federal government to develop an inventory of PCBs currently in storage in the NWT. There are 16 sites under the control of the federal government including several airports and upper air stations. There are two sites under the control of GNWT, including the emergency storage facility in Yellowknife and the power corporation's storage in Pine Point. In addition, there are four storage facilities associated with private industry. All of these sites have been, or will shortly be, inspected for compliance with the federal interim order. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Returns to oral questions. Item 5, oral questions. Mr. Lewis.

#### ITEM 5: ORAL QUESTIONS

##### Question O6-88(2): Review Of Information On Operation Of A Public Service Commission

MR. LEWIS: Mr. Speaker, seven years ago the Department of Personnel, under the direction of a Minister, obtained information from all the provinces and the Yukon Territory about the operation of a public service commission. I would like to ask the Minister if she has been able to review that material. Thank you.

MR. SPEAKER: Thank you, Mr. Lewis. Madam Minister.

Return To Question O6-88(2): Review Of Information On Operation Of A Public Service Commission

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. The whole issue on the public service commission is currently under review.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Pudluk.

Question O7-88(2): Hunting Season For Geese In NWT

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. This is a supplementary to my question last year to the Minister of Renewable Resources. At the present time they are dealing with the hunting of geese in the Northwest Territories in the springtime. I would like to find out what procedures have been implemented to date. Thank you.

MR. SPEAKER: Thank you, Mr. Pudluk. Mr. Minister.

Return To Question O7-88(2): Hunting Season For Geese In NWT

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. (Translation) In September all the wildlife Ministers met concerning the waterfowl act and also the ducks in the Northwest Territories. We made an agreement for the first time when all the Ministers got together in Canada and one other member from the Department of the Environment. When I asked them if the hunting season for the geese closed past a certain date for the season -- the act that was approved in the early 1960s pertaining to the waterfowl act, I was trying to recommend -- if we could change the act and the provinces in Canada and all the Ministers of the provinces had supported me in changing the act. One Minister was not present at that meeting; I do not know if he is going to support us in this.

We were told that after three months they would report back to us as to what they had decided on and the federal government will be working on this act in the near future pertaining to the Northwest Territories and the Yukon Territory.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary. Mr. Pudluk.

Supplementary To Question O7-88(2): Hunting Season For Geese In NWT

MR. PUDLUK: Thank you, Mr. Speaker. Supplementary to my question. I am very happy to hear his answer pertaining to this waterfowl act. At present they are trying to change the act. Will the people of the Northwest Territories be participating in the changing of the act? What is going to happen to the residents of the Northwest Territories? Will they be included? Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question O7-88(2): Hunting Season For Geese In NWT

HON. TITUS ALLOOLOO: (Translation) The Northwest Territories will be participating in the changes of the act for the waterfowl when they start to deal with it. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Lewis.

Question O8-88(2): Review Of Information On A Public Service Commission

MR. LEWIS: Supplementary, Mr. Speaker, to the Minister responsible for Personnel. I would like to ask the Minister if she has personally examined this information that was collected seven years ago and if the review has not been done by the Minister but is being done by her staff, could she tell us by what date she has asked her staff to complete this review?

MR. SPEAKER: Madam Minister.

Return To Question O8-88(2): Review Of Information On A Public Service Commission

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. Those particular documents were compiled for this government quite some time ago. I have not taken the liberty to view them, however, as I had indicated the whole issue of the public service is under review by my department, I want to assure the honourable Member. However, it is one of many priorities that my department is looking at in respect to some of the issues that have to be looked at with our department. Thank you.

MR. SPEAKER: Supplementary, Mr. Lewis.

Supplementary To Question O8-88(2): Review Of Information On A Public Service Commission

MR. LEWIS: Mr. Speaker, since the Minister has not personally examined this material, I would still like to know whether, in fact, she has given her officials a date by which this review has to be completed. The question was not answered, yes or no.

MR. SPEAKER: Thank you, Mr. Lewis. Mrs. Marie-Jewell.

Further Return To Question O8-88(2): Review Of Information On A Public Service Commission

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, the issue which the honourable Member is referring to is the documentation that was compiled when Mr. Braden was our Government Leader, quite some time ago. I have not given direction as to a time frame and a deadline date for the department to enforce this information and to review it. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. McLaughlin.

Question O9-88(2): Legislation For Formation Of More Unions In Public Service

MR. McLAUGHLIN: Thank you, Mr. Speaker. I have a question for the Minister of Personnel, although the Minister of Justice in his capacity as chairman of legislation and house planning may want to answer it. In light of the recent court cases involving PIPS Canada and our government, does the Executive have any plans to initiate legislative changes which will allow for more unions to be formed in our public service?

MR. SPEAKER: Thank you, Mr. McLaughlin. Madam Minister.

Return To Question O9-88(2): Legislation For Formation Of More Unions In Public Service

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. The court ruling did come down this fall and it is an issue for cabinet to consider. It has not yet been considered by cabinet. There are changes to legislation that will have to be done and it is an issue to be discussed in the future by cabinet. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions.

Question O10-88(2): TFN Memorandum Of Understanding

MR. ERNERK: Thank you, Mr. Speaker. My question is to the Government Leader. I understand that there is a memorandum of understanding between the Government of the Northwest Territories and Tungavik Federation of Nunavut regarding the negotiation and implementation of the northern energy accord. Mr. Speaker, would the Government Leader be able to make available a copy of this memorandum of understanding to this House?

MR. SPEAKER: Thank you, Mr. Ernerk. Mr. Government Leader.

Return To Question O10-88(2): TFN Memorandum Of Understanding

HON. DENNIS PATTERSON: Mr. Speaker, that MOU and the letter from the Prime Minister which the Member has already expressed an interest in, will be distributed to all Members today. Thank you.

MR. SPEAKER: Thank you, Mr. Government Leader. Oral questions. Mr. Nerysoo.

Question O11-88(2): Labour Code Changes For Union

MR. NERYSOO: Thank you, Mr. Speaker. Supplementary to the question asked by Mr. McLaughlin but directed to the Minister responsible for Justice. Is the cabinet going to consider the development of a labour code of the Northwest Territories in conjunction with the changes that are to be made with regard to union participation and the possibility of additional unions being allowed to negotiate with the Government of the NWT?

MR. SPEAKER: Mr. Ballantyne.

Return To Question O11-88(2): Labour Code Changes For Union

HON. MICHAEL BALLANTYNE: No decision has been made on that; we have not even looked at the possibility of a timetable for a labour code because of the workload caused by other responsibilities, particularly transfers from the federal government. In our discussions in the next few months I will bring that to the table of cabinet, but no decision has been made whatsoever - whether we will do it, or a timetable if we did do it.

MR. SPEAKER: Mr. Butters.

Question O12-88(2): Questions Directed To Deputy Government Leader

MR. BUTTERS: Mr. Speaker, to the Government Leader, if I had a question for the Deputy Government Leader, to whom should I address that question?

MR. SPEAKER: Mr. Government Leader.

Return To Question O12-88(2): Questions Directed To Deputy Government Leader

HON. DENNIS PATTERSON: Mr. Speaker, if I will be leaving the Legislature, and I do intend to attend the annual general meeting of the Tungavik Federation of Nunavut next week at their invitation to discuss some pressing issues, I will name a person to be acting in my stead. I intend to announce the appointment of a Deputy Government Leader once we have an eighth Member in the cabinet. I think that will be an appropriate time to finalize that matter. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Government Leader. Supplementary, Mr. Butters. New question, Mr. Butters.

Question O13-88(2): Inventory Of PCBs

MR. BUTTERS: Thank you, Mr. Speaker. To the Hon. Titus Allooloo, relative to his statement on the PCBs, I understand that there has been an inventory developed. I would be interested in having information, and I know my colleague from Keewatin as well would like such information, on the sites that are currently holding PCBs and an indication from him as to the number of 45 gallon drums of PCBs that are currently stored within the Territories.

MR. SPEAKER: Thank you, Mr. Butters. Mr. Allooloo.

Return To Question O13-88(2): Inventory Of PCBs

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. At the present time my officials are putting together some information of locations of PCBs in the NWT. As soon as that information is available I will provide that information to all of the MLAs. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions, Mr. Ernerk.

Question O14-88(2): Hazards Of PCBs To Health And Environment

MR. ERNERK: (Translation) Thank you, Mr. Speaker. Mr. Butters has asked about this already. I heard on the radio -- I think it is coming from Renewable Resources -- there are 15 sites in the NWT, the sites where there are PCBs in the NWT. He responded to Mr. Butters' question where these locations are. I would like to know whether these PCBs are hazardous to health or to the environment.

MR. SPEAKER: Thank you, Mr. Ernerk. Mr. Minister.

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. My department is reviewing this as to where these PCBs are located and as soon as we get the information I will be able to respond to the question later to the Member for Aivilik.

MR. SPEAKER: Thank you. You are taking that question as notice. Oral questions. Mr. Gargan.

Question O15-88(2): Status Of Petition Re Kakisa Lake Becoming A Settlement

MR. GARGAN: Mr. Speaker, I would like to direct my question to the Government Leader. I have here a petition that was tabled during the 10th Assembly of 1985. The petition was from the residents of Kakisa asking or requesting this government that Kakisa be declared a settlement. My question is whether or not during the 10th Assembly the Government Leader, being a part of that Executive, did act on this at all, or does the government intend to act on it during this 11th Assembly?

MR. SPEAKER: Mr. Government Leader.

HON. DENNIS PATTERSON: Mr. Speaker, with the Member's indulgence, I would like to take that question as notice and look into it a bit further before making a reply. Thank you.

MR. SPEAKER: Thank you, Mr. Government Leader, you are taking the question as notice. Oral questions, Mr. Gargan.

Question O16-88(2): Transcripts Of Task Force On Aboriginal Languages

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Culture and Communications, the Hon. Titus Allooloo. During the winter session of last year I requested transcripts of the task force on aboriginal languages. Mr. Speaker, I did receive a letter last month and the Minister advised that, depending on the quality and the time on the tapes remaining, he should have them translated and transcribed in English by the 15th, this coming Saturday -- that is, tomorrow. I would like to ask the Minister, then, certainly by reading this letter there were no transcripts available, and I wanted to ask the Minister, how did the task force on aboriginal languages come up with the conclusion of those recommendations without written documents to identify those recommendations?

MR. SPEAKER: Thank you, Mr. Gargan. Mr. Minister.

HON. TITUS ALLOOLOO: I will take the question under advisement, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. The question is taken as notice. Mr. Gargan.



Question O17-88(2): Roof Retrofit, Fort Providence

MR. GARGAN: Mr. Speaker, I would like to direct my question to the Minister of Education. I have just been looking through the capital estimates and main estimates. There is right now in Fort Providence major roof retrofit being done. I was not aware that this particular plan was made and I am just wondering -- it is not in the main estimates or the capital estimates -- so I would like to ask the Minister what was his rationale behind doing that particular job this year. I did bring up a question, Mr. Speaker, during the winter session on a leaky basement, not a leaky roof. So I would like to ask the Minister why. The basement is still in the same condition; it is still leaking; the tiles and everything in the basement are coming off and nothing has been done in that area that I was concerned about, but rather in an area that perhaps I was not aware or concerned about.

MR. SPEAKER: Thank you, Mr. Gargan. Your question is to the Minister of Education. Mr. Minister.

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. I need some time to prepare a response so I will take the question as notice.

MR. SPEAKER: Thank you, Mr. Minister. The question is taken as notice. Oral questions. Mr. Gargan, you have another one?

Supplementary To Question O17-88(2): Roof Retrofit, Fort Providence

MR. GARGAN: No, Mr. Speaker, I just wanted to request, too, how much it cost to actually do the work that is being done now.

MR. SPEAKER: Thank you, Mr. Gargan. I am sure the Minister will include that with the notice. Oral questions. Mr. Gargan.

Question O18-88(2): Statement To Federal Government Re Sealing Industry

MR. GARGAN: Mr. Speaker, I received a letter from the Minister of Renewable Resources on August 29 concerning infection in seals, whales in the North Atlantic Ocean which includes the European countries such as Norway, Germany, Sweden and the Baltic Sea. The infection in seals has killed approximately 5000 to 7000 harbour seals. These are the countries that did in fact kill the sealing industry in Canada, yet, Canadian scientists are working with the European countries to try to find out what the problems are. I would like to ask the Minister whether or not he intends to maybe make a statement to the federal Parliament regarding this issue in which on the one hand they are pulling the rug out from underneath us and yet we are supporting them.

MR. SPEAKER: Mr. Minister.

Return To Question O18-88(2): Statement To Federal Government Re Sealing Industry

HON. TITUS ALLOOLOO: Mr. Speaker, I will be making a ministerial statement to this effect at a later date. The seal problem in the North Sea is new and the scientists have not determined what is the real cause of the virus going to the seals and they have not absolutely isolated the virus that is causing the death of these seals. The scientists basically are puzzled as to what is happening and the disease has not happened yet, to our knowledge, in Canada. I will be getting more information on this. We are talking with the federal officials in this area to determine what we should do as a government. At this point I would like to say again, I will be making a statement on this later on. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Supplementary, Mr. Gargan.

Supplementary To Question O18-88(2): Statement To Federal Government Re Sealing Industry

MR. GARGAN: Mr. Speaker, I would like to ask the Minister whether or not this government would be taking a position with regard to supporting those countries that did in fact kill our sealing industry? This government, are they going to be taking a position with regard to those countries?

MR. SPEAKER: Mr. Minister.

Further Return To Question O18-88(2): Statement To Federal Government Re Sealing Industry

HON. TITUS ALLOOLOO: Mr. Speaker, it is a federal responsibility since it is outside of Canada. I will be working with the federal government on this. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Further supplementary, Mr. Gargan.

Supplementary To Question O18-88(2): Statement To Federal Government Re Sealing Industry

MR. GARGAN: Mr. Speaker, the Minister of Renewable Resources himself is Inuit as well as a lot of other Members here and including Dene people. This is an industry that was destroyed, that has destroyed the livelihood of a lot of Inuit people. Certainly I do understand that it is outside the jurisdiction of Canada, but it is those very same people that did destroy the way of life of a certain group of people in the North. Certainly that should be a concern to the Minister who himself is an aboriginal person, and make a strong statement to the federal government regarding that and whether or not we should be co-operating with those countries that did destroy the sealing industry.

MR. SPEAKER: Mr. Minister.

Further Return To Question O18-88(2): Statement To Federal Government Re Sealing Industry

HON. TITUS ALLOOLOO: Mr. Speaker, it is in my best interest and I know what the Member is talking about. I was one of the people that were affected when the seal ban occurred in Europe and I saw what happened to the hunters and trappers that were affected by this ban. To this day, the Inuit of the Eastern Arctic, mostly, and Central Arctic and, to some degree, Western Arctic, still rely on seals for food, basically. My department will be fully involved to determine where the virus is going and will be supporting those scientists that are trying to find out or to figure out how to stop the virus from spreading to Canada. We therefore support working with the Department of External Affairs of the federal government. I believe it is in our best interest to stop the virus from spreading to other species of seals that could affect the native people in the North. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. McLaughlin.

Question O19-88(2): Reduction In Fort Providence Wood Bison Quota

MR. McLAUGHLIN: Thank you, Mr. Speaker. I have a "thank God it is Friday" question for the Minister of Renewable Resources. As most Members are aware, our colleague from Fort Providence ran into a wood bison with his car recently and enough damage was done to the Member's car that we can assume that even though the corpse was not found, that this was a fatality. My question to the Minister of Renewable Resources is, "Does this mean that the bison quota for Fort Providence will be reduced by one?"

---Laughter

MR. SPEAKER: Mr. Minister.

HON. TITUS ALLOOLOO: That could possibly be, Mr. Speaker, but I will look into it. I understand there have been accidents occurring with wood bison and the vehicles on the Providence road. I will get back to the Member on this.

MR. SPEAKER: Thank you, Mr. Minister. You are taking the question as notice. Mr. Ernerk.

Question O20-88(2): GNWT Investigation Into Diseased Seals

MR. ERNERK: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Renewable Resources. Supplementary to the question asked by Mr. Gargan. I think that it should be further clarified to us about seals as we have been hearing in the spring and summertime about the diseased seals that are dying off in Europe. The seals in the NWT should be looked into if they are interacting with the diseased seals from Europe. Presently we are concerned as the Government of the NWT, through Renewable Resources, is trying to promote the use of seal products, for example, making sausages. I would like to ask the Minister to look into this further. This is not just a federal responsibility. I think that the territorial government should be initiating action to look into diseases in seals because the territorial government is a representative of the NWT residents.

MR. SPEAKER: Thank you, Mr. Ernerk. Mr. Minister.

Return To Question O20-88(2): GNWT Investigation Into Diseased Seals

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. Those of us who are in the territorial government are involved regarding the spread of disease because we are monitoring very closely where this virus is being spread. What we have heard from the federal government is from the Department of Agriculture Canada. If there is a disease and if this virus is canine distemper which is killing the seals, if a human ate a diseased seal according to that department this would not affect humans. We will look into this further, if it affects humans, but according to the most recent information, if the meat was eaten cooked or raw this would not be passed on to whoever ate it.

MR. SPEAKER: Oral questions. Mr. Arlooktoo.

Question O21-88(2): Seal Disease In Baffin

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. On the question that is being raised, I would like to ask a supplementary question. Those of us living in the Baffin Region depend upon seal for food. We were watching programs on TV and it was tough to see seals that have diseases. I think that the Baffin Region residents should be more concerned about diseases in the seal population over there because we are pretty close to Greenland and therefore the seals of that area can reach us very quickly and pass on the virus. I wonder if you can act more quickly to find out if the diseased seals might be affecting our seal population because we do not want to see our seals getting diseases. I wonder if you could put this in a higher priority.

MR. SPEAKER: Thank you, Mr. Arlooktoo. Mr. Minister.

Return To Question O21-88(2): Seal Disease In Baffin

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. My department has already sent out from the communities within the NWT, seals that need to be tested to see whether they have diseases. We have already acted on the Member's question. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Butters.

Question O22-88(2): Lack Of Courtesy Extended To Inuvik Trappers

MR. BUTTERS: Mr. Speaker, I was across the House attempting to advise the honourable Minister for Renewable Resources of a question I am about to put but was unable to do so. So if he will take this without notice, it relates to a lack of courtesy I believe that was extended to trappers in Inuvik yesterday. Yesterday afternoon officials of Mr. Alloo'oo's department met with Inuvik hunters and trappers for two and a half hours and all manner of subjects was discussed. At the conclusion of the meeting, the trappers went to the post office and received a letter which indicated that there had been reductions in the incentive grants paid to trappers yet there was no attempt made to explain to the trappers when they were before the wildlife people of why those deductions occurred.

Also, there is a reduction of the \$150 for gas paid to trappers who do not keep receipts. This is my understanding. The Minister shakes his head but this is my understanding from communications I get from Inuvik. I am asking the Minister, would he ensure that his staff in Inuvik get to the trappers in the Inuvik Region and explain to them the rationale for these reductions so that they are not left in the dark and they understand completely the initiatives and the motivation of his department and his departmental officials.

MR. SPEAKER: Mr. Minister.

Return To Question O22-88(2): Lack Of Courtesy Extended To Inuvik Trappers

HON. TITUS ALLOOLOO: Mr. Speaker, I will make sure that they get to the trappers.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Gargan.

Question O23-88(2): GNWT Policy On Quota System For Wildlife

MR. GARGAN: Mr. Speaker, I would like to direct my question to the Minister of Renewable Resources again concerning the quota system. Mr. Speaker, I am asking the Minister whether or not they have set policies regarding quotas on certain species allotted to certain communities or whether there is a regulation, perhaps, on the quota system and whether it applies universally across the North or not.

MR. SPEAKER: Mr. Minister.

Return To Question O23-88(2): GNWT Policy On Quota System For Wildlife

HON. TITUS ALLOOLOO: Mr. Speaker, we have different regulations for different species and the quota system is set by the scientific knowledge of the population of that certain species. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Gargan.

Supplementary To Question O23-88(2): GNWT Policy On Quota System For Wildlife

MR. GARGAN: So am I correct in assuming we do have a policy and if so, can I get a copy of it?

MR. SPEAKER: Mr. Minister.

Further Return To Question O23-88(2): GNWT Policy On Quota System For Wildlife

HON. TITUS ALLOOLOO: I could provide the Member with the Wildlife Act and also the regulations. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Pudluk.

Question O24-88(2): Consumption Of Caribou With Brucellosis

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I would like to return to the diseased wildlife or seals. It has become apparent that wildlife and some that we see up north have been touched with disease. I would also like to ask about caribou that are afflicted with brucellosis and we have been instructed not to eat that kind of caribou. I think that some people are eating caribou that have disease but it is not apparent visually. I wonder if it is safe to eat caribou with disease which is not apparent. I think last summer most caribou that were caught had brucellosis and we do eat a lot of caribou. If you eat meat that is diseased with brucellosis and that has not yet become apparent, is that safe? Thank you.

MR. SPEAKER: Mr. Minister.

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. I will be able to answer his question later on but I will take it under advisement.

MR. SPEAKER: Thank you, Mr. Minister. Question taken as notice. Oral questions. Mr. Crow.

Question O25-88(2): Hazards Of Consuming Diseased Seal Meat

MR. CROW: (Translation) Thank you, Mr. Speaker. On the question that is being raised concerning the seal disease, I would like to ask the Minister of Health whether, in the North Sea area, that is causing the seals to die with that disease. Is that disease in Canada? We have heard it is other than Canada that the disease is being spread around and they are dealing with the seal disease. People of Northern Quebec use the seal meat a lot. I am asking this question to the Minister of Health, whether the population of the seal that is dying off by this disease is dangerous to the people who consume the seal meat. Is that dangerous?

MR. SPEAKER: Thank you, Mr. Crow. Madam Minister.

Return To Question O25-88(2): Hazards Of Consuming Diseased Seal Meat

HON. NELLIE COURNOYEA: Thank you, Mr. Speaker. In a report from Agriculture Canada, Agriculture Canada has reported that consuming seal meat, raw or cooked, infected with this canine distemper virus poses little or no threat to human health and that is the recent report from Agriculture Canada. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Gargan.

Question O26-88(2): Radio-Active Levels In Caribou

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Health regarding the radio-active levels in caribou. Last year the level was, I believe, 300 becquerels per kilogram of meat. I also understand that this level is going to be brought to 3000. Am I correct? I will direct my question to the Minister of Renewable Resources.

MR. SPEAKER: Madam Minister.

HON. NELLIE COURNOYEA: Mr. Speaker, I did not get his question because there is a conversation going on here.

MR. SPEAKER: Mr. Gargan, could you repeat your question, please?

MR. GARGAN: Mr. Speaker, radio-active contamination in meat is measured by becquerels. There was a concern about caribou about two years ago when the Chernobyl nuclear disaster occurred and there was a high level of contamination in caribou. I just want to ask the Minister, last year it was 300 becquerels per kilogram of meat. I believe the Canadian government now is going to bring that level up to about 3000, just so that you could still eat it then.

MR. SPEAKER: Madam Minister.

Return To Question O26-88(2): Radio-Active Levels In Caribou

HON. NELLIE COURNOYEA: Mr. Chairman, there is a report available on that subject. I understand what the honourable Member is speaking about, I believe, and the statement that the Government of Canada is bringing up the allowable consumption rate to accommodate the high level in the caribou. To my understanding this is not related. However, I will be pleased to table a report on that particular issue.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Kilabuk.

Question O27-88(2): Deaths From Consumption Of Caribou With Brucellosis

MR. KILABUK: (Translation) Mr. Speaker, this question is directed to the Minister of Health. I know you just explained the situation concerning caribou with the brucellosis but I heard in Baffin Island that there is a human being that has died of consuming that kind of meat containing brucellosis. I would like to find out if there are any deaths by consuming caribou meat with brucellosis disease.

MR. SPEAKER: Thank you. Madam Minister.

Return To Question O27-88(2): Deaths From Consumption Of Caribou With Brucellosis

HON. NELLIE COURNOYEA: Mr. Speaker, to my knowledge there have been no deaths related to consumption of an animal having brucellosis. I can recheck that but to my knowledge there have been no deaths related to that.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Kilabuk.

Question O28-88(2): Social Worker Requested, Pangnirtung

MR. KILABUK: (Translation) Mr. Speaker, my question is to the Minister of Social Services. In Pangnirtung, in my community, we do not have a social worker at all and the people that have to be assisted in welfare are not being looked after properly. Are you going to be hiring a new person to fill that position in our community so that the community could be looked after? Thank you.

MR. SPEAKER: Thank you. Mr. Minister.

Return To Question O28-88(2): Social Worker Requested, Pangnirtung

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. It has been a concern that there have not been enough social workers to go into every community in the NWT. It has been an area that the department has been working on to ensure that our services are provided. The particular area of Pangnirtung will be reviewed and if the need is identified we will make every attempt to try to address the need. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. Mr. Crow.

Question O29-88(2): Use Of Interpreters By Social Worker, Sanikiluaq

MR. CROW: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Social Services. I would like to find out if this policy is true in our community. We have a non-native social worker in our community of Sanikiluaq and the social worker, I think, has been informed from Iqaluit that he is not to use any interpreters to work with him. This is my question: Is this true in Sanikiluaq? Is this true that the non-native people are not to use any interpreters in our communities? I think this is quite wrong because when there are not enough social

workers in the communities and there are not enough trained social workers that are Inuit, especially in our area in the Eastern Arctic, there is a lack of social workers for the native people and they deal with the unilingual people most of the time. My question is, is this your policy, that if you have a white person as a social worker it should be definite that they use an interpreter? Thank you, that is my question.

MR. SPEAKER: Thank you, Mr. Crow. Madam Minister.

Return To Question O29-88(2): Use Of Interpreters By Social Worker, Sanikiluaq

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. It is certainly my understanding that it is government policy that in the Eastern Arctic or the territorial government that the particular language is utilized that is required to provide our services to the citizens of the Northwest Territories. In this particular instance, it can be certainly looked at to ensure that if there is an error made that it be rectified. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. The House will now recess for a short coffee break.

---SHORT RECESS

Having concluded Item 5, we are on Item 6, written questions. Item 7, returns to written questions. Mr. Patterson.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

Return To Question W1-88(2): Public Servant Involvement In Elections

HON. DENNIS PATTERSON: Mr. Speaker, I have a return to Question W1-88(2), asked by Mr. Nerysoo, regarding public servant involvement in elections.

Mr. Speaker, the government's policy on the involvement of all the employees of the Government of the NWT is contained in the Public Service Act, section 33, political partisanship. The effect of this legislation is also fully described in section 108 of the government's personnel manual. The specific excerpts from the act and the personnel manual are attached as part of this return.

All staff of cabinet or individual Ministers are covered by these instruments. GNWT employees fall into two categories for purposes of section 33 -- that is, restricted or unrestricted employees. Categorization is determined by regulation to the Public Service Act. The governing regulation was prescribed on November 1, 1986 and the excerpt is also attached as part of this return. Mr. Speaker, the legislation applies to all employees of the Government of the NWT. Employees are periodically reminded of these requirements, with the most recent written reminder occurring on September 30, 1988. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Returns to written questions.

Item 8, replies to Opening Address.

Item 9, petitions.

Item 10, reports of standing and special committees. Item 11, tabling of documents. Mr. Ernerk.

ITEM 11: TABLING OF DOCUMENTS

MR. ERNERK: Thank you, Mr. Speaker. I would like to table Tabled Document 4-88(2), a document written by Dr. Colin Irwin, Department of Sociology and Social Anthropology, Dalhousie University, Halifax, Nova Scotia. It is called, "Lords of the Arctic: Wards of the State. The Growing

Inuit Population, Arctic Resettlement and Their Effects on Social and Economic Change". Thank you.

MR. SPEAKER: Thank you, Mr. Ernerk. Tabling of documents. Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I would like to table Tabled Document 5-88(2), a letter to the NWT Housing Corporation Minister concerning the increases of rent. This letter was written by a resident of Lake Harbour.

MR. SPEAKER: Thank you. Tabling of documents. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. I wish to table Tabled Document 6-88(2), Constitutional Alliance of the NWT Progress Report, in English and Inuktitut. Thank you.

MR. SPEAKER: Thank you, Mr. Kakfwi. Tabling of documents. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Speaker. I wish to table Tabled Document 7-88(2), Resolution 16, August 19, 1988, a joint leadership meeting of the Dene/Metis assembly regarding the bison sanctuary tags.

MR. SPEAKER: Thank you, Mr. Gargan. Tabling of documents. Mr. Ernerk.

MR. ERNERK: Mr. Speaker, I would like to table Tabled Document 8-88(2), a letter that I received dated September 29, 1988 to the Hon. Dennis Patterson, Government Leader, from the Keewatin Inuit Association acting president, Michael Amarook, regarding the northern energy accord which was signed recently by the Government of Canada and GNWT. The resolution that I am also tabling is attached to it.

MR. SPEAKER: Thank you, Mr. Ernerk. Tabling of documents. Item 12, notices of motion. Mr. Lewis.

#### ITEM 12: NOTICES OF MOTION

##### Notice Of Motion 2-88(2): Election To Fill Vacancy On Executive Council

MR. LEWIS: Mr. Speaker, following the example of the Government Leader, who will not announce his deputy until after an Executive Member has been chosen, I give notice that on Monday, October 17, 1988 I will move the following motion, Motion 2-88(2): Now therefore, I move, seconded by the honourable Member for Pine Point, that an election be held in this House after Monday, October 31, 1988 to fill the vacancy on the Executive Council.

MR. SPEAKER: Thank you, Mr. Lewis. Notices of motion.

Item 13, notices of motion for first reading of bills.

Item 14, motions.

Item 15, first reading of bills.

Item 16, second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Bill 3-88(2), Bill 5-88(2), Bill 8-88(2), Bill 9-88(2), Bill 11-88(2), Bill 16-88(2), Tabled Document 2-88(2) and report of standing and special committees, the standing committee on legislation, with Mr. Gargan in the chair.



ITEM 17: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 3-88(2), CONDOMINIUM ACT; BILL 9-88(2), INTERNATIONAL SALE OF GOODS ACT; BILL 11-88(2), JUDICATURE ACT; BILL 16-88(2), RECIPROCAL ENFORCEMENT OF JUDGMENTS (CANADA - U.K.) ACT; BILL 5-88(2), DISEASE REGISTRIES ACT; BILL 8-88(2), EVIDENCE ACT

CHAIRMAN (Mr. Gargan): The committee will come to order. Mr. Ballantyne, would you go through which bills we are going to do?

HON. MICHAEL BALLANTYNE: Mr. Chairman, after discussions with the chairman of the standing committee on legislation, the government would like to proceed with bills in the following order: Bill 3-88(2), Bill 9-88(2), Bill 11-88(2), Bill 16-88(2), Bill 5-88(2) and Bill 8-88(2). So I will do my four bills first and then Ms Cournoyea will do her two bills.

CHAIRMAN (Mr. Gargan): Mr. Minister, Bill 3-88(2), Bill 5-88(2), Bill 11-88(2), Bill 16-88(2) and back to Bill 9-88(2).

HON. MICHAEL BALLANTYNE: Do you have the order? So, Bill 3-88(2), Bill 9-88(2), Bill 11-88(2), Bill 16-88(2), then Bill 5-88(2) and Bill 8-88(2).

CHAIRMAN (Mr. Gargan): Does the committee agree to go in that order? Okay, we will start with Bill 3-88(2), Condominium Act, with Mr. Ballantyne.

Bill 3-88(2): Condominium Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I wonder if I could have the permission of the committee to bring officials into the House.

CHAIRMAN (Mr. Gargan): Does the committee agree? Mr. Minister, Sergeant-at-Arms. For the record, Mr. Minister, could you introduce your witness and make your opening remarks?

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. The witness has just married but she will go by the name that we know and love her by, Guiseppa Bentivegna, who is the director of our legislation division in the Department of Justice.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. You could proceed with your opening remarks.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. The purpose of this act is to allow for what is commonly known as bare land condominiums. The normal unit in a condominium is composed of the space between the walls in a building. A bare land unit, on the other hand, is a unit in a condominium that is composed of the physical land only. Although buildings may be constructed on land that composes a bare land unit, buildings constructed on the land after the condominium is created do not form part of the bare land unit. This enables owners to construct or add buildings that meet the owners' particular needs.

Bare land units are a relatively new development in condominiums. The condominium acts of Alberta and Manitoba have been amended to provide for bare land units. Under this bill, bare land units are treated the same as other units except for special provisions dealing with condominium plans, easements, insurance requirements and the obligation to repair and the determination of values in respect of bare land units. The bill increases the options for different types of land ownership in the NWT. I recommend it to you for that reason.

Also, Mr. Chairman, I have heard one concern expressed as to whether or not this particular act will take away from the authority of municipalities to deal with the use of land. It will not. In fact,

it will add an extra element of flexibility to municipalities when they are dealing with how land will be used in their community. With that, Mr. Chairman, we are prepared to proceed with the bill.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. Would the chairman of the standing committee on legislation make his opening remarks? Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairman. Would you say they included the polar bear lands...

---Laughter

Mr. Chairman, the standing committee on legislation reviewed this bill on September 28, 1988, in Yellowknife. The government representative, Ms Bentivegna, explained that the purpose of the bill was to amend the existing act to provide for a condominium that has bare land units. The committee agreed that the bill should go to the House for approval. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. General comments, Mr. McLaughlin.

Number Of Existing Condominiums In NWT

MR. McLAUGHLIN: Thank you, Mr. Chairman. Under general comments I have a couple of short questions I would like to ask the Minister. The first one. I know that condominium legislation exists already, but how many condominium operations are there in existence in the Territories already, approximately, already operating under the existing condominium legislation?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. MICHAEL BALLANTYNE: Five, apparently, right now.

CHAIRMAN (Mr. Gargan): Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. My understanding is that under condominium legislation, there are regulations which allow the people that are in the condominium complex to form an association that makes up rules and regulations, etc., governing such things as maintenance of the yard and snow removal, and maybe rules concerning pets. Is that true, and what types of regulations do those different associations have to meet in order to put these different rules and operational facilities in place so that they can operate their condominium complexes?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. MICHAEL BALLANTYNE: Under the act and regulations, if a group jointly owns a condominium, they have to form a society and enact by-laws, and those by-laws set out the requirements of each member of the condominium. They are obligated to live up to those by-laws.

CHAIRMAN (Mr. Gargan): Mr. McLaughlin.

MR. McLAUGHLIN: It is my understanding that in the normal situation that we are familiar with, in a condominium complex each person owns their own condominium and because it is one big complex that was built all at once, usually the structure is the same and consistent throughout. What I was concerned about is, in this situation -- and I must say that I am in favour of the legislation because I want to see people become property owners and have a chance to set roots down in the Territories with property ownership -- but I just have some concerns about what will happen if you have an association in a situation where, instead of having one building of consistent construction, you have several mobile homes, maybe 40 or 50 mobile homes all of different age and construction. Will the condominium association that is formed be able to govern the quality of the construction and the age of the mobile homes above and beyond what city by-laws may require?

CHAIRMAN (Mr. Gargan): Mr. Minister.

Reasonable By-Laws

HON. MICHAEL BALLANTYNE: I think there are a number of scenarios where this particular amendment could be activated. There is the situation you are talking about, for instance a trailer court. Another one is a recreation area, for instance, where a number of people that own cottages want to have a common swimming pool, a common park, a place of common enjoyment. Now, there is the potential for more complexity in this situation than in the situation when all the units are the same. But it would be up to the association. They would have to come up with reasonable by-laws that work out the problem. There is one underlying philosophy, and that is that in making their by-laws, those by-laws would not interfere with the enjoyment and pleasure of the majority. I agree with you, there could be situations that will be more difficult. I think that is the responsibility of those groups when they enter into agreements to make necessary compromises to be successful. But it has the potential to be more difficult than a traditional condominium as we know it.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. McLaughlin.

MR. McLAUGHLIN: I guess the specific comment I want to make in this area, then, is that when you have a situation where you have several, or maybe as many as 40, different mobile owners on this one big lot coming together initially and agreeing to form this condominium, once it is done and you have your association, you are going to have rules. It is proper to have those types of rules for the neatness and tidiness of yards and stuff like that, and maybe some common funding to do snow removal, etc. One thing I am concerned about though, and I would like the Minister to consider when regulations are being made, is that you could have some trailers that are perhaps older and do not meet as high a standard as some of the newer trailers in the same condominium area, and I would be concerned that once all of these people have come together and co-operated in forming this condominium, that some pressure might be put on by the association which could even threaten the possibility of someone's being able to continue to keep their mobile home in the area. So I think I would be concerned that I would not want the condominium association to be able to make its own rules about the quality and age of the mobile homes in the area more restrictive and tough than the city by-law would be.

I think I would agree that for any new trailer that might come in they could set a quality, but for the ones that are already sitting there, I think it would be pretty unfair to have a condominium association, then force some of those people into either getting out of the area or to upgrade their mobile homes. That is an area I see that could be pretty touchy once regulations are made up, so I basically just want to make that as a comment.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McLaughlin. General comments, Mr. Minister.

Municipal By-Laws Would Override

HON. MICHAEL BALLANTYNE: I think the comment is a fair one, but I want to emphasize that nothing that the condominium owners can do in their by-laws can override the city by-law, for instance, or a zoning by-law. Secondly, it will take two-thirds majority of that group to make any kind of a by-law. I think it is prudent to outline that this is a new concept and that people going into it should have their eyes open. There may be some difficulties. But still I think it gives us in the North another option to deal with housing, so on balance I think it is positive.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. General comments, Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. I just wanted to make the comment, firstly to express my appreciation to the government generally, and to Mr. Ballantyne specifically, for responding to a request that I had made. I wrote to the Minister some time ago recommending that the amendment take place to the Condominium Act and I would just like to express appreciation for responding so quickly because it was only in July, I believe, that the actual request -- I know that

he is also responding to a number of requests that have been made in the city but I just wanted to make that particular comment. I thank the Minister also for responding to a concern I had raised with him with regard to the municipal responsibility of various municipal organizations, in particular the city and the town municipal councils.

**CHAIRMAN (Mr. Gargan):** Thank you, Mr. Nerysoo. General comments. Are there any further general comments?

**AN HON. MEMBER:** Clause by clause.

**CHAIRMAN (Mr. Gargan):** Does the committee agree we go clause by clause?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 1. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 2, bare land unit. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 3, unit. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 4. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 5. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 6, contents of plan. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 7. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 8, bare land unit. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 9, bare land unit. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 10, duty to insure. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 11, obligation to repair and maintain. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 12, bare land units. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 13, determination of damage. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 14. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** The bill as a whole. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Thank you. Does the committee agree that Bill 3-88(2), An Act to Amend the Condominium Act, is now ready for third reading?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Thank you. We will go now to Bill 9-88(2), International Sale of Goods Act. Mr. Minister, would you like to make your opening remarks?

Bill 9-88(2): International Sale Of Goods Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Chairman, before I get into my opening, just a little bit of background. There are a number of these types of acts that the Assembly has been asked to approve. I know that from time to time I am asked, "How does it really affect us?" Some of them do not affect us directly. Past Ministers of Justice -- I believe Mr. Nerysoo and Mr. Braden -- made the constitutional point that if we are someday to evolve toward provincial status we should be accorded the same respect as other provinces. In Canada the powers and rights of provinces are a very important constitutional matter, so that before the federal government enters into international arrangements they ask for the blessing of provinces and, on the insistence of our successive governments, of our Territories. I think it is a sign of our increasing maturity that the federal government is asking us to concur with these international arrangements that they enter into. I hope that will explain why from time to time the Minister of Justice of the Territories brings these sorts of acts into this House.

Mr. Chairman, the purpose of the International Sale of Goods Act is to implement the United Nations convention on contracts for the international sale of goods. The convention came into force on January 1, 1988. The Minister of Justice for Canada has asked our government to enact this bill so that the convention will apply to the Northwest Territories when Canada accedes to the convention.

The bill is based on a uniform act adopted by the Uniform Law Conference in 1985. The convention applies to a contract for the sale of goods where the parties have a place of business in different states and the states are parties to the convention. The purpose of the convention is to provide uniform rules to resolve disputes between buyers and sellers in international sales contracts. The United States, China, Italy, France are some of the countries that have ratified or acceded to the convention.

I would like to draw your attention to Article 6 of the convention. Once the convention comes into force in the Northwest Territories, Article 6 establishes that the convention will apply to an international sales contract only if the contract is silent on the matter of whether the convention applies. In other words, if a contract states that a law of a particular state is to apply to the contract or, otherwise, indicates that the parties do not intend for the convention to apply to the contract, then the convention will not apply to the contract. So an individual person or company still has the option as to whether or not this particular convention will apply. The actual wording of the legislation is taken directly from the standard wording that is used in other jurisdictions.

With those opening comments, Mr. Chairman, I turn the floor back to you.

CHAIRMAN (Mr. Gargan): Thank you. Would the chairman of the standing committee on legislation like to make his opening remarks? Mr. Ernerk.

Comments From Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. The standing committee on legislation met on September 27, 1988 to review the bill with government representatives. The Law Clerk explained that the purpose of the bill is to facilitate international trade by establishing a set of rules governing contracts between contracting parties in different nations. The bill is part of a United Nations convention regarding trade amongst nations, including Canada. The approval of the provinces and territories is required in order for Canada to ratify it. The committee was satisfied with the bill and recommends passage.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. General comments. Mr. Nerysoo.

MR. NERYSOO: Mr. Chairman, if I could ask the Minister one particular question. Is there a section in here that deals with non-abrogation of treaty or aboriginal rights that may exist as a result of treaties?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. MICHAEL BALLANTYNE: My understanding is, there is no need for that because we are here talking about individuals or individual companies that enter into relationships with businesses in other countries. Our legal advice is that there is no need for that sort of a contract in here at all because there is really no way one can take away from those aboriginal rights.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. If the Minister could clarify. My concern also includes the issue of businesses that are set up under treaty obligations or, for that matter, land claims settlement agreements that are protected under the Constitution. Is the Minister indicating that if there are certain rights and certain commitments made to this particular aboriginal organization -- including the business sector -- this particular legislation or convention will not apply? My reading is that it will and I am curious as to whether or not that has been dealt with in the convention, or is it just personal businesses?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. MICHAEL BALLANTYNE: In this we are talking in terms of a buyer and a seller in two countries. There is no case that we are able to think of where there will be a problem but even if there is a potential problem, you can invoke Article 6, which says it does not apply, so I think there are lots of safeguards there.

CHAIRMAN (Mr. Gargan): Thank you. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I have only got one question. It was dealt with in the standing committee but I think it is important to have it on the record and I would like both the Minister and our own Law Clerk to advise the House on one concern I had in this area. Often the United Nations becomes involved with some international organizations and I was worried that, because we have trade up here with some artifacts which are related to endangered species, there could be some international convention reached with which the United Nations concur, which then might in some way be pulled into this convention. We were advised in the standing committee that this would not happen, that we had no concerns but I would like the Minister and the Law Clerk, just for the record, to reiterate the fact that they do not feel that there is any risk of that taking place. I think that is fairly important.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. MICHAEL BALLANTYNE: We do not anticipate any risk. Obviously any transaction has to be according to the law so if it is not according to law then that poses another set of problems. All this does, is set out the resolution of conflict. That is all it does.

The second safeguard again, as I said to Mr. Nerysoo, is to invoke Article 6. If anyone has any fear at all that this particular convention could have some form of negative impact on their company or on them, they could invoke Article 6 and they do not have to abide by it. We do not foresee any problems with that whatsoever.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. General comments. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. Since we also rely on the advice of our own Law Clerk in this situation, I would like to get on the record his comments that there are safeguards in this regard as well.

**CHAIRMAN (Mr. Gargan):** Mr. Cooper.

**LAW CLERK:** Mr. Chairman, I do not think that the Member's concerns are a problem. This bill, or act, would have no impact on the concerns that he has expressed. It is merely a set of rules for interpreting or governing the relationship between two contracting parties in different jurisdictions. In the Northwest Territories we have a set of rules and the common law for interpreting contracts when parties get into contractual disputes. They are somewhat different in Alberta and they are different yet in British Columbia and they are even more different in Montana or California.

The intention of this act is merely to give the parties a set of rules for resolving the disputes when, across an international border, they have entered into a contractual agreement without specifying that the contract is to be interpreted in accordance with the laws of, for instance, Montana or British Columbia. They can resort to this code which will assist either the party or a court, if it came to that, in interpreting the rights of the parties under the contract. As the Minister pointed out, it is between buyer and seller and it is not intended to impact on anything else. They are merely rules much as the rules of the Legislative Assembly would be.

**CHAIRMAN (Mr. Gargan):** Thank you, Mr. Cooper. General comments. Does the committee agree that we go clause by clause?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Gargan):** Bill 9-88(2), clause 1, definition of "convention". Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 2, declaration. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 3, coming into force. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 4, publication. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 5, conflict. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Schedule. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed



CHAIRMAN (Mr. Gargan): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 9-88(2), International Sale of Goods Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Thank you. We will now go to Bill 11-88(2), An Act to Amend the Judicature Act. Mr. Ballantyne, your opening remarks.

Bill 11-88(2): Judicature Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. This bill amends the Judicature Act to confer upon the Commissioner status as a full party to court proceedings when the intervention is made under section 23 of the act. At present, the act provides for the constitutional validity of an act when it is brought into question in court proceedings. The Commissioner must be given notice and is entitled to intervene and have counsel make submissions concerning the validity of the enactment.

At present, the Commissioner has no right to appeal a judgment. This bill amends section 23 to provide that right to the Commissioner. The bill also amends the act to delete the reference to constitutional validity of enactment, so "constitutional" will come out.

The bill amends section 5(2) of the act to delete a reference to "act" which is a housekeeping amendment that improves the form of the subsection but does not affect the substance. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you. Would the chairman of the standing committee on legislation have anything further? Mr. Ernerk.

Comments From Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. The standing committee on legislation reviewed the bill on September 28, 1988. The government explained that the purpose of the bill was to amend the act by deleting certain references and to provide that when the Attorney General of Canada, or the Commissioner, appears in a proceeding respecting the constitutional validity of an enactment, he or she is deemed to be a party to the proceeding and to have the same rights as any other party. The government legal counsel explained that this will ensure that when the government is not a party to an act but wishes to intervene, then the government will be deemed to be a party to it and have the same rights as the party. The committee approves the bill and recommends it for approval.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. General comments. Mr. McLaughlin.

MR. McLAUGHLIN: Mr. Chairman, is it because of the NWT Act that the Commissioner is in here? I notice for the federal government, it is the Attorney General, so is it because of the NWT Act that the Commissioner is in here rather than one of the Ministers of the cabinet?

CHAIRMAN (Mr. Gargan): Thank you, Mr. McLaughlin. Mr. Minister.

HON. MICHAEL BALLANTYNE: That is correct.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Mr. Nerysoo.

MR. NERYSOO: Just a question for clarification. The Attorney General of Canada is recognized and also the Commissioner. What about the situation of a Solicitor General in other provinces? What is the situation with regard to that?

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Just to clarify here. Because we do not have the Attorney General function, there are times in a criminal proceeding where the Attorney General would intervene and similar proceedings where we would have the Commissioner's intervention.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Does the committee agree that we go clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Gargan): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 3. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 4, deemed to be a party. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 11-88(2), An Act to Amend the Judicature Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Thank you. We will now go to Bill 16-88(2), Reciprocal Enforcement of Judgments (Canada - U.K.) Act, with Mr. Ballantyne.

**Bill 16-88(2): Reciprocal Enforcement Of Judgments (Canada - U.K.) Act**

**Minister's Opening Remarks**

**HON. MICHAEL BALLANTYNE:** Mr. Chairman, this particular act falls under the same category as the acts that I talked about previously. This bill will bring into force in the NWT the convention between Canada and the United Kingdom of Great Britain and Northern Ireland, providing for the reciprocal recognition and enforcement of judgments in civil and commercial matters. When enacted, this bill will bring our legislation into line with that of eight other jurisdictions in Canada in which the convention is enforced.

The convention provides the summary means of enforcing judgments in civil and commercial matters given in a court of a contracting state. A judgment to which the convention applies that is given by a court in the NWT is registrable in the United Kingdom and enforceable in the United Kingdom as if it were a judgment given by a court in the United Kingdom.

By affording successful litigants a simpler means of enforcing judgments, the convention facilitates commerce between Canada and the United Kingdom. When this bill is enacted, the NWT becomes more economically attractive to those persons and companies who have business connections in the United Kingdom. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Gargan):** Thank you. Mr. Ernerk.

**MR. ERNERK:** Thank you, Mr. Chairman. The government introduced a bill by noting that the purpose of the bill or of the proposed legislation was to confirm international legislation that Canada would be a party to. The committee reviewed the bill and it agreed that the bill would be referred to the committee of the whole for approval.

**CHAIRMAN (Mr. Gargan):** Thank you, Mr. Ernerk. General comments. Are there any general comments? The committee agrees to go clause by clause.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Gargan):** Clause 1, definition of "convention". Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 2, convention in the force in the Territories. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 3, request to Canada. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 4, publication of date and courts. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 5, ex parte application. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 6, service of ex parte order. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 7, foreign currencies. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 8, regulations. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Clause 9, conflict between the convention and this act. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Schedule. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Bill as a whole. Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Does the committee agree that Bill 16-88(2), Reciprocal Enforcement of Judgments (Canada - U.K.) Act, is now ready for third reading? Agreed?

**SOME HON. MEMBERS:** Agreed.

---Agreed

**CHAIRMAN (Mr. Gargan):** Thank you. We will now go to Bill 5-88(2). I would like to thank the Minister and the witness. Mahsi cho. Bill 5-88(2) is the Disease Registries Act, with Ms Cournoyea. Would the Minister like to make her opening statement? Madam Minister.

**Bill 5-88(2): Disease Registries Act**

**Minister's Opening Remarks**

**HON. NELLIE COURNOYEA:** Mr. Chairman, I am pleased to introduce a bill establishing the Disease Registries Act. The drafting of this act was prompted by queries from several groups with respect to the prevalence of certain diseases in the NWT. By monitoring changing patterns of diseases, improved treatment and/or prevention may be achieved. By accurately estimating the incidence of disease, proper evaluation and planning of health services may occur, as well as the monitoring of health care delivery costs associated with these diseases.

The act will allow health care professionals to deliver health care services designed to meet the needs of residents of the NWT. The act will compel physicians, hospitals and nursing stations to report certain diseases to the registry. The diseases which will initially be targeted are cancer and diabetes. Mr. Chairman, I would like to call in Elaine Berthelet, who is with the Department of Health.

**CHAIRMAN (Mr. Gargan):** Does the committee agree that the Minister bring in her witness?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Gargan):** Where is Elaine, Madam Minister?

**HON. NELLIE COURNOYEA:** She is on her way in a moment.

**CHAIRMAN (Mr. Gargan):** Does the Minister wish to wait or...

**HON. NELLIE COURNOYEA:** No, Mr. Chairman. You can proceed with the general comments.

**CHAIRMAN (Mr. Gargan):** Okay, Mr. Ernerk.

**Comments From Standing Committee On Legislation**

**MR. ERNERK:** Mr. Chairman, I have a report to present on behalf of the standing committee on legislation on this. The standing committee on legislation reviewed the bill on September 28, 1988. The government representative, Ms Bentivegna, explained that the purpose of the bill was to give the Department of Health an idea of the statistical occurrences of diseases such as cancer, tuberculosis and diabetes so that health professionals could plan their services and provide better treatment. At present, there are disease registries for contagious diseases such as AIDS. It is proposed that this information would be confidential and would only be exchanged with other jurisdictions for information-sharing and research purposes.

Committee Members raised questions as to the rights of privacy of individuals, the protection of doctor/patient confidentiality and access to the patient's health card files by members of the health department and others. The Minister of Health, Ms Cournoyea, appeared before the SCOL to explain the proposed legislation. The Minister noted that over the years the split responsibility for health between the federal and territorial government has created information gaps. For example, to identify the rate of cancer within the NWT population, health workers would have to track down information from the various regions throughout the country that patients may have been treated at. This applies to cancer, tuberculosis and diabetes, for example.

Now that the NWT has accumulated all responsibilities for health services, the Minister noted that disease registries would help to understand the extent of the problem of chronic diseases, track patients and allow the government to plan and evaluate the delivery and impact of services provided. A representative from the health department explained how confidentiality was encouraged in the health care number recording system. During the clause by clause review, a Member proposed that confidentiality of government access, section 15(1), be reviewed to

prevent possible abuses. Now, the committee agreed that the bill be referred to the committee of the whole for approval. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. General comments. Mr. Lewis.

#### Issue Of Confidentiality

MR. LEWIS: Mr. Chairman, I was probably one of the Members of that committee that was most concerned about the issue of confidentiality. I have known people who have had so many months to live or 70 years to live and they had no wish that anybody else other than their doctor and their family know about it. In one particular case I found out later that this person had, in fact, a very serious disease and it had been his wish that nobody else should know about this because he did not want to have people feeling sorry for him. It is as simple as that. It was his business. I can understand the need to have a system for recording diseases where these are contagious diseases and you want to protect other people from catching whatever you have, but in the case of the individual, it has been one of the basic rules that your sickness is a matter of confidentiality between yourself and your physician and, if you wish, with your family.

I would probably want to raise that major issue when we get to clause 15 about the number of people that will find out, if you like, or will have access to this information about individuals. Because, it seems to me that in the original reasoning for the need of this system, it was a statistical requirement. The word "statistical" is used -- that we need to get an idea of how big a problem is, so that you can do some planning, so that you can inform other jurisdictions how many individuals in your system have a certain kind of disease. And I would want to have the names of individuals protected. That is my major concern -- that names be protected, so that any individual who would want to wish to keep that a matter of confidence, either for personal or business reasons, then he should be allowed to keep that confidential. And the more people that know about it, then obviously the more likelihood there will be of other people finding out about a disease that you would like to keep secret. It is a major issue for me, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Lewis. General comments, Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I would just like to comment that I understand the reasoning for the establishment of these registries, and especially the cancer one, it seems to me, because when I was Minister of Health there were quite a few people from all across the North, including MLAs, bringing to my attention the cancer cases. For example, one complaint was that by the time a person was diagnosed as having cancer it was usually too late. The cancer was so far advanced that it had become a life-threatening situation; whereas if the cancer had been diagnosed earlier there could have been minor surgery or some other treatment which would have taken away the risk to the patient's life. This provoked the epidemiologist, Dr. Luis Barreto, who had worked for us then, to recommend that a cancer registry be put in place. Then once you have done a registry like this you have a situation where it might show that it is true that by the time we finally diagnosed these people as having cancer, it is pretty well advanced, and every time we find a well-advanced cancer on initial diagnosis, we look back and we see that this person has been to the nursing station eight times complaining of breathing difficulties, or a pain in their stomach, and did not get access to a doctor, and therefore that is a problem in our system.

So until we establish a registry like this, we do not have anything to go by to change the way we operate our system. So it is important to have this. But I also agree with Mr. Lewis that we have to be very careful about how many people get into these files and how many people are involved with the names of patients. It is an important thing for the work of an epidemiologist, especially, on staff with the government -- just as a small aside, Mr. Chairman, I would like to ask the Minister if we have managed to recruit a new epidemiologist since Dr. Barreto left us nearly a year ago.

CHAIRMAN (Mr. Gargan): Madam Minister.

New Epidemiologist To Be Recruited

HON. NELLIE COURNOYEA: Mr. Chairman, the interviews will be done in about two weeks time so we are still not on a cutoff time at this time on all the applications, but the interviews will take place. We have a couple of very good people who have applied for the position.

CHAIRMAN (Mr. Gargan): Thank you. General comments, Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I would just like to say that while I respect Mr. Lewis's concerns, and I think patient confidentiality is important and must be respected in the implementation of such a system, I am confident that the Department of Health will respect patient confidentiality. I would like to say to Mr. Lewis, through you, Mr. Chairman, that I believe it is far more than just the academic exercise of having statistics. I think this is a way that our government and the Health department can begin to concentrate on prevention of disease, rather than curing disease that occurs. I think that now that the NWT has taken over the health care system, if we have some idea of the trends and the sources of fatal illnesses in our population -- which we will not have without this registry -- then we will be able to look at ways of preventing disease. This would be through public education, education in the schools and through other preventive means, and I know the Minister of Health is committed to establishing preventive care rather than just spending all our money curing diseases when they occur.

I would like specifically, Mr. Chairman -- because I have taken a specific interest in this -- I would like specifically to comment on the question of cancer which has come up often in this Legislature over the years. There are Members saying, "Why are so many people dying of cancer?", and "What is the government going to do about it?", and there have been questions like those Mr. McLaughlin suggested about lack of early diagnosis and the like. Until we know how many people are dying of cancer, and how many people have cancer, we are not going to be able to take preventive action to stop this deadly disease from continuing to kill younger and younger people.

I think the evidence that has been gathered in the NWT shows that lung cancer, due to smoking, is reaching and moving and accelerating towards epidemic proportions. I believe smoking and smoking-related disease, including lung cancer, is one of the single most urgent health problems that we have in the NWT. This registry will permit the public and the government to take a measure of the problems of smoking, which are just starting to become realized in our population, so I am very strongly in support of this legislation.

Precautions To Ensure Patient Confidentiality

I think that precautions can be taken to ensure patient confidentiality. I think that is a fundamental between the Health department and the patient that confidentiality will be protected, and I am sure that is every nurse's and every health care professional's uppermost concern, to respect patient confidentiality. But I do not think that the two are mutually exclusive. I think we can have a registry of this kind and we can still protect and respect patient confidentiality. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you. Does the committee agree we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 1, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 2, appointment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 3, order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 4, reportable disease. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 5, communicable disease. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 6, reportable test. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 7, additional information. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 8, health facility. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 9, liability. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 10, register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 11, form and content. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed



CHAIRMAN (Mr. Gargan): Clause 12, chief medical health officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 13, confidentiality. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 14, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 15, government access. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. It is here, I guess, that I have my one concern. I think it is often too easy for paper to roll by the bureaucracy and to have a bureaucrat, even one of your more senior bureaucrats, rubber-stamping applications for scientific researchers, or medical researchers, to look into these files for largely academic purpose in a lot of cases. So I would like to resist the situation where the deputy minister may allow one or more persons, designated by the deputy minister, to review the register. I would really like to change that to "Minister". I think that you are going to have some of your staff appointed by the Minister, the registrar or the deputy minister who are going to be able to be in a situation to work with this registry on a continuous basis. As well there are going to be all sorts of applications to do specific research in a certain area of the Territories or on a certain type of cancer.

I just do not want to have a bureaucrat, even the most senior one in the department, rubber-stamping scientific research, especially medical research type of applications. I would like that to be done by the Minister. I would like first to hear the Minister's comments on that and if I cannot be convinced I will be tempted to move an amendment to strike out the word "deputy" in line four of clause 15.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McLaughlin. Madam Minister.

#### Deputy To Act In Minister's Absence

HON. NELLIE COURNOYEA: Yes, Mr. Chairman. At the review at the standing committee on legislation, the issue was brought up. The committee did request that we take a look at clause 15(1). We did that and discussed to see if there could be a compromise. The reason that the deputy minister was left in there is in case a Minister responsible was travelling, was away and that there be somebody there in case there was a very extreme situation where a decision had to be made. So, this is why the deputy minister position has been put in there as being one of the people able to examine but we do not feel that that would happen unless it was in a very extreme case. I guess in many instances it is not always possible for the Minister responsible to be in the office to do that particular examination, so this is the reason.

CHAIRMAN (Mr. Gargan): Thank you. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I understand that in the cases of contagious or communicable diseases, you would have to have a situation where somebody could act, and preferably someone within the department who would know health issues and medical issues would act when the Minister is absent. If there is an outbreak of tuberculosis, or something, in a community, you cannot afford to have the delay, but here we are talking about basically a cancer

registry and a diabetes registry. These are not communicable diseases. You are not going to be responding to a sudden, urgent outbreak of cancer somewhere. That just does not happen. So, I think that if the Minister cannot do it, one of the Ministers who is still in Yellowknife, who is signing on the Minister's behalf, could do it.

I just do not like the idea of giving the senior bureaucrat in the department this ability to designate people. In fact, if you look at the wording the way it is right now, the deputy minister could designate people permanently, as well, to do this. They would have an ongoing ability to do this and I do not like that, either.

Motion To Amend Clause 15, Bill 5-88(2), Carried

So, I am going to move that the word "deputy" be struck from line four of clause 15. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you. I will get a copy of your motion. Your motion reads "that the word 'deputy' be deleted from line four of clause 15". Your motion is in order. Mr. McLaughlin, to the motion. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Clause 15, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 16, treatment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 17, agreements. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 18, provincial counterparts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 19, research. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 20, duties of applicant. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 21, duties before publication. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 22, duties upon publication. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 23, offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 24, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 25, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 5-88(2), Disease Registries Act, is now ready for third reading, as amended?

SOME HON. MEMBERS: Agreed.

---Agreed

**Bill 8-88(2): Evidence Act**

CHAIRMAN (Mr. Gargan): We will now go to Bill 8-88(2), An Act to Amend the Evidence Act. Madam Minister, would you like to make your opening remarks?

**Minister's Opening Remarks**

HON. NELLIE COURNOYEA: Mr. Chairman, I am pleased to introduce a bill to amend the Northwest Territories Evidence Act. In the process of ensuring safe and high quality patient care, the health system has a number of peer review and quality assurance committees. As the health system develops, increasing emphasis will be placed on quality assurance. In fact, quality assurance is a requirement for accreditation in all Canadian hospitals, including those in the Northwest Territories.

These peer review and quality assurance committees review past and present cases to see how they were handled and make recommendations concerning procedural or program changes, staff

education and other remedial actions aimed at improving patient care. To ensure maximum benefit from such review systems, complete openness of participants is necessary. Absolute confidentiality of the proceedings, findings, decisions and records of such committees must be ensured to permit the truth to be examined and used to the advantage of patient care.

The current Northwest Territories Evidence Act does not contain provisions for peer review or confidentiality of health records.

The amendment would provide that a member of a peer review committee could not testify in court on matters discussed by the peer review committee. As well, the findings of a quality assurance committee could not be subpoenaed.

This amendment in no way interferes with the justice system. If a case such as a malpractice suit was brought to court, all original medical records in the case may still be called into evidence so that the court can make its own determination, unprejudiced by the previous conclusion of the review committee.

An amendment of this nature has been recommended by the Canadian Medical Association and the Canadian Bar Association. A number of the provinces have already introduced such legislation. The amendment will allow committees such as the Northwest Territories maternal/perinatal committee to become fully functional. It will also give other established committees the confidence required to fulfil the task of improving the delivery of patient care. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you. Does the standing committee on legislation chairman wish to make an opening remark? Mr. Ernerk.

#### Comments From Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. With your permission I would like to read into the record the report of the standing committee on legislation that we accepted earlier as a report. This report reviews the discussions in the standing committee on legislation and the current status of the bill.

The standing committee on legislation discussed the bill at the standing committee on legislation meeting of February 29, 1988. The Minister of Justice, Mr. Ballantyne, explained that the purpose of the bill is to amend the Evidence Act so that health care professionals, that is, anyone providing health care in the Northwest Territories such as doctors, nurses, psychologists, occupational therapists, laboratory technicians and others, who are called to be witnesses in civil proceedings cannot be asked questions concerning proceedings that have taken place before medical peer review committees. They also cannot be required to produce records of these proceedings.

The Minister added that peer review committees want the protection of confidentiality for their meetings. The peer review committee serves as a quality control to protect the integrity of health services. The media and others may feel that the government is trying to protect the secrecy of the medical profession, the Minister explained. However, medical records will still be available to the courts. A Member asked the Law Clerk whether or not these informal discussions of peer review committees are now called into court. The Law Clerk agreed to look into this matter.

The acting chairman also agreed to inform the standing committee chairman that some Members would like to have representatives from the medical community and the Bar Association meet with the standing committee on legislation to review these concerns at the Rankin Inlet meeting of June 15, 1988. At the Rankin Inlet standing committee on legislation meeting, the Minister of Justice, Mr. Ballantyne, explained that for any hospital to be accredited there must be a peer review committee whose purpose is to encourage quality medical care. Peer review information should be confidential so as to ensure frankness and honesty. The Law Clerk expressed a concern that the Bar Association is uneasy because the privilege of avoiding testifying is precious and should be seldom given.

Mr. Chairman, on section 13.1, in the record of the committee, a concern was raised by a Member that should a peer review committee obtain records, would these records be non-admissible in a court of law. That has become buried in committee, buried. The Law Clerk suggested that the government may wish to amend this section to make it clear that witnesses who are members of a medical committee must still answer any questions or produce documents that they are otherwise bound to answer by virtue of this amending legislation. The Minister agreed to review this matter, as well as the section on hospital records, and report back to the committee. The standing committee agreed to proceed with the bill pending further amendments by the government.

If I could just continue for another two minutes to read this other one. The standing committee reviewed the bill also on September 28, 1988. The committee had reviewed the bill with the government in Rankin Inlet and had proposed amendments to the bill. The government explained that the bill had been revised to more clearly state that the records of the peer review committees and what was said in those committee meetings cannot be introduced as evidence. However, hospital records and patient charts, for example, can be introduced as evidence. The standing committee on legislation approved the bill and recommends that the bill be approved by the Legislative Assembly. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. General comments. Mr. McLaughlin.

#### Concerns Of Standing Committee

MR. McLAUGHLIN: Thank you, Mr. Chairman. I think that the issue raised there and mentioned by our chairman is important and we were given assurances in standing committee -- once again I think it should really go on the record in the House and I think it is important that the general public knows that the committee has looked at this thing. We had apprehensions and we were given advice by our own legal staff and by government legal staff that our concerns are taken care of. Our specific concerns arose out of a situation where a patient or the family of a patient might be suing a physician for something which occurred to them in an operating room or in some other treatment that might have been taking place. I would like to ask, once again, the Minister and/or her staff and our own Law Clerk, to comment on, so that the general public can understand that our concerns have been allayed.

Basically there are two areas of concern. One is that we had a concern that the doctor who might have actually been in an operating theatre with the physician that is being sued, if that doctor who was on the inside of the incident, was also on a peer review committee, he would not be able to testify in court on the incident because the incident might have been reviewed by the peer review committee before it went to court. That was our one concern. The other concern was that internal documents of the hospital, such as bed charts, such as a prescription that might have been issued by a doctor and filled in-house, in the hospital itself from its own pharmacy, might not be allowed to be evidence in court because those pieces of paper had been used by the peer review committee during some discussion of the incident. I would like to ask that the Minister and our own Law Clerk basically advise the House so the general public knows that we have addressed that concern and that they are saying with their knowledge of the law that our concerns are taken care of.

CHAIRMAN (Mr. Gargan): Thank you. Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, I will allow Ms Bentivegna to answer the question because I believe that section 13.2 was taken care of after discussion with the legislation committee.

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

MS BENTIVEGNA: Mr. Chairman, as for the first part of the question as to whether a doctor could answer questions on what they saw or what happened in an operating room, those questions

would still be open. They could not be asked the question of whether the peer review committee discussed it, if they are a member of that peer review committee, or what was decided in that peer review committee. But they can still be asked what they say, what happened, what general procedure is. That is still open, because in subsection 13.2(3) it says the witness is not excused from answering any questions that normally he or she has to answer. In subsection (1) it says that they cannot answer questions that relate to the peer review committee and what was said before it or the documents that came out of that committee or that were before that committee.

Then as far as hospital records and medical records go, in subsection 13.2(2) it clearly says that they are not included in paragraph (b), therefore that they are not subject to this privilege and can be included in evidence, that they are part of evidence and you can bring them into evidence according to the normal rules.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Law Clerk.

LAW CLERK: Mr. Chairman, section 13.2(3) is I believe identical or very close to being identical to a similar section in the Manitoba legislation, which at the suggestion of the standing committee was incorporated into this bill. I think as Ms Bentivegna pointed out, between subsections (2) and (3) the concerns expressed by the Member are, in my opinion, adequately covered and dealt with.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Mr. Butters.

MR. BUTTERS: Mr. Chairman, what is a medical peer review committee?

CHAIRMAN (Mr. Gargan): Madam Minister.

#### Variety Of Committees

HON. NELLIE COURNOYEA: Mr. Chairman, there are a variety of committees. For example, there is a medical advisory committee which would involve the chief of staff, the medical director, surgeon, chairman of an audit committee, executive director and regional nursing office. There is a medical audit committee, for example, in Inuvik, which is chaired by Dr. Turner and another physician, medical records supervisor, regional nursing officer, director of nursing at the hospital and the medical director. Another example of a review committee is a pharmacy and therapeutic committee, which would involve a chief of staff. For example, in Inuvik it would be Dr. Reddy who is a chairperson, including the medical director, a pharmacist, regional nursing officer and director of nursing of that hospital. There is a credentials committee which would involve chief of staff, medical director, executive director and one physician. Another committee would be an infectious control committee of which the medical director would be the chairman, and including a senior nursing officer, director of nursing of that hospital, infectious control nurse, environmental health officer and department heads according to specific reviews. The other committees that exist are the nursing audit and nursing quality assurance committee. Those are some of the committees.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Butters.

MR. BUTTERS: Do any of the committees named by the Minister examine sins of omission or commission that would result in medical malpractice?

CHAIRMAN (Mr. Gargan): Madam Minister.

HON. NELLIE COURNOYEA: I will ask Ms Bentivegna to answer that specific question.

MS BENTIVEGNA: The thing is, yes they could, because they are reviewing as, let us say, the audit committee, what has happened in the hospital so that committee could be looking at certain specific files. Yes.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Butters.

### Action Taken When Finding Proved Malpractice

**MR. BUTTERS:** Thank you, Mr. Chairman. What action is taken by such a committee when it finds proved malpractice in the case that it is reviewing?

**CHAIRMAN (Mr. Gargan):** Madam Minister. Ms Berthelet.

**MS BERTHELET:** Mr. Chairman, in the case of finding something that was not as per the accepted or the established procedure, there could be a number of things that would take place. The facility or the health board may implement a program change. It may bring in some additional expertise. It may recommend additional training for a particular staff member. They may perhaps need to increase coverage, staffing coverage in an area. I suppose that is always a possibility. It could lead to recommendation for remedial actions against one of the professionals as well. And dismissal would be also the bottom line.

**CHAIRMAN (Mr. Gargan):** Thank you. Mr. Butters.

**MR. BUTTERS:** I am interested in the case against the professional who has committed malpractice in dealing with a patient. I think the important part of the whole medical process is the patient and the manner of service that that patient receives in the hands of that professional. In the case where a review board determines malpractice has occurred, is the Minister informed of that particular situation?

**CHAIRMAN (Mr. Gargan):** Madam Minister. Ms Bentivegna.

**MS BENTIVEGNA:** Mr. Chairman, I think it should be clarified that the purpose of the committee is not to make a finding of fault, let us say, like a court would in a malpractice suit. They would be reviewing the procedures just to see what happened and how to better their hospital or the care that they are providing. Since things would be confidential, I do not think that the committee could then take it outside the committee.

Now if there was malpractice, the individual who suffered the malpractice could go to the disciplining board of that particular body, let us say if it were the doctors, then they would go to the medical association or they could sue that particular doctor. Also, it would then be the other case if there is employment and if it was found that this person negligently, according to the set practices -- then it would be up to that employer whether to discipline them or to terminate the contract. But the peer review committee is more of a quality control committee than one that makes findings. They can also make, I would think, recommendations to the employer or to the Minister if they wanted to.

**CHAIRMAN (Mr. Gargan):** Mr. Butters.

**MR. BUTTERS:** In all that response I hear, "No, there is no requirement to make known such malpractice to the Minister who is responsible for Health in the Northwest Territories." That is what I heard being said.

### Informing Patient Of Malpractice

If the peer group does find malpractice, does it inform the patient? It could be that the patient does not know that malpractice occurred. Is the patient informed?

**CHAIRMAN (Mr. Gargan):** Madam Minister. Ms Bentivegna.

**MS BENTIVEGNA:** Mr. Chairman, no, they would not advise the patient because the idea is that they want to improve the quality of care and in improving the quality of care, that is why they are discussing it and that is why it is confidential, so that then things can come out, rather than people fearing being sued and things not being discussed.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I am willing to allow professionals to discipline themselves, if they discipline themselves. But are we setting up an ideal situation in which the professional can get by with committing malpractice, committing other acts contrary to their training and experience and could be protected in these walled-off rooms?

Ms Bentivegna has suggested that the courts will dispose. I would wonder if our Law Clerk could advise me if he is personally aware, and I asked him this question in committee, of the number of malpractice suits that have occurred in the Territories or in, say, the Mackenzie District.

CHAIRMAN (Mr. Gargan): Mr. Law Clerk.

#### Incidence Of Malpractice Suits

LAW CLERK: I do not have any statistics at hand. I am going by my own experience at the Bar dating back to 1975. I can think of, I believe, two for sure, and possibly a third case which was started. I do not believe there has ever been a medical malpractice case that has gone to trial, within my recollection in my time in the North.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Butters.

MR. BUTTERS: Mr. Chairman, why this concerns me is that I think residents in this community have heard horror stories about -- I do not know if it would be called malpractice -- but certainly improper medical attention that has been provided in the hospital here. We have a \$37.5 million building but we do not necessarily have the professional staff to provide a complete and adequate medical service. I think sometimes we get carried away by the size of the building and the modern equipment that is provided within.

How is a patient who believes he has been the victim of malpractice protected? We have just heard that no cases have gone to trial. I can name three cases that I have heard occurred here in the last year that have never gone anywhere.

CHAIRMAN (Mr. Gargan): Madam Minister.

HON. NELLIE COURNOYEA: Just to lead into this and Ms Bentivegna can get on to more specifics. My understanding of these committees is that it is not necessarily the area where you would deal with that type of action. As Mr. Butters has said there are a number of complaints but they can be made directly to a Minister and to my understanding, that would be outside of these committees and would be handled as a matter of complaint to myself or to a disciplining body. The set-up that we are talking about here, the committee structure, is a discussion on improving the system but there are other avenues in the Northwest Territories where an individual has recourse to complain and recourse to progress with a case against the system.

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

MS BENTIVEGNA: Mr. Chairman, the bill does not change any of the avenues, the recourse that a person has now if they have not received proper treatment. They can make a complaint, whether it is against a doctor or a nurse, to that particular body because there is legislation that they discipline their own members. Now, if that body is not doing that job, the person can go to the courts because the Supreme Court of the Northwest Territories has a supervisory capacity over these different quasi-judicial tribunals that have been set up by legislation, and ask that that body look at that complaint if they are refusing to deal with it.

Then there is also the avenue if the person has suffered damages because of negligent medical treatment, to take it to the courts and sue that particular practitioner or nurse or whoever, and bring up the evidence against them. Now, the bill does not change anything in that. This is just



to deal with a very small group in the system, in that these committees are set up for quality care and anything that is said there is not going to be brought anywhere else. It does not stop a resident from bringing the usual evidence that they would have to bring in suing or in wanting a disciplinary hearing.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Butters.

MR. BUTTERS: Well, these committees are where the malpractice is first identified and what I hear the legal counsel saying is that they are not required to take any action. They do not refer to a disciplinary committee. Somebody else has to do that. From the record of our courts, malpractice is not being addressed in the Northwest Territories. I have heard Ms Bentivegna say how recourse can be pursued but I do not think recourse is being pursued. That is my concern.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Mr. Nerysoo.

#### Information To Patients

MR. NERYSOO: Mr. Chairman, I just want to generally pursue some of the questioning that Mr. Butters was pursuing, specifically dealing with interpretation or definitions. There is ability to establish legal proceedings under this particular Evidence Act and I am kind of curious as to why one of those items could not be a question that could lead to medical malpractice suits or at least to inform a patient as to whether or not they have a reasonable case for such a situation.

It seems ironic, Mr. Chairman, that we can press charges against individuals who might use their responsibility as in the case that is now before the courts, or has been, where the situation of drugs was involved. This was done through the institution itself, yet we do not inform patients about the possibility that they are receiving bad or poor care that might or should lead to medical malpractice suits. We can do everything else except tell a patient that the situation could exist. I am kind of curious as to why legal proceedings can take place and yet we cannot deal with the question of malpractice in those types of proceedings.

CHAIRMAN (Mr. Gargan): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, I completely understand what is being said but I think that is a different question rather than relating it to this bill. The reason that this bill is being put forward is exactly for the reasons that are being mentioned here. What we want to do is to have assurance committees, improvement committees or whatever we want to call them, to be able to treat confidentially, without threat of slander or whatever, the issues that are being brought up without having to feel afraid if they said something that was very confidential and personal to any individual they were treating, in order to improve the service they are giving. They then have this protection of not being pulled out of the system when providing that better quality care. That is exactly why we are giving them that protection. As for the other case, and what is being mentioned now, if there is a case where people feel that patients are not having access to protection for their own well-being or are being mistreated, I believe that is another area that we should be addressing but setting up these committees is to allow better quality care.

The other issue, if you were to take it on the outside and a doctor is reviewing a patient's care and he wants to be totally honest about it, he would not want to report himself that he was not doing his job properly. But, surely, within the committee structure there could be improvements made by discussing the issue because there may be other factors around it. Certainly the issue that is being raised now is valid but I do not believe that we are attempting to address it in this particular bill and perhaps it should be addressed in another way, if Members feel very strongly that people are having a difficult time in putting forward their case.

CHAIRMAN (Mr. Gargan): I will ask the Law Clerk to answer that.

### Purpose Of Peer Review Committee

**LAW CLERK:** Yes, Mr. Chairman. I see this bill as not reflecting upon the issue of medical malpractice at all really. The way I interpret this is if my hand is incorrectly set by a medical practitioner so that it is left crooked or something like that, I could commence an action for medical malpractice against the practitioner. Whether this peer review committee is in place or not, it matters not whether I might take legal proceedings against the practitioner. All this is seeking to do, I believe, is to provide a vehicle for the health care system to examine cases that have gone wrong to try to implement new procedures to prevent such cases from recurring. I am satisfied from a legal standpoint, that ordinary hospital records are available to a litigant patient and cannot be buried within this committee. Those who either saw something being done or heard something being said would still have to come to court and testify as to what they heard or said except if it was said in that particular committee.

**CHAIRMAN (Mr. Gargan):** Thank you, Law Clerk. Mr. Nerysoo.

**MR. NERYSOO:** Mr. Chairman, I think I can understand the comments being made by Mr. Cooper but what concerns me about this idea of an internal committee, more than anything else, is that an individual nurse or doctor could raise a major concern with regard to a peer about the practice and the service and the delivery of that service to a patient, that could lead to very serious complications for an individual. Then the hospital decides, "Okay, we will keep the issue quiet but we will try to resolve and improve the service." What worries me is that, in some instances, the board of management or the Minister or the department could release a medical practitioner or a nursing professional without ever giving the kind of information to a patient that is necessary for raising the issue of malpractice. That issue would never come to the forefront or to the attention of the patient, never.

### Delivery Of Health Services Matter Of Concern

The situation will be as it is in every other professional organization, that is, deal with it internally, do not let the patient know but deal with it internally. That has been the practice that I have seen for quite a while now. That is why you have Members in the Assembly always raising concerns about the delivery of health services to their constituents. We never get to the bottom of the type of service that is being provided. That is the bottom line. What kind of service are we offering? Whenever we try to deal with it, let the board or let the internal group deal with the issue, do not bring it up.

I am worried that this kind of committee, despite the fact that I see benefits to it, is intended to undermine the idea of providing to the patient proper and better care. If the intention is to improve the care, so be it; but I will tell you right now the intention here is not to make public the concerns that a patient might have with regard to the service. That is not the intention.

Worse yet, if there is a situation where legal proceedings could take place -- and I must say that under this particular act it does say that legal proceedings can take place. It says on page two that you can have an inquiry, an arbitration group, an inquest or a civil proceeding. So, at what time do you respond to the needs and the wishes of the patient? You are dealing well with the professionals but nothing here says you are going to improve the service to the patient.

**AN HON. MEMBER:** Right on!

**MR. NERYSOO:** That is what the issue is.

**CHAIRMAN (Mr. Gargan):** Madam Minister.

**HON. NELLIE COURNOYEA:** Mr. Chairman, I believe, you know, that what we are looking at now is an area that is a separate issue.

### Majority Of Medical Professionals Are Trustworthy

According to these review committees you say, "What is the responsibility of the medical profession toward its patient, its everyday responsibility?" People, by and large, who spend much of their lives and give years and years of their time to seek a medical doctorate are going to be the last people who would want their reputation damaged because they did not provide the best of care. The same with a professional nurse. It takes years and years to get into that profession. Every now and then you get somebody who is not too good but people do not dedicate that many years of their lives to take on a very difficult profession, to go out there and not provide the best care. That would reflect on their reputation, day by day. The issue we have now, hospital boards are involved, they have certain authority, it is their responsibility and they have extensive authority in terms of governing that hospital. In these committees that we are talking about, I suppose what is being discussed now are the negative parts of it. But in the everyday involvement of trying to build the best health care system around, I hope it will be believed that, of the people who have taken that number of years to receive the degree of professionalism, at least 99 per cent of them will wish to retain the respectability and dignity that comes with that profession.

On the other part of it, there is a section in that legislation that maybe Ms Bentivegna can clear up. First of all, I would like to say that the reason these committees are set up is not to wait until something difficult comes up, but to get together as a committee of responsible people who are concerned about what is going on professionally in that institution.

I think the other issue should be addressed but I believe that the legislation should allow these people an area of confidential discussion in order to develop a professional service of the highest calibre. There is a section here that I would like to discuss that allows certainly an exception where the patient and the professional can give testimony and move out of that area in absence of or as well as through the protections on the committee level.

CHAIRMAN (Mr. Gargan): Thank you. Ms Bentivegna.

### Peer Review Committee Confidentiality

MS BENTIVEGNA: Mr. Chairman, I wanted to clarify -- or I wanted to point the committee's attention to page three. The definition of "legal proceedings", which starts on page two, does not include anything that comes before a board of management or a hearing or appeal respecting conduct or competence of a health care professional, whether it is a board of inquiry appointed under the Medical Profession Act, the Dental Profession Act or the Pharmacy Act, or a board or body connected with the professional association of the profession to which the health care professional belongs. That means that even though something has been said in the peer review committee, it can also be brought up before a discipline committee or any hearing or proceeding that is before a board of management of a hospital. So I think a lot of the concern that was expressed was, "Well these people will not be disciplined because anything that has been said there they are going to keep confidential." That is not the case, and I just wanted to clarify that. Because of the definition of legal proceedings, those kinds of disciplinary hearings, or any kind of hearing or inquiry before a board of management, or any appeals from those types of proceedings, are not included in this protection of confidentiality for the peer review committee.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Nerysoo.

MR. NERYSOO: Mr. Chairman, I am glad someone challenges my ability to read, but I think I can read and understand what is in the documentation. What I said before is an important item that has to be dealt with. It is not the negative aspects. I understand the advantages of the committee system in the hospitals and the need for them. What I am concerned about is decisions and concerns that have been expressed and raised by -- and it is something we all have to be aware of; the Minister has to be aware of it, and the boards of management have to be aware of it, and those who are responsible for the hospitals have to be, and that is that when there are situations where nurses have a complaint about a particular practitioner -- because nurses do not always

raise issues only about nurses. Because they work with doctors, they raise concerns about the ability of a doctor and the kind of service the doctor is delivering, and once the evidence is given to this committee and raised in this committee, and the nurses are concerned -- all nurses may be concerned -- then how is it dealt with? Is it slipped under the rug and the management deals directly with the practitioner?

Because despite the fact that I understand this question about people being brought before the board -- and I know that Ms Cournoyea knows the situation in Inuvik where those individual doctors do not work directly in the public, they work in the hospital, all of them. The nurses work on a continuing basis with those people and they have many concerns, and when they raise those concerns, I do not want them to be swept under the rug. That is my concern. I do not know how that is going to be addressed, but I just wanted to point out that it is an issue, and we can have a situation where we establish committees that push things under the rug and are not dealt with, or are dealt with without the knowledge of the patient.

#### Inquiry Instead Of Legal Proceedings

And it is important. I want to say that under the legal proceedings, I can read that there are certain conditions under which legal proceedings may not take place, but that does not mean that an inquiry cannot be held, or an inquest cannot be held, to substantiate the possibility of a recommendation and observation that a medical practitioner has practised or is not providing, and has not provided, good service, and in fact it has resulted in death. We have seen a number of inquiries in the NWT that have proven that. I can understand all the other things, but that is the issue I am raising, and I think it is important.

To say that there are negatives about the bill is not the issue. I support the bill the way it is. What I am trying to point out is that there are other issues that have not been addressed, and I will deal with some of them, because this idea of malpractice, as we pointed out, is very difficult for patients, for instance in Inuvik. Unless you apply to a board in Ottawa to get your record, you cannot get it. You cannot, as a patient, go and take your record to a lawyer. You have to apply to Ottawa for that. That is part of the process that I am worried about, but we will deal with that as we get into the specifics.

CHAIRMAN (Mr. Gargan): Thank you. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I think what Members have to understand here is that -- and I do agree with Mr. Butters and Mr. Nerysoo that there are problems in governance, especially by law, of possibly some professions up here, but there is the Medical Profession Act. When I was the Minister I did initiate inquiries due to complaints of patients. I think I am right that medical professionals could have lodged complaints against another medical professional. That never happened, though; it was always patients that launched the complaints, but they have the right to do that under the Medical Profession Act right now.

#### Reason For Evidence Act

I think the essence of what is going on here is that there do exist in the system peer review committees whose purpose is to make sure that procedures in hospitals are correct and improved and maintained at a high standard, and that the difficulty is that if the professionals that sit on those committees will have to go to court over what they discussed, they will not sit on these committees and there will not be any committees to review these situations on an ongoing basis to improve general patient care. That is the only reason that the Evidence Act is before us, because if we do not do something to protect the professional when he is at this peer review committee meeting, the professionals that are there, to say what he really thinks and say what should be done in the future to correct the situation, no one will do it in the system and so the general good of all the patients will not be served.

So it is essential that we pass this to make sure that these peer review committees even continue to exist. Otherwise you will not have anyone willing to serve on them, if they can be dragged into

court for giving their honest and sincere opinion when these committees meet. So it is important for us to give all the professionals who are willing to sit on these peer review committees that protection, and I support the Minister in this.

The concerns about the patient's right to go to court, etc., still exist, and the avenue through the Medical Profession Act still exists, and all that will happen if we do not approve this is that peer review committees possibly will not exist any more and discussion will not even take place, so there will not be any additional evidence available or not made available to do what we are doing. All we are doing here is making sure that people will have the willingness to serve on these committees, which serve the general good of all the patients in the NWT.

#### Other Avenues To Improve Situation

There are other avenues which could be looked at to improve the situation, but I know that to launch a medical complaint directly with the Minister is a very simple thing to do. A telephone call from the patient, followed up with just a very short letter, requesting that an investigation be launched under the Medical Profession Act is all that is required -- and I did half a dozen of those. Now maybe that process of the Medical Profession Act has to be looked at, maybe that should be done better, but here, all we are trying to do is protect the people that are willing to sit on these committees and maintain a high standard of our hospitals. This is being done in every province in the country as well, in order to make sure that these committees exist, because if we do not pass this legislation doctors and nurses will not be willing to sit on these committees and say what they really think about what needs to be done to correct incidents that have happened.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McLaughlin. Mr. Butters.

MR. BUTTERS: I guess I am a little confused, Mr. Chairman, as to which Member is steering this bill through the house, Mr. McLaughlin or Ms Cournoyea. I have a hypothetical situation. Question: One of these medical peer groups examines a situation in which it would appear to them that grievous malpractice has occurred and the patient is not aware of this. Are they required to inform any other body or can they just "deep-six" it?

CHAIRMAN (Mr. Gargan): You could reply if you wish, Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, it does not appear that there is an actual requirement in this act but it does not stop the individual or a member of that committee from informing another level of authority. But it is not a requirement of the act.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Butters.

#### Concern Should Be For Patient

MR. BUTTERS: I think this is what Mr. Nerysoo and I were getting at. There is an in-group here and a professional clique which could protect itself and protect its own. Now I recognize, as Ms Cournoyea says, this act before us is to prevent testimony that appears in these groups from being put into the courts. I am willing to give them that protection. But we know there is nothing going into the courts. There is nothing going into the courts. You have just heard what our Law Clerk has said. Two or three, maybe. It is the aspect that is not here that we should be concerned about, that is the patient. It is patient care, and those patients that have received less than adequate care from the hands of our professionals. I believe there are a few in my constituency and this constituency. Is there an owl in here?

CHAIRMAN (Mr. Gargan): General comments. Mr. Nerysoo.

MR. NERYSOO: Mr. Chairman, the Minister of Justice asked "Who", and Mr. McLaughlin said if there was a request for an individual or an inquiry. I stood in this House at one time and asked for a public inquiry with regard to an individual who died on a plane. Instead I got a coroner's inquest and that coroner's inquest made recommendations of process, of how to improve the

situation. There was never a situation where the death of that individual was looked at, or whether or not there was a situation where the medical practitioner, the practice or the service that he provided could have resulted in a malpractice suit by the family.

I remind the Minister and maybe this Minister and the Minister of Justice, the individual, if you recall, was Mr. Fred Vittrekwa. You called a coroner's inquest with regard to that. When I asked for a public inquiry to get to the bottom of this particular issue, whether or not there was or could be a situation for a malpractice suit, that never resolved it. I would like to indicate to Mr. McLaughlin, who in some ways tried to patronize my comments to the point of suggesting that I did not understand nor do I support what is going on here, that I do support the efforts of the Minister. What I am trying to get at is, there are other issues that are important that have to be dealt with.

AN HON. MEMBER: Hear, hear!

CHAIRMAN (Mr. Gargan): Thank you. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I was not trying to imply that the Member did not know what he was talking about. All I was trying to do was point out that the issue that they are describing really is not in this act. But it does bring the question to bear. I just talked to Mr. Butters and mentioned that we have other acts which we could maybe look into or bring to the attention of the Executive. I know that in the case of a child abuse, we have an act which compels professionals, whether they are teachers or social workers or medical professionals, to report a case of child abuse, so maybe we can look at getting the Executive to consider legislation which would require any medical professional, be it a pharmacist, nurse or a doctor, to report any case of medical negligence by a medical professional, or pharmacist or a nurse in the NWT. So I think that would be the avenue to go.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Does the committee agree to go clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Gargan): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 8-88(2) -- Mr. Nerysoo.

MR. NERYSOO: I am sorry, Mr. Chairman. If I could go back to clause 2 and ask a particular question.

CHAIRMAN (Mr. Gargan): Does the committee agree?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Go ahead, Mr. Nerysoo.

MR. NERYSOO: Mr. Chairman, I raised a question earlier, or at least made a comment about medical records and maybe if the Minister or her staff could clarify. I have had a problem in which an individual or number of individuals, because of concern with regard to the files and the information on the files, have not been able to access those files because the doctors are not allowing them access. And unless they apply through a lawyer to a group in medical files in Ottawa, they are unable to access those files that they wish. So, is there some way in which that could be resolved? I believe that also applies in the case of the Inuit where previously the Government of Canada, National Health and Welfare, had their files and they are not able to see their files.

CHAIRMAN (Mr. Gargan): Ms Berthelet.

MS BERTHELET: Mr. Chairman, the THIS Act, which governs the release of patient records for someone receiving care in a facility, reads to the effect that the records actually are the property of the attending physician and, therefore the patient must make a request to the attending physician and of course, the administration of the particular facility would be involved as well.

In most cases that I am familiar with, the physician, after due consideration, will usually consent to some or all parts of the records. Sometimes there is hesitation to release some of the records if it is viewed that the record may not be understood by the patient or that there may be something on there, particularly in cases of emotional or mental health problems, that may not be to the benefit of the patient to receive as such. However, if the decision is not to release the records, then the option is, as Mr. Nerysoo stated, to have a legal request to have the record released.

CHAIRMAN (Mr. Gargan): Thank you. I will recognize the clock now and report progress. I would like to thank Ms Berthelet, Ms Bentivegna, Madam Minister.

MR. SPEAKER: The House will come back to order. Mr. Gargan.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 3-88(2), CONDOMINIUM ACT; BILL 9-88(2), INTERNATIONAL SALE OF GOODS ACT; BILL 11-88(2), JUDICATURE ACT; BILL 16-88(2), RECIPROCAL ENFORCEMENT OF JUDGMENTS (CANADA - U.K.) ACT; BILL 5-88(2), DISEASE REGISTRIES ACT; BILL 8-88(2), EVIDENCE ACT

MR. GARGAN: Mr. Speaker, your committee has been considering Bills 3-88(2), 9-88(2), 11-88(2), 16-88(2), 5-88(2) and 8-88(2), and wishes to report that Bills 3-88(2), 9-88(2), 11-88(2), 16-88(2) are recommended for third reading, and Bill 5-88(2) is recommended for third reading as amended.

Motion To Accept Report Of Committee Of The Whole, Carried

Mr. Speaker, I move that the report of the chairman of the committee of the whole be concurred with.

MR. SPEAKER: Thank you, Mr. Gargan. Is there a seconder to the motion? Mr. Nerysoo. Thank you. To the motion. All those in favour? Opposed, if any? The motion is carried.

---Carried

Item 19, third reading of bills. Item 20, Mr. Clerk, orders of the day.

**ITEM 20: ORDERS OF THE DAY**

**CLERK OF THE HOUSE (Mr. Hamilton): Orders of the day for Monday, October 17th.**

- 1. Prayer**
- 2. Ministers' Statements**
- 3. Members' Statements**
- 4. Returns to Oral Questions**
- 5. Oral Questions**
- 6. Written Questions**
- 7. Returns to Written Questions**
- 8. Replies to Opening Address**
- 9. Petitions**
- 10. Reports of Standing and Special Committees**
- 11. Tabling of Documents**
- 12. Notices of Motion**
- 13. Notices of Motion for First Reading of Bills**
- 14. Motions**
- 15. First Reading of Bills**
- 16. Second Reading of Bills**
- 17. Consideration in Committee of the Whole of Bills and Other Matters: CR 1-88(2), Standing Committee On Legislation; Bill 8-88(2); Tabled Document 2-88(2); Minister's Statement 7-88(2)**
- 18. Report of Committee of the Whole**
- 19. Third Reading of Bills**
- 20. Orders of the Day**

**Mr. Speaker, announcements. There will be a caucus meeting immediately after adjournment today and a meeting of the standing committee on legislation on Monday at 10:00 a.m.**

**MR. SPEAKER: This House stands adjourned until Monday, October 17th, at 1:00 p.m.**

**---ADJOURNMENT**







Available from the  
Publications Clerk, Department of Culture and Communications  
Government of the Northwest Territories, Yellowknife, N.W.T.  
\$1.00 per day; \$30.00 for 1st session, \$20.00 for 2nd and 3rd session; or \$50.00 per year  
Published under the Authority of the Speaker of the Legislative Assembly  
of the Northwest Territories

