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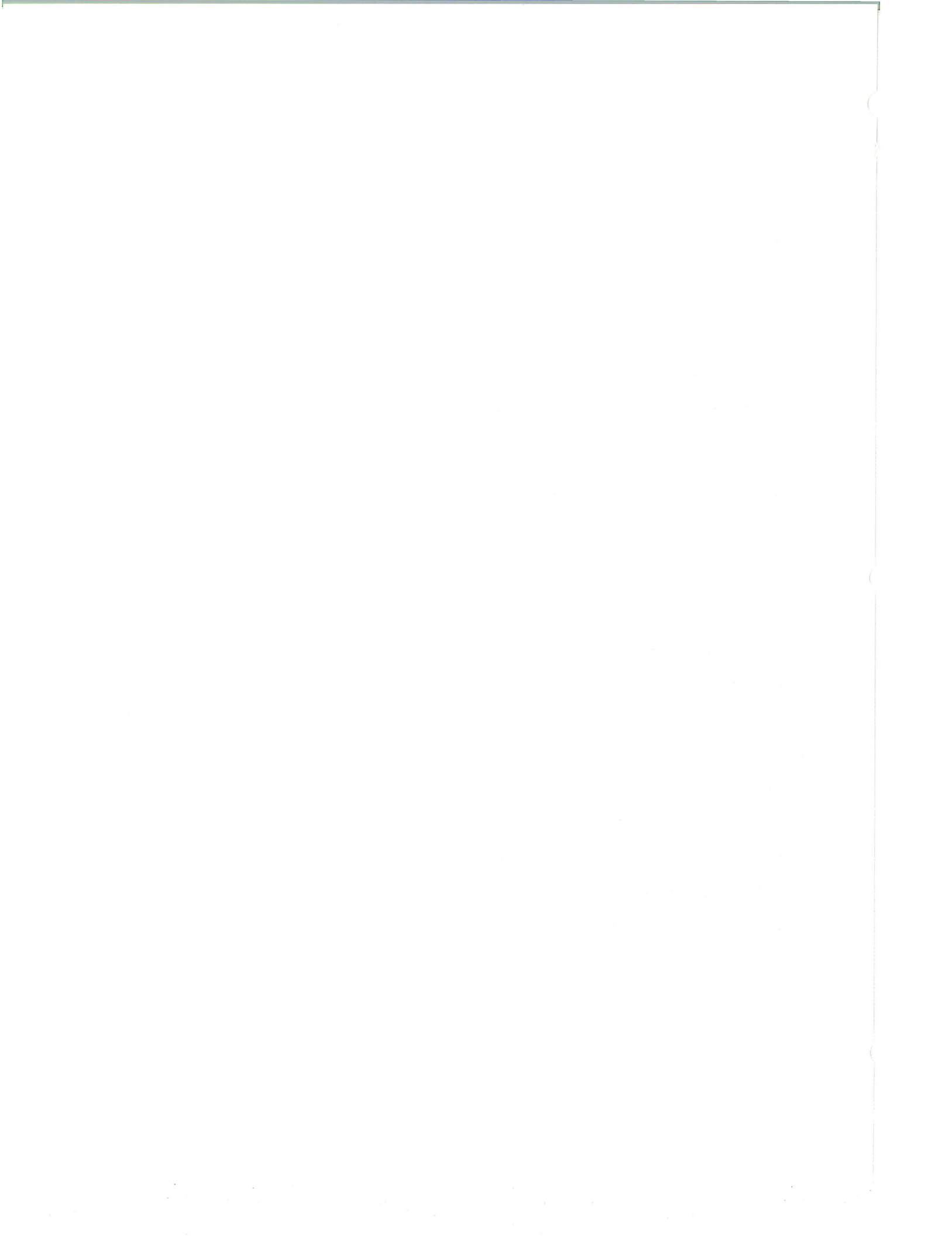


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YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, OCTOBER 18, 1988

MEMBERS PRESENT

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, Mr. Pollard, Hon. Red Pedersen, Mr. Pudluk, Mr. Sibbeston, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Red Pedersen): Orders of the day for Tuesday, October 18th. Item 2, Ministers' statements. Mr. Kakfwi.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 13-88(2): NWT Literacy Strategy

HON. STEPHEN KAKFWI: Mr. Speaker, the federal government, through the Department of the Secretary of State, recently announced a five year, \$110 million national literacy fund. Illiteracy is a truly global problem and has been recognized as a major issue by all countries of the world through the designation of 1989 as International Literacy Year.

In order to achieve our own goals over the next few years, it is critical our government, and more specifically the Department of Education, provide support to northerners to upgrade their qualifications for job entry and higher education. In recognition of the urgency of dealing with literacy in the Northwest Territories, I am pleased to announce the establishment of an NWT literacy program. This program, dependent on the approval of supplementary appropriations by the Legislature, will result in the establishment of the first year of a three year, \$1.9 million literacy fund.

The program will support Arctic College academic upgrading programs in communities not currently served by resident adult educators, and introduce initiatives for developing high school and college literacy tutors. Contributions will be made directly to communities to fund basic literacy programs. The NWT literacy program will also support a public awareness campaign and fund initiatives in distance education designed to provide improved access to residents who cannot attend traditional educational programs. Mr. Speaker, I am confident that these efforts will result in a dramatic improvement in the overall educational levels in the Northwest Territories over the next few years. The results of this strategy will be closely monitored to ensure that the program is constantly improved. Thank you.

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

Ministers' Statement 14-88(2): Tuberculosis Control In The NWT

HON. NELLIE COURNOYEA: Mr. Speaker, I wish to announce that the Department of Health has taken measures to strengthen the control and prevention of tuberculosis in the Northwest Territories.

Tuberculosis is not a disease of the past; it is a continuing threat to the people of the NWT. Since its introduction, there have been major epidemics around the world which have resulted in the infection of many thousands of people.

The people who were infected, including those who became ill and recovered, still have the TB germ in their bodies. They may develop active tuberculosis if their body defences are weakened by another disease, by alcohol and other drugs, or by poor nutrition. Once the disease becomes reactivated, it can spread to other people.

Since 1986, inclusive, there have been 59 cases of new and reactivated tuberculosis reported in the NWT. Of these cases, 41 have occurred in the Rae-Edzo, Snare Lakes, Rae Lakes and Lac la Martre areas. There are at present 26 people undergoing treatment in the Rae-Edzo area. The Department of Health will work closely with affected communities to ensure the people understand the seriousness of tuberculosis and to ensure they know the disease can be treated, cured and prevented.

The Department of Health has undertaken the following initiatives to strengthen the TB prevention and control program. The infectious disease unit has hired a senior nurse to strengthen and co-ordinate the TB program for the NWT. A number of NWT physicians have agreed to undertake supplementary training in the area of tuberculosis. The department is seeking the services of a medical expert in the field of TB to advise on program delivery and treatment protocol. A nurse specializing in TB prevention and control has been assigned to implement a comprehensive program for the Rae-Edzo area.

Additional measures to combat this disease at the local level will include the increased involvement of community people to help the health professionals in prevention, treatment and education of the public. Community workers and health professionals will receive training in TB control.

The Department of Health would like to see patients who contract TB start their treatment in territorial hospitals. Plans are under way to provide hospitals and their staff with the support necessary to attain this goal. Stanton Yellowknife Hospital has expressed particular interest in this plan.

Mr. Speaker, it is the intention of the Department of Health that with the initiatives presented, and with the understanding and co-operation of the people in the NWT, tuberculosis rates will decline once again. Thank you.

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Study From Canadian Centre For Policy Alternatives On Free Trade Agreement

MR. BUTTERS: Mr. Speaker, the Canadian centre for policy alternatives has published a study written by Dr. Peter Usher and Dr. Frances Abele of Carleton University dealing with the impact of the proposed free trade agreement between Canada and the United States on this government and the people of the NWT. No discussion has occurred in this House related to the effects on the Territories of the free trade agreement, although discussion papers have been provided by the Department of Economic Development and Tourism which has been the lead department in

dealing with this initiative. The Abele/Usher study identified, and I quote, "a number of concerns about the effect of the free trade agreement upon the political capacity of northerners to carry out an appropriate economic development strategy for the North". The report also suggests a potential conflict with future land claims settlements.

As this session will likely be the last opportunity this House has to examine the free trade agreement on northern issues before it is confirmed by Canada, I suggest that the Abele/Usher report be tabled in the House and placed in committee of the whole with other pertinent documents for full and complete discussion. Possible arrangements could be made for expert witnesses to be present on that occasion.

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

Member's Statement On Requests For Information

MR. LEWIS: Mr. Speaker, I was not sure whether I should rise on a question of privilege or simply to make a Member's statement, but I will do both. We have asked questions, very simple questions, to have information because as ordinary Members we need this to do our work. Two questions that were asked yesterday, Mr. Speaker, were simple requests for harmless information such as, for example, information that was collected some years ago about a public service commission, and the question was taken as notice. I find that an unreasonable way to deal with a very simple straightforward request for information collected by government. The same thing would apply to another request that was made to have an analysis of the free trade agreement given to Members of the ordinary side of this House, or the ordinary part of this House, I am sorry.

So, Mr. Speaker, when we ask simple questions for information that is harmless, I find it strange that Ministers would, in fact, stonewall and take this simple request as a notice which they will have to discuss with their colleagues before they give it to us so we can get on with our job.

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

Member's Statement On Absence Of Government Officials At Opening Of Chief Sunrise Education Centre Gymnasium

MR. GARGAN: Mr. Speaker, on Friday, October 14, the Hay River Reserve Dene Band celebrated the official opening of the Chief Sunrise Education Centre gymnasium. This project was built under an arrangement negotiated between the Government of the NWT and the Dene Band; the project, a medium sized gymnasium built according to the government's policy based on population size. It took two years to plan and construct.

The project has benefited residents of both the Hay River Reserve and the town of Hay River. Mr. Wray, the Minister of Municipal and Community Affairs, was invited to attend the opening. I understand Mr. Wray was ill and unable to attend but unfortunately no other government official was present at the official opening, either. This is very disappointing to the chief and residents of the Hay River Reserve, particularly because the gymnasium was a co-operative effort between the government and the community. Every effort should have been made to send a representative of this government. I, unfortunately, was also unable to attend, Mr. Speaker. Both my co-chairmen of the committee of the whole were away on other commitments and I was unable to attend. I apologize to the Hay River Reserve for not being present at this important event. I suggest that the government should also express their apologies to the committee.

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

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question O1-88(2): Pupil/Teacher Ratio

HON. STEPHEN KAKFWI: This is a response to a question asked by Mr. Gargan on October 13 regarding the pupil/teacher ratio. After a considerable debate during the winter session the pupil/teacher ratio in NWT schools was maintained at 19 to one. This ratio is based on the number of attending students enrolled on the last sessional day of October of the previous school year. The special needs consultants and assistants, classroom assistants, cultural instructors and teacher interns are not included in the 19 to one ratio. A separate formula, based on the number of native students enrolled, determines the number of classroom assistants allocated to each school.

The present enrolment of the Elizabeth Ward School in Fort Providence is 133 students. The number of regular teachers is seven and one half. One of these teachers teaches under a letter of authority, half-time in kindergarten and half-time as a Slavey language instructor. She is considered a regular teacher and included in the formula. In addition to this complement of teachers, there is a full-time special education teacher, one teacher in training and two classroom assistants. The department provides \$75 per student for cultural inclusion. Cultural inclusion instructors and classroom assistants are not presently included in the formula, nor is it my intention to include them in the future. Thank you.

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

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

HON. STEPHEN KAKFWI: Again, in response to a question asked by Mr. Gargan on October 14. It is in regard to leakage in the basement of the Elizabeth Ward School in Fort Providence. The leakage in the basement and the leaky roof in the school were repaired in September at a cost of \$257,000. The roof of the school was 15 years old and repairs were undertaken under the Department of Public Works and Highways roof retrofit program. The funding for this repair is included in the roof retrofit program in the main estimates.

The retrofit includes eavestroughs, splash guards and replacement of broken roof drains running through the walls which were causing leaks in the basement. Also, new concrete pads were installed under the roof drains and the site around the building was upgraded so that water would drain away from the school. The tiles in the basement are to be replaced soon. Thank you.

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

ITEM 5: ORAL QUESTIONS

Question O47-88(2): Gravel For Aklavik

MR. NERYSOO: Thank you, Mr. Speaker. This is a question to the Minister responsible for Public Works and Highways, as a result of a letter from the hamlet of Aklavik with regard to the question of gravel. Have the government and the Minister reviewed, in conjunction with the Minister responsible for Community Affairs, this particular situation in Aklavik, and is the government prepared to provide some solution or support for solution to the hamlet of Aklavik?

MR. SPEAKER: Madam Minister.

Return To Question O47-88(2): Gravel For Aklavik

HON. NELLIE COURNOYEA: Mr. Speaker, on the issue of gravel supplied for the repair of roads in communities, we have several requests. However, on the particular issue of Aklavik, being that it is in a very low area, in discussions over the last two months with the community, the hamlet

of Aklavik, the state presently is that once the Legislative Assembly has adjourned, Mr. Wray and myself will make a tour of the Aklavik, Arctic Red, Inuvik area, and we plan to visit the community of Aklavik to see how we can find not only a short-term but a longer-term solution to their problem because we realize that it is a serious situation. For your information, the settlement manager and the mayor have been in constant contact with me over the last two months. Thank you.

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

Question O48-88(2): Arctic Airports Negotiations

MR. ZOE: Thank you, Mr. Speaker. My question will be directed to whoever is taking questions for Municipal and Community Affairs, probably the Acting Government Leader. I would like to ask the Minister if he could give this House a progress report on the arctic airports negotiations. Thank you.

MR. SPEAKER: Thank you, Mr. Zoe. Mr. Kakfwi.

HON. STEPHEN KAKFWI: I will check on the business with negotiations with the arctic airports and get back to the Member because it is the middle of elections and I do not know exactly how much negotiation is going on. I will get back to the Member.

MR. SPEAKER: Thank you, Mr. Minister. The question is taken as notice. Oral questions. Mr. Ernerk.

Question O49-88(2): Reporter To Cover House For Eastern Arctic

MR. ERNERK: Mr. Speaker, my question is to the Minister of Culture and Communications and deals with communications from this House to the people of the Northwest Territories. It is my understanding that the people in the western part of the Territories are well served by CKNM radio station which broadcasts live question period in the first hour of each day's sitting to some 17 communities. Mr. Speaker, the people of the western part of the Northwest Territories are well served, but not so the people of the Keewatin and Baffin. There is no reporter covering this House who can report in aboriginal languages so that the people can hear what their MLAs are doing. Could the Minister advise me what steps he can take to ensure that CBC and any other communications network immediately assigns a reporter to cover this House? Thank you.

---Applause

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

HON. STEPHEN KAKFWI: I will take the question as notice and pass it on to the Minister on his return.

MR. SPEAKER: Thank you. The question taken as notice. Mr. Nerysoo.

Question O50-88(2): Response To Question W2-88(2)

MR. NERYSOO: Thank you, Mr. Speaker. A question directed to the Minister responsible for Public Works and Highways. On October 13, I provided the Minister and the government with a written question with regard to a fuel spill accident at the Peel River crossing. If I could ask when the Minister is going to respond to that particular question, particularly in light of the concern that has been expressed by the community leadership with regard to the accident and the manner in which the Government of Canada and our government agencies have been dealing with this particular incident.

MR. SPEAKER: Madam Minister.

Return To Question O50-88(2): Response To Question W2-88(2)

HON. NELLIE COURNOYEA: I can provide that information to Mr. Nerysoo today. It was a written question and my understanding was that I provide it to him by handing the information to him and not read it out in the Legislative Assembly.

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

Question O51-88(2): Classroom Assistant And Native Student Ratio

MR. GARGAN: Mr. Speaker, I would like to direct my question to the Minister of Education. Mr. Kakfwi did indicate there was a ratio established with regard to native students enrolled and the classroom assistants. I would like to ask the Minister, what is the formula that is in place; the separate formula that he is referring to with regard to classroom assistants and native student enrolment?

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

HON. STEPHEN KAKFWI: Mr. Speaker, I do not know that ratio and so I will get back to the Member on that as well.

MR. SPEAKER: Thank you, Mr. Minister. The Minister will get back to you, taking the question as notice. Oral questions. Mr. Zoe.

Question O52-88(2): Proposed Department Of Transportation

MR. ZOE: Thank you, Mr. Speaker. Mr. Speaker, a number of our ordinary Members have heard rumours that the government is considering creating a new department and my question is directed to the Acting Government Leader. Has the government formulated plans for this new department that they are planning to create? I am referring specifically to the new department of transport. If they have, my number two question is, what stage are they at? 3) Could the Minister give an outline of the new department to this House? 4) Does it mean that this will also require an additional Minister to take on this responsibility? Thank you.

MR. SPEAKER: Mr. Zoe, that was technically four questions and you do not leave the Minister an opportunity to answer and take another as notice. Ms Cournoyea.

Return to Question O52-88(2): Proposed Department Of Transportation

HON. NELLIE COURNOYEA: Mr. Speaker, yes the Government of the NWT is working toward setting up a department of transportation. This has been discussed over many years at previous cabinets, this requirement to address the transportation needs of the NWT. Whether the department of transportation would require another Minister would be a decision that would be made in the future. As much as possible, the request from the Government Leader in setting up the department of transportation is that we as much as possible work within the resources by transferring transportation responsibilities from other departments who presently take care of the transportation responsibilities in various segments. The intent is to consolidate activities from other departments and the Department of Public Works and Highways. The final details on exactly how that will shake out is continuing to be addressed. The negotiations with the federal government on how much of the transportation requirements are being held at the federal level will have a great deal of impact on the total role of that department. So as soon as we have those details, it is the intention of the government to provide to this Legislative Assembly the details of the mandate, goals and objectives of the department, the breakdown of the requirements for financial obligations and the person years. Thank you.

MR. SPEAKER: Thank you, Ms Cournoyea. Oral questions. Mr. Lewis.

Question O53-88(2): Projected Money Surplus

MR. LEWIS: Mr. Speaker, about 10 years ago our government developed a fantastically sophisticated system which eventually became known as FIS, or the financial information system. This system is so good and so sophisticated that you could run all of North America on it, and now that we are seven months into this fiscal year this system, I know, keeps track of all our spending, month by month, so I would like to ask the biggest, the most handsome MLA that has ever served in this House, the Minister of Finance, if he could project for us...

---Laughter

...if he could answer for us how much money surplus he is projecting for the end of this fiscal year with this wonderful financial information system.

MR. SPEAKER: Thank you, Mr. Lewis. I presume you are referring to Mr. Ballantyne.

---Laughter

Return To Question O53-88(2): Projected Money Surplus

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I realize that I may be accused of not answering a very simple question, but later on during the session I will be tabling an interim financial statement. What I had intended to do, because it is still a bit early in the year, is to look at what our projections are. I will table with the finance committee, during the sessions of SCOF, exactly what our situation is this year. That was my intention, so it is still a bit early in the year to really get a handle on it, but I hope to have a very definitive idea of what the year end surplus and/or deficit is for SCOF. I hope that answers the question.

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

Supplementary To Question O53-88(2): Projected Money Surplus

MR. LEWIS: Is the Minister of Finance saying, Mr. Speaker, that this very sophisticated financial information system at this stage, seven months into our fiscal year, cannot predict for us yet whether we will be in a surplus or deficit position?

MR. SPEAKER: Mr. Minister.

Further Return To Question O53-88(2): Projected Money Surplus

HON. MICHAEL BALLANTYNE: No.

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

Question O54-88(2): Tabling Of Plan Re RCMP

MR. ZOE: Thank you, Mr. Speaker. Mr. Speaker, on March 8, 1988, I asked a question in the House to the Minister of Justice in regard to a community request for an RCMP detachment. At that particular time the Minister indicated that a plan was being developed and he would be tabling it this fall session. My question is, will he be tabling it this session, and, if possible, the date? Thank you.

MR. SPEAKER: Thank you, Mr. Zoe. Mr. Ballantyne.

Return To Question O54-88(2): Tabling Of Plan Re RCMP

HON. MICHAEL BALLANTYNE: Before the end of the session I intend to make a Ministers' statement laying out a game plan for just that.

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

Question O55-88(2): Continuation Of Military Practice In Rankin Inlet Area

MR. ERNERK: (Translation) Thank you, Mr. Speaker. Yesterday I was reading in the newspaper that the Royal Canadian Air Force, or the army, are doing some kind of a practice in Rankin Inlet area and they are going to be finished on October 24, around that date, and I would just like to ask the Acting Government Leader whether this practice that the army is doing in our area, in my community, is going to continue in the future, in the North, in our communities.

MR. SPEAKER: Thank you. Mr. Minister.

HON. STEPHEN KAKFWI: I will take the question as notice.

MR. SPEAKER: Thank you, Mr. Minister. The question is taken as notice. Oral questions, Mr. Ernerk.

Question O56-88(2): Bonus For Bilingual Civil Servants

MR. ERNERK: Mr. Speaker, my question is to the Minister of Personnel. During the debate on the Department of Personnel, and during the session of the Legislative Assembly in February, I asked the Minister of Personnel then whether or not the Minister was willing to put together a policy paper regarding a bonus for bilingual civil servants in the Government of the Northwest Territories. I am wondering if the Minister of Personnel has developed that paper.

MR. SPEAKER: Thank you, Mr. Ernerk. Ms Marie-Jewell.

Return To Question O56-88(2): Bonus For Bilingual Civil Servants

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, I want to assure the honourable Member that the paper is being developed looking at it as an option paper to be submitted in the near future to cabinet for consideration. Thank you.

MR. SPEAKER: Thank you, Madam Minister. Oral questions. This appears to conclude Item 5.

Item 6, written questions. Item 7, returns to written questions. Mr. Clerk.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, a return to Question W2-88(2), asked by Mr. Nerysoo to the Minister of Public Works and Highways.

Return To Question W2-88(2): Fuel Spill Accident At Peel River Crossing

Hon. Nellie Cournoyea's return to Question W2-88(2), asked by Mr. Nerysoo on October 13, 1988, regarding a fuel spill in Peel River.

On Sunday, October 9, 1988 at 10:55 p.m., Mr. Hans Affolter of Inuvik Inn Ltd., travelling north on the Dempster Highway, boarded the Peel River ferry, the Abraham Frances. He boarded the ferry at the west landing dock, driving his own five axle fuel tanker truck.

Snow was falling at the time and the road was quite slippery. All truck drivers that day had placed chains on their tractor-trailers after which all tractor-trailers were able to negotiate the east and west landing inclines. Mr. Affolter is the department's ferry contractor on the Arctic Red River crossing and thus is knowledgeable about such conditions and procedures. Therefore, before this driver drove off the ferry to drive up the incline on the east landing, a crew member advised him that chains secured to his tires should be used to climb the incline on the east landing.

Chains were not installed and he attempted to negotiate the hill three times and failed. He was then requested to wait for some assistance, as we informed him that a crew member had left the dock to obtain the ferry contractor's front-end loader located about 200 metres to the east at the ferry camp. The loader would be used to assist this driver in driving up the incline.

In spite of the Peel River ferry contractor's actions, the driver made a fourth attempt to climb the hill on his own. He failed and slipped down the hill quite rapidly, causing his rear trailer wheels to move onto the end of the ferry ramp. This motion forced the ferry out of the landing. The ramp, which is not designed for this type of load nor use, partially sunk and dropped the rear of the trailer into the water at the river's edge, to a depth of about two feet. The ferry ramp was damaged.

Because of the resulting downhill angle of the trailer, fuel leaked from the trailer's tank top filling ports. This slow leak was monitored by the Peel River ferry contractor and the leak stopped in about 4.5 hours. DIAND's preliminary estimate is that about 45 gallons (200 litres) of fuel spilled.

The Peel River ferry contractor immediately notified the Fort McPherson RCMP and the DPW highway maintenance foreman, who both reported it to the 24 hour emergency spill report hotline in Yellowknife. Hotline officials immediately contacted DIAND officials in Inuvik.

Inuvik DIAND officials immediately attempted to get a helicopter. Because of the weather and time of day, the earliest that a helicopter could be made available in Inuvik was 8:30 a.m. the following morning. This enabled them to get to Fort McPherson at 10:55 a.m. DIAND officials did not drive to Fort McPherson as the Arctic Red River ferry had ceased normal daily operations. Arrangements can be made for the ferry to operate under emergency situations. They collected samples at the spill site, and at locations upstream and downstream of the spill. They also conducted interviews with witnesses and performed an aerial reconnaissance of the river.

Because the vehicle blocked the landing and therefore the operation of the ferry, the truck had to be removed. As it was full of fuel and too heavy for available heavy equipment to pull out of the water, we hired heavy equipment from Inuvik to pump out the fuel from Mr. Affolter's vehicle to the hired vehicle. We were then able to haul the vehicle out of the water with heavy equipment.

The Department of Indian and Northern Affairs administers the Northern Inland Waters Act, which has jurisdiction regarding the possible unlawful discharge of waste material into the water system.

DIAND is now waiting for the analysis of the samples. They are still investigating the incident and are developing a report that will include elements such as the cause of the spill, possible damages, preventive measures and recommendations for the future. This report will be available to parties including the GNWT within about two weeks.

Regarding the matter of compensation, DIAND states that compensation is not their responsibility. The Working Agreement on Government Response to Spills in the NWT, and signatories are DIAND, Environment Canada, COGLA, Renewable Resources of the GNWT, MOT, states that "The principle employed is that the party which caused the spill bears the primary responsibility for cleaning up the spill, restoring the area impacted, and otherwise undertaking an effective operational response."

The Government of the NWT is monitoring the accident investigation and will advise Mr. Nerysoo of the eventual findings and any necessary actions that may result.

MR. SPEAKER: Thank you, Mr. Clerk.

Item 8, replies to Opening Address.

Item 9, petitions.

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

ITEM 11: TABLING OF DOCUMENTS

HON. STEPHEN KAKFWI: Mr. Speaker, I wish to table Tabled Document 15-88(2), The Canada/US Free Trade Agreement, Review of Implications for the NWT. This document was circulated to all MLAs on March 29, 1988 and was prepared by the Institute for Research on Public Policy, by Murray Smith and others. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Tabling of documents. Mr. Lewis.

MR. LEWIS: Mr. Speaker, I would like to table Tabled Document 16-88(2). It was on the Canadian press wire service yesterday and it deals with a study by the Canadian Centre for Policy Alternatives on the free trade agreement and its negative impact on the North.

MR. SPEAKER: Thank you, Mr. Lewis. Tabling of documents. Mr. Kilabuk.

MR. KILABUK: (Translation) Mr. Speaker, I would like to table Tabled Document 17-88(2), a letter from the day-care committee identifying their requests for assistance. It is an emergency situation and they would like to have this dealt with as soon as possible. It was given to me by the child care committee. Thank you.

MR. SPEAKER: Thank you, Mr. Kilabuk. For clarification, the interpretation did not identify the community that your tabled document comes from. Could you please clarify?

MR. KILABUK: (Translation) Mr. Speaker, my apologies for not identifying the community, this is coming from Pangnirtung. Thank you.

MR. SPEAKER: Tabling of documents. Mr. Gargan.

MR. GARGAN: Mr. Speaker, I would like to table Tabled Document 18-88(2), Resolution 9, passed in April of 1988 in Fort Simpson, and Tabled Document 19-88(2), Resolution 16, passed on September 13, 1988, in Wrigley, on the bison tag allocation.

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

MR. ERNERK: Thank you, Mr. Speaker. I wish to table Tabled Document 20-88(2), a letter which I received some time ago from my constituent in Rankin Inlet whose concern is that child care programs across the North are facing serious financial difficulty and impending closures. Thank you.

MR. SPEAKER: Thank you, Mr. Ernerk. Tabling of documents. This would appear to conclude Item 11. Item 12, notices of motion. Mr. Arlooktoo.

ITEM 12: NOTICES OF MOTION

Notice Of Motion 4-88(2): Tabled Document 10-88(2) To Committee Of The Whole

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I give notice that on Thursday, October 20, 1988, I will move the following motion: I move, seconded by the honourable Member for Baffin Central, that Tabled Document 10-88(2), titled "Public Housing Rent Scale Discussion Paper", be moved into committee of the whole for discussion. Thank you.

MR. SPEAKER: Notice of motion. Mr. Arlooktoo.

Notice Of Motion 5-88(2): Tabled Document 11-88(2) To Committee Of The Whole

MR. ARLOOKTOO: (Translation) Mr. Speaker, I give notice that on Thursday, October 20, 1988, I will move the following motion: I move, seconded by the honourable Member for High Arctic, that Tabled Document 11-88(2), titled "NWT Housing Corporation Rent Scale", be moved into committee of the whole for discussion. Thank you.

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

Notice Of Motion 6-88(2): Tabled Document 16-88(2) To Committee Of The Whole

MR. LEWIS: Mr. Speaker, I give notice that on Thursday, October 20, 1988, I will move the following motion: I move, seconded by the honourable Member for Inuvik, that Tabled Document 16-88(2), titled "CP Press Release on Free Trade Agreement" be moved into committee of the whole for discussion.

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

Item 13, notices of motion for first reading of bills. Item 14, motions. Mr. Lewis.

MR. LEWIS: Thank you, Mr. Speaker. I am just in the process of writing this but I am very pleased to make some opening comments about this motion, if that is your request.

MR. SPEAKER: Mr. Lewis, you have to read the motion and identify a seconder who is present in his seat in the House and then you proceed.

MR. LEWIS: Mr. Speaker, my motion reads...

MR. SPEAKER: Mr. Lewis, according to the rules I also must ask you to stand.

MR. LEWIS: Mr. Speaker, I apologize. Today my hearing is not particularly good. It is a sign of age.

---Laughter

Mr. Speaker, this motion -- is it your request that I read it? Is that what you want me to do?

MR. SPEAKER: Yes, Mr. Lewis. We are on motions. You must start by reading your motion, the whole thing. Rule number one, your microphone.

---Laughter

ITEM 14: MOTIONS

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

MR. LEWIS: This is all designed to get sympathy from the House, Mr. Speaker, for someone who is somewhat disabled from time to time.

WHEREAS section 55(1) of the Legislative Assembly and Executive Council Act requires Members of the Executive Council must be appointed by the Commissioner on the recommendation of the Legislative Assembly;

AND WHEREAS there is a vacancy on the Executive Council;

AND WHEREAS the House has to recommend a Member to fill the vacancy;

AND WHEREAS it would be in the public interest to enable them to observe the democratic election of a Member of this House to fill the vacancy;

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. Your motion is in order. To the motion. Mr. Lewis, would you like to give some opening remarks?

MR. LEWIS: This issue, I should point out, Mr. Speaker, is not a Yellowknife issue.

---Laughter

MR. McLAUGHLIN: It is the Gong Show.

---Laughter

MR. BUTTERS: It is not even Friday.

AN HON. MEMBER: Is this part of his time?

MR. LEWIS: Although it is -- I have 20 minutes, is that right, Mr. Speaker? Although I am the Member for Yellowknife Centre, I repeat, this is not a Yellowknife issue. In fact I wish that some of the issues that I shall be discussing related to other parts of the Territories because the principle would be the same.

Mr. Speaker, we do not have a party system in this territory whereby a leader of a party in power chooses the Executive Council. The only election which takes place for a cabinet Minister in southern Canada is the one which takes place under a party system when a convention chooses a leader. That is a proper election and it is done according to the rules of the convention and if eventually the party forms a government this man automatically assumes the power to choose his own cabinet. He chooses the people that he thinks will do the very best job in governing his province or the country. And if he chooses wrongly, if he makes the wrong choice of people or if he fails to recognize the need to put regional interests into his thinking then of course he is in trouble and that government, if you like, could eventually fall, could fail, because he has not made wise choices.

In the North we do not have a party system. We do not even have clearly defined rules in the way that a party in the South would go about choosing its leader. What we do we call consensus government. When we are elected, we are elected as individuals. We are chosen, if you like, to be spokesmen and spokeswoman for the people that we represent. The people out there last October did not have a choice of governments put in front of them. What they had were just individuals and these individuals would eventually have the task of deciding what government would be like.

Now, you will recall the past year in caucus, we discussed at great length what the process should be for the selection of our Executive Council. Or, let me put it this way. Last year, 24 of us decided in secret, in caucus, what our government would be. We are not talking about an Executive Council now, we are talking about government. The 24 of us decided what the government was going to be like. Not the people out there. They had no choice of governments. They did not have a whole system in front of them, two or three choices that they could look at and make up their mind about. The 24 of us did that and we did it behind closed doors and we decided, the 24 of us, what kind of government the people of the Northwest Territories were going to get.

We also agreed that it should be done by secret ballot and if you remember we chose our leader first and after we had done that, then we went on to choose the other Executive Council Members.

Decision Against Public Process

Now, it is my view that last year we made a mistake when, by a very narrow vote, we decided not to make that a public process. We spent ages discussing it and there were only one or two votes -- I cannot remember the exact count because this is supposed to be secret anyway and I am not supposed to tell you even what the vote was -- but it was narrowly defeated. Now, I think that was a mistake because it was such a fundamentally important thing that we were doing. We were choosing the government for the Northwest Territories. That should have been done in public, right out in the open so that people could see the process.

We have no rules back there. In that back room, there are no rules. We have things that change from time to time. They are not set down. They are not codified. We do not have a set of rules like a party at a convention does. That is one of the beauties of caucus, I suppose, that we do not have anything laid down. We can make it up as we go along. I do not think that is good enough for government. Government should be something which -- I agree evolves -- but at least we should be setting it down and we should be making it public and the public should know what the government is and how we get it and what its mandate is. We do not do that. We do it in secret in the back room there and I am disgusted by it.

Now then, on a gentler vein. With the resignation of Mr. Sibbeston, the opportunity once more presents itself to show the public we serve, how consensus government really works. It is clear from the events of both the 10th and 11th Assemblies, as I have said, there are no clear rules about how the people get its government. No one knows what consensus government really is and there seems to be a reluctance to set down this body of rules that I have talked about which constitutes what our government really is.

Executive Council Represents Continuity

The choice of our Executive Council is really our choice of government. Now in this room here we may be the body of the government but the Executive Council is our face. It represents the continuity of our work from one session to the next session as they carry out our wishes. It is such an important issue that I really believe that choosing our government should be part of the formal work of this House. I tried to state that last year in caucus but there seemed to be no interest in really talking about government. All we want to do is talk about people, not about government.

It should not be done behind closed doors using rules that change according to the mood and composition of caucus. If consensus government is to work, and I am prepared to keep working at it, choosing it must become part of the formal business of this House and we should begin formalizing it, setting down some rules that everybody understands. I state again, we have an election to choose our Executive Council. So in effect we have an election among 24 Members to choose our government in which only 24 people are involved.

Now then, listen to this. On October 11, in just a few minutes in caucus we asked people who may be interested in becoming an Executive Council Member to give their names to Mr. Hamilton by noon on Friday, October 14 and then a decision would be made a week later on Friday, October 21 on who that person should be to put a new face on our government.

It is difficult for me to accept that this is really how the people get its government. It is the most important thing that we do but I have seen more thought put into the colour scheme for a bathroom than goes into selecting a competent, representative branch of government. I am really busy making friends here, as you can see.

---Laughter

Haste To Hold By-Election

That is the point I am trying to make. Thank you, Mr. Butters. We claim to be a democratic open government and now I come to the Yellowknife by-election. If you will recall, the Yellowknife by-election was called almost as soon as Mr. Richard resigned his seat. I stand to be corrected but I believe that seat could have been left open for one whole year without the requirement that it be filled. But we used every minute to get that writ signed so that Member could sit in this third session of this House. Such was the haste that we felt, that we must obey that basic principle of democracy that that riding not be unrepresented but that that Member be allowed as soon as possible to take his seat in this House. Yet the most crucial fundamental job that we have, which is to put the face on our government, that person has been excluded from. That person may not wish to become an Executive Member of our government. But that person has a right to vote. We have a crucial election. We have an election of another face on our government. We have said by our actions on the 11th, "No, my friends. That is a Yellowknife issue. Who the hell worries about Yellowknife?"

You know, it does not matter. There are 23 of us. We can do the job but we are excluding one person. That person is eligible to vote in a crucial election. And by this action you have excluded him, in the back room there, because it is only one voice, one little voice. But if that person were in Grise Fiord or any other small place, Arctic Red River in the NWT, I would be getting up here and saying exactly the same thing. We did everything we could to get the people represented and then on the other hand we have done everything that we could to prevent that person from representing the wishes of his community in the most fundamental job that we do.

Mr. Speaker, I intentionally put these two things together. I intentionally put together the open process and a delay to allow this other Member to have a say in what our government should be like. Because I think that both issues relate to the same principle; the principle being that 24 of us decide what the government is going to be. That 24th Member should be allowed to take part in this crucial election that we have agreed should take place in secret in the back room. And through this motion I am trying to persuade my colleagues that we are not being fair. We tried to be fair by being fast, by getting the people represented and then suddenly we forgot all about it. We forgot all about what we were trying to do.

I urge all Members to think about this carefully because we are talking about a very fundamental principle. I know I am allowed 20 minutes Mr. Speaker, but we have lots of business this afternoon. I improved I believe, after a very shaky start this afternoon and I hope that some people will be sympathetic, not toward a very minor disability, but the fact that this is an argument that has to be listened to and thought about. Thank you.

MR. SPEAKER: Thank you, Mr. Lewis. Mr. McLaughlin is the seconder of the motion.

MR. McLAUGHLIN: Thank you, Mr. Speaker. I am happy to second this motion. As Members are aware in caucus I was in favour of waiting until the by-election was held and the Member could be in the chamber or at least the caucus room to vote on who the next Member of the Executive Council would be to fill that vacancy. I think Mr. Lewis has eloquently taken care of the side of the argument about whether the vote should be in the chamber or not. I agree with him in that, although I am not quite as wound up about it as he is, but I do believe it will show people that when we elect the Member, we do it through a secret ballot democratic style of process and there is no exchange of gifts under the table or anything in some smoke-filled room. So I am not excited about the public process but I certainly see no harm in it.

Member Should Be Able To Vote

However I am primarily supporting this motion to make sure that the Member for Yellowknife South, who is elected on the 31st of this month has the opportunity to cast his ballot in that election. We have in the past, set precedents on this issue of making sure that all the Members were in the House before we did things. Since I have been elected in 1979 there was a by-election after about a year with the resignation of Mr. Arreak from Clyde River and that caused the

election of Mr. Kilabuk at that time. Haste was put in place to make sure that he would be elected and return and be able to take office before the Assembly met. A couple of years later, Mr. Noah resigned his seat. He was a resident of Baker Lake and a by-election was held as hastily as possible then, when there was only something like nine months left in our term, to make sure that Mr. Wray, who won that election would be able to take his seat in time to be involved in the business of the House. When Mrs. Sorensen resigned her seat in Yellowknife South about four years ago, we hastily did everything we could to ensure that Mr. Richard, who won that by-election, would be able to take his seat in this Assembly. We purposely made every effort to make sure that people were represented.

In the 1979 and 1983 general elections, some of the Members who were returned to the House could not formally take their seats in the House or be sworn in because some of the paperwork by returning officers had not been properly done or judicial recounts had to be done. The House waited an extra week both times to make sure that those one or two or three Members could take their seats in the House. So I think this is a very important fundamental issue. It is maybe not so important when you have a chamber of 287 or 295 people like the federal Parliament has, when one Member may be missing and you have a party system which will run things regardless, but in a small House when there are only 24 Members, I believe it is important that all those Members get the opportunity to speak and vote on important issues.

Setting Of Date For By-Election

Everything was done by the Clerk and the Commissioner and the Speaker or whoever has to put these wheels of action into place to have a by-election. Unfortunately they could not pick a day when the local civic election was being held and they could not pick a day when there was a possibility of a federal election. So we could not fill the seat as fast as I think we would have liked to have done because of those situations, but the earliest reasonable date was picked. I think it is important that we wait for that Member. There are a lot of issues in the House that are important, that have to be dealt with, and we cannot hold everything up for the by-election. But the person who is going to be elected to this position may be there for three years depending upon how the parliamentary system works in this chamber in the next three years and that person should have the opportunity to let his name stand. He should also have the opportunity to vote for who he thinks should fill the vacancy.

So I think we set precedents before by making sure that all Members had a chance. I do not think it makes any difference whether it is Yellowknife South, which is three or four or five blocks down the road or a community in the Eastern Arctic. I would be standing here saying the same thing, and I said it in caucus, if there is a vacancy we should wait. So I am primarily supporting this motion to make sure that Member has his right to represent his residents in the choosing of a person to participate on the Executive Council for the next three years. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. McLaughlin. To the motion, Mr. Sibbeston.

Member Favours Present System

MR. SIBBESTON: Mr. Speaker, there are two parts to the motion, the first dealing with the place of the selection. The motion suggests that the selection be done out in the open here in the Assembly. The second part of the motion deals with the selection, that it be delayed until after October 31. Mr. Speaker, my point of view on the first point is that we should continue with the present system that has brought this government into existence. I am for the secret ballot method in the caucus room at the back of the building here. Generally, I am not one to support the status quo, but in all fairness to the persons that are seeking the position it just seems to me that they should get in by the same method as the present government Members have come into position.

Also, too, to have it out here in the public, it is much more onerous, it is much more demanding, and much more pressureful, so I think that to have this election done in cosier and smaller confines would do justice, because essentially the Members seeking selection are there to

convince us of their merits or qualifications, and so forth. So I think it being done in a closer setting would be better.

On the second point, Mr. Speaker, I am against delaying this election until sometime next month, and in saying this, I am not showing any disrespect to the citizens of Yellowknife South or to the new MLA, whoever that may be, but I do consider that the matter of vacancy is an urgent matter and one that should be dealt with as quickly as possible. Ideally, it would be nice if we could wait until everybody was sitting, but the situation is one of urgency and one that should be dealt with as quickly as possible.

Added Load Of Responsibility

Mr. Speaker, there has been a vacancy since September 23. We are into the fourth week now without a Minister responsible for Housing and Government Services, and in resigning I said I did not like the fact that I had held insignificant positions but the job is not so insignificant that it should be left for weeks and weeks on end and into the future. If we wait until after the end of October, it will end up being almost two months without having a Minister responsible for those two departments. I certainly have respect for Mr. Kakfwi in carrying the extra burden, besides Education and Aboriginal Rights, but I would say that it is not fair to him to have him carry the extra load throughout all of this session.

If Members support this motion, it will mean that we will not have a Minister for Housing and Government Services, solely, likely until the end of the Assembly, so we will have gone pretty well a whole session without a Minister responsible. Mr. Speaker, I think the solution to this simple situation before us is that there is a vacancy, let us fill it as quickly as possible, and let us choose a Minister, and let us get him on the job so the job at hand can be done. We, in fact, as a caucus had agreed to this. In fact, the nominations have been dealt with already, and if we defeat this motion then this coming Friday we will go through the selection of having a Minister and next Monday we will have a Minister sitting across there who will answer all our questions on Housing and Government Services. That is the way that it should be.

Mr. Speaker, the job is a good job. It is one that we should fill as quickly as possible. As we wait and wait, the job becomes more appealing to me, and giving me second thoughts that maybe I should not have dropped the job, it is such a good job. So the situation really is that we should get on with the business at hand. It would be nice to wait until there is a new MLA, and wait until everything is perfect, but that is not the reality of the situation before us. We have to fill the vacancy and do it as quickly as possible. So, let us not change our minds, Members. Let us go ahead as we had planned, and go through the selection process on Friday so on Monday of next week we have a Minister before us. Mahsi cho.

---Applause

MR. SPEAKER: Thank you, Mr. Sibbeston. To the motion, Mr. Kakfwi.

Free Vote For Ministers Indicated

HON. STEPHEN KAKFWI: Just a short statement as Acting Government Leader, I wanted to indicate to the House that it is a free vote on the part of the Ministers on this motion.

MR. SPEAKER: Thank you, Mr. Kakfwi. To the motion, Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I would like to make a short comment regarding this motion. I like the motion, but I cannot support it, because it would be simpler if it stated that if we are going to select the eighth Minister I think all the Members should be given the opportunity. When we are going to be selecting a Minister, it will have to be from the West.

The reason I do not want to delay this any further is that the Members for Yellowknife South are always resigning from their terms. They have never served the full term. Maybe if we wait for

that Member to join us, and that Member is not going to serve all of his term again, I think we are wasting our time. For now, I would like to go through the selection of the new Minister as soon as possible, and I will be opposing this motion. Perhaps when we are trying to select the eight new Ministers, then I think by all means we should change our system, and that would make me very happy. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Pudluk. To the motion, Mr. Ernerk.

MR. ERNERK: (Translation) Thank you, Mr. Speaker. We are always assisting Yellowknife, those of us from the eastern region. The second part of the motion I will be supporting, but there is a minor detail that I do not agree with, that is contained in the motion. In the preamble, the fourth "whereas" -- I think you are all aware that last fall I thought that the people who were running for an Executive Council seat in the Legislative Assembly should be selected in the House, to give them an opportunity to come forth with their platforms, and that there should be public elections for all of the ministerial candidates but we did not select the Ministers in that way. We selected the cabinet Ministers in secret for the eight Ministers who are currently sitting across the House. We are dealing with only one Minister who has to be elected to replace one that had resigned. I do not think that we should make this a public process for just one Minister. Perhaps in 1991, if we have to select all the Ministers again for the Executive Council, then by all means I would be going for a public election. All the residents of the Northwest Territories will be able to see and hear how the government deals with people who are going to be their Ministers. (Translation ends)

All Members Should Participate In Selection Of Minister

I really do not have any problem at this point in time with the "therefore" clause in which it indicates that we fill a vacancy on the Executive Council after the 31st of October, 1988 because I also feel that everyone around this table, sitting in this House, should be given an opportunity to select a Minister to help to govern the Northwest Territories, the entire Northwest Territories. I would like to know where that person is going to stand with regard to the issue of housing in the Northwest Territories. Housing is an important issue. Housing is one of the very important issues in the Northwest Territories. I am not indicating to this House that the Yellowknife South Member, whoever that is, should be given an opportunity to run for one of the ministerial offices, but that person should have the right to be able to pick one of the Members for the Executive Council. To be honest with you, Yellowknife Members are -- sometimes Yellowknife Members do not have a candidate, so they get in by acclamation.

---Laughter

So, I believe in what my friend from Resolute Bay is saying, but that is another matter, so I will not get into a debate about it. On the matter of principle, Mr. Speaker, I am supportive of the "now therefore" clause but I am not supportive of the fourth "whereas" clause at this point in time. Yes, for 1991 but not this time around. Thank you.

MR. SPEAKER: Thank you, Mr. Ernerk. To the motion. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Speaker. Firstly, just to indicate to the mover and seconder and to Members in this Assembly, I have no problem with the idea of the process being public. I think one of the problems is that we have a tendency to forget that the responsibility of a Minister is a public responsibility. What we do in this House and how we present ourselves on issues is very important. This one particular time that we get an opportunity to make our views known, the question of how we are going to do the job publicly is important because it portrays, as Mr. Lewis said, the body of this group here. It portrays every individual here. It does not portray the individual who will be selected. We represent the Legislative Assembly as Ministers and as such we have to portray the direction of this Assembly publicly and we have to represent the people publicly. So, I do not have any serious problems with the idea of it being a public election or making public comments with regard to the responsibility or my position.

I do, Mr. Speaker, have one concern with the motion and I am going to propose an amendment that I will deal with in a couple of minutes. I believe that we do have to be concerned about whether or not this House rises prior to October 31 and in case that situation occurs, I am going to introduce an appropriate amendment that will deal with that in case we get into that situation.

Motion To Amend Motion 2-88(2)

Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that we amend the motion by adding the following, after "1988" on line 13: "or immediately prior to prorogation or adjournment of this third session of the 11th Assembly". Then you continue with, "to fill the vacancy on the Executive Council".

MR. SPEAKER: Thank you, Mr. Nerysoo. Could the Chair have a copy of your amendment, please? Order. I will read again the amendment as moved by Mr. Nerysoo and seconded by Mr. Butters. "I move that we amend the motion by adding the following after '1988' on the 13th line: 'or immediately prior to prorogation or adjournment of this third session of the 11th Assembly'."

Mr. Nerysoo, your amendment is in order. To the amendment.

MR. BUTTERS: Point of order.

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

MR. BUTTERS: Mr. Speaker, although I have seconded it, might we have copies of the amendment and have it translated?

MR. SPEAKER: Thank you, Mr. Butters. The written version of the amendment will be distributed with translation and the House will have a short recess.

---SHORT RECESS

The amendment has now been distributed, translated. Moved by Mr. Nerysoo, seconded by Mr. Butters. The amendment is in order. To the amendment, Mr. Nerysoo. Do you wish the floor? If you do not wish to proceed you may withdraw with the consent of the seconder. You have the floor.

Motion To Amend Motion 2-88(2), Withdrawn

MR. NERYSOO: Mr. Speaker, there seems to be confusion about the amendment. I will withdraw it and reintroduce the motion to amend.

MR. SPEAKER: Thank you, Mr. Nerysoo. You had the floor when we recessed, Mr. Nerysoo.

MR. NERYSOO: Mr. Speaker, on a point of privilege. Mr. Speaker, I have no problem with the idea of motions. In fact, I have the right, as a Member, to introduce the appropriate amendments to any motions that are in this House. What I am concerned about, Mr. Speaker, is the privilege of Members in this House being challenged in the back rooms of this Assembly. Whenever there is concern about motions that have been introduced or concern with regard to the Members' opposition to the motion, then let it be heard in formal session, not in the back rooms of this Assembly.

I am concerned that we are not conducting ourselves in the manner that recognizes and accepts that each Member has the privilege and the responsibility to introduce appropriate amendments or, for that matter, deal with issues in the formal session. I do not agree with the manner in which we conduct ourselves in this House. Particularly when people are being criticized in the back rooms of this Assembly. I think that we should conduct ourselves appropriately and according to the rules and privileges of this House.

MR. SPEAKER: Mr. Nerysoo, you also had the floor under the heading of "to the motion".

MR. NERYSOO: Thank you, Mr. Speaker. I did rise on a point of privilege, thank you.

Motion To Amend Motion 2-88(2)

Mr. Speaker, I move that we amend the motion by adding the following after "1988" on line 13: "or immediately prior to prorogation of this third session of the Legislative Assembly."

MR. SPEAKER: Thank you, Mr. Nerysoo. With the consent of the seconder, the first motion has been withdrawn?

MR. BUTTERS: Agreed, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Butters. Mr. Butters, are you the seconder for this amendment?

MR. BUTTERS: Yes, Mr. Speaker.

MR. SPEAKER: Thank you. The amendment is in order. Mr. Nerysoo.

MR. NERYSOO: Mr. Speaker, I am introducing the amendment to the motion to recognize the possibility of this session being prorogued prior to the 31st of this particular month, so that it will allow Members to make a decision on a choice for an Executive Council Member, if that is possible.

MR. SPEAKER: Thank you, Mr. Nerysoo. Mr. Butters, to the amendment.

MR. BUTTERS: Mr. Speaker, the amendment gives a greater degree of flexibility to the motion moved by Mr. Lewis, in that we are not constrained to the end of the month when that appointment should be made. As Mr. Nerysoo indicates, were we to rise prior to that date we could deal with the requirement to select an Executive Council Member at that time. It gives a great deal of flexibility to this House and to the Members of this House in making this important decision.

MR. SPEAKER: Thank you. To the amendment. Mr. Lewis.

MR. LEWIS: Mr. Speaker, the intention of the motion is to make every attempt to make this House as democratic as possible. That was the intent of the motion, that we would give every opportunity...

MR. SPEAKER: Mr. Lewis, you are speaking to the amendment now, not the motion. Confine yourself to the amendment, Mr. Lewis.

MR. LEWIS: It is to the amendment, Mr. Speaker. Therefore, the date I chose was one that seemed to be reasonable but this amendment, I realize, recognizes that the work of this House may have a fixed date which cannot accommodate that Member. This particular amendment increases the possibility of us allowing another very important and knowledgeable person to vote. So, I believe that the amendment is something that should be supported by this House.

MR. SPEAKER: Thank you, Mr. Lewis. To the amendment. Mr. Sibbeston.

MR. SIBBESTON: Mr. Speaker, in my view this amendment makes it even more difficult for me to support because it provides for the possibility of having the selection of a Minister sometime --perhaps it could be November, December or January, whenever the Assembly prorogues. We know for sure that the Assembly is not going to prorogue next week. We know that the work of the Assembly is fairly substantial, such that we will likely go into November before the Assembly is finished. This amendment provides for the selection to be made after October 31st but then extends it to some date which is just immediately before prorogation which could well be the end

of November. In my view, this amendment makes the motion worse. If you are not going to support the motion to begin with, this makes it even more difficult to support.

So I would suggest to Members that they vote against this amendment and, again, vote against the main motion when it comes up.

MR. SPEAKER: To the amendment.

AN HON. MEMBER: Question.

Motion To Amend Motion 2-88(2), Defeated

MR. SPEAKER: Question is being called. All those in favour of the amendment? All those against the amendment? The amendment is defeated.

---Defeated

To the motion. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I am going to support the motion but I am looking at it from a slightly different perspective than the mover of the motion. With the mover's opening comments, I think he left the impression that he was one of the few people who was interested in improving government here in the Northwest Territories. That is not the case. I look across the House and I see Members who have been here for 10 and 15 years, who have been the architects of the most rapid evolution of any government in the history of Canada. So whether they vote for or against this motion, it does not reflect on their commitment to improve government in the Northwest Territories.

Importance Of Caucus In Consensus Government

I would like to make another comment, also, about the importance of caucus in a consensus government. Because we do not have a party system, because there are very significant differences across the Territories, caucus has worked very, very well, at least in my experience, over the years, to bridge some of the differences that we have had as MLAs. At first glance one could say that what happens in the back room is secret. In reality I think caucus has been a very useful tool of democracy over the years. I am a little bit concerned with the way this motion came about. We are changing very abruptly some of the practices we have had in this House that have worked successfully for a number of years.

Now that it is in the House I have to support the motion. I have some concerns as to the way it was brought to the floor, and I think my overriding concern is not just what appears to be more democratic but what in fact is best for the business of this House. We have a very delicate balance of what we do here in the House and what we do in our caucus. So it is with some concern that I do support the motion. Having said that, once the motion is here on the floor, I think I, and all Members, have to exercise our right to vote according to our principles.

I support the concept of allowing a new Member, wherever that Member may come from, to participate in the choosing of a cabinet Member. And I really do not have a problem with having the choosing of cabinet out here in public. I want to re-emphasize that not a lot is really changing by having it here. The only difference is that there will be public speeches. There will still be a private ballot so I do not want anybody in the public to get the impression from this that we have suddenly gone from a very secret system to a very open system. We have not. We have made a very minor technical change in how we approach it. It is for each Member to decide whether or not the time is now for that technical change.

So in conclusion, Mr. Speaker, it is with some concern I see some fundamental changes to how we approach government business. I would say that I am concerned about that and I hope that we can work together as a Legislative Assembly in caucus and in the House and that the end

result will be something that improves the system and does not make the system in fact, worse than it used to be. With that, Mr. Speaker, I will support the motion. Thank you.

MR. SPEAKER: Thank you, Mr. Ballantyne. To the motion. Ms Cournoyea.

Timing Of Motion Unacceptable

HON. NELLIE COURNOYEA: Mr. Speaker, I have no objections to the elements of the motion. My objection and the reason I cannot support this motion is the timing. As one of the people who has been given the privilege of being a cabinet Minister, I would have preferred that when we elected the last time, that I had had the opportunity to sit in this House and make my presentation along with the other Members. I feel this motion is unfair because what is going to be said is that the people who are running now are more electable because the public has heard them speak. I did not have that opportunity. I believe that we have to move and evolve as a government. We will have to do this at a time that is fair to all of us, when we can sit here together and come before the public. But it has to be fair to all of us. I feel that coming at the last minute, drawing from the hip and putting a motion on the floor to give a privilege to one Minister, one cabinet, one Executive to move in front of the public and not the rest of us, was the wrong time to do things. I would like to say that I am not against the elements and the principle but the timing is wrong.

It is unfair to people such as myself because I do not have the opportunity to make a presentation on how I believe the NWT should evolve or talk about the contribution of people and how I feel that should happen over the years. There will be a number of people who are allowing their names to stand who will have that opportunity. But I will not have that opportunity. Sometimes when we discuss in caucus and perhaps sometimes behind closed doors I lose the point I want to make. I am not going to tell anyone out here what I did in the back room the last time and whether I won or lost. But I will say that what is being proposed now is right, but it is also very wrong because it is unfair to the rest of us.

As for part of the motion in terms of when we do this and the desire for the mover of the motion to bring someone in because he is being newly elected from Yellowknife, yes, that is fair. But I do not think the motion could allow that. Very likely that person will not have that opportunity anyway. So Mr. Speaker, even though this motion should pass there is also another element when it gets on the floor. There is no place in our rules in this House that will allow us to place it immediately on the agenda and we have to seek unanimous consent. It will only require one person to say nay to placing it on the agenda.

So Mr. Speaker, I would like to say that I believe in change and I believe in evolution and I believe in fairness but I think we should think these things out. If we believe in consensus we should speak among ourselves and try to throw ideas around before we come in and draw from the hip because we did not get our way before. I do not think that is consensus. I think that is really taking another shot at the cat.

In terms of giving a voice to Yellowknife, I wanted to be very clear here that the issue is not Yellowknife and I agree with that. It could be anywhere else and I very much appreciate Mr. Lewis saying that he would take the same motion forward if it was another community in another area and not so close to the House of the Legislative Assembly. So Mr. Speaker, I cannot support the motion, not because of the elements of the motion, but the timing. Thank you.

MR. SPEAKER: Thank you, Ms Cournoyea. To the motion.

Point Of Order

MR. SIBBESTON: Can I just raise a point of order and one that is raised by Ms Cournoyea that the motion, I would suggest, is inappropriate because it suggests that we provide a system or a procedure for some event to happen that is not provided for in our rules. So on that basis, Mr. Speaker, I wonder if you would consider whether this motion is what you would call, out of order.

Speaker's Ruling

MR. SPEAKER: Thank you, Mr. Sibbeston. I have already ruled the motion to be in order and I did consider precisely the matter you raised. A motion is only out of order if it goes against the rules of this House. The motion is not out of order if it proposes something substantive which is not covered by the rules of this House. We can make up those rules after. The motion is in order. To the motion. Mr. Kilabuk.

MR. KILABUK: (Translation) Mr. Speaker, my comment will be brief on the motion. I agree with the comments of the mover of the motion but I cannot support the motion. This has not been the practice of our House in the past prior to the 11th Assembly. When we selected the cabinet we did not use this procedure. I would be supporting the motion except that I cannot wait until that date for the reason that it seems like we are short with the cabinet on our third session due to the vacancy, and we cannot direct our questions to the proper Minister. I cannot wait. I am looking forward to selecting the cabinet Member. Also, because the cabinet is short one Member, they have been working very hard. I will not be able to support the motion. That is all I have to say, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Kilabuk. To the motion, Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I am quite undecided as to what I should do with this. I do not see any problem on this motion on the floor. We still have a number of days that are left for us to meet here. I do not have any problem with the motion. I think the past practice of this House is causing a bit of a problem. That Minister is only one, and if we were to select him in the House -- perhaps next time we select the cabinet in 1991 this procedure should be implemented. If it is only for one Minister, I oppose the idea of having just one Minister being given an opportunity to speak in the House. I could vote for the motion, and I support Mr. Kilabuk's comment that we are short one Minister in that area. I would like to support this motion. Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. To the motion. Question is being called. Mr. Butters.

Motion Sets Precedent

MR. BUTTERS: Mr. Speaker, I have a few brief comments on the motion. As one of those who put in my name, I, with other Members, when asked in caucus whether I would have any problem of having this matter discussed in the Assembly, said "No I would not." And I still have no problem with that particular situation. And I would like to deal with that matter of what is discussed in the House, and what is discussed in caucus.

There has been a great deal said today about the fact that this is a precedent, that something new is happening here, that we are suggesting that Executive Members-to-be, or Executive Members who wish to be, in the past have not spoken in the House or been part of a vote in the House. That is true, it would be a precedent. But the process that we are involved in has two parts. There is a placing up and a taking down. Now if we were to take down the cabinet today, we would not do it in the back room, Mr. Speaker. We would do it out here in public before the media, before the public, and we would indicate to the Government Leader, and we would indicate at every case why the Ministers were failing us. And that vote of non-confidence would be taken in the open.

Now we had a very difficult situation occur in the previous House, and those Members who were here will remember that occasion, when we had to address the shortcomings of a Member of that cabinet. That was not done in the back room, sir. That was not done on the sixth floor -- it might have been but it was not done on the sixth floor, it was done here, and for me that was a very, very traumatic experience. Obviously it was much more traumatic to the individual who was undergoing the process. That was a very difficult time, but here is where it happened. It happens in the open. So it is a precedent. Part of the process has already been in the open, and that is the removal from office of an Executive Council Member.

The other comment was made that we should not delay in appointing a Minister to take the responsibility for Housing and Government Services. My seat mate has indicated that these responsibilities are very important responsibilities. Housing is a very important responsibility, a very significant responsibility. Suddenly, within three and a half weeks, he has had a change of approach. I feel that had the resignation been set for the end of this session, we would have had a Minister to answer questions on Housing, a Minister who was knowledgeable about Housing matters and Government Services matters, who has carried that portfolio for the last six months. And that takes nothing away from the Acting Minister in these categories because Mr. Kakfwi, too, knows what is going on in those departments, who I am sure can answer the questions.

Grace Period For New Minister

I think that another precedent that has not occurred is that we have never named a new Minister and sent him into battle immediately. We have never named a new Minister and sent him across the floor and expected him or her to answer immediately questions on a department. Usually there has been a grace period in which they have had time to do their research and examine the responsibilities that they have assumed. So I would suggest that even though we may send a new Minister across the floor on Monday next, I do not think we should expect that individual to be answering our specific and particular questions.

I will be supporting the motion. I will be supporting the motion because I believe, with the mover, that there is a right in a consensus government to allow 3740 voters an opportunity to speak through their elected representative. That is how many people we are disenfranchising if we do not allow that individual to sit in this House. So I think Mr. Lewis has made the point and I will be supporting the motion on both those counts.

MR. SPEAKER: Thank you, Mr. Butters. To the motion, Ms Marie-Jewell.

Member Expresses Concern

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I must indicate to the mover of the motion that I am certainly happy to hear that he clarified that it was not a Yellowknife issue. However, Mr. Speaker, I am somewhat concerned, as a Member of this Assembly, for the purpose of Members in formulating a caucus to determine and to try to work out our differences to form the consensus government that we form in the NWT.

I indicate that the motion put forth is, no doubt, a step in evolution of this government to sometime in the future, probably in trying to achieve things or a process that they, at times, utilize in party politics. However, Mr. Speaker, recognizing that the circumstances are different from the initial process that we have utilized in selecting the Members, more important recognizing that it takes away the purpose of deliberating the issues to achieve consensus in our form of caucus which, I feel, is very important, I as a Member will be voting against the motion. Thank you.

MR. SPEAKER: Thank you, Ms Marie-Jewell. To the motion.

AN HON. MEMBER: Question.

MR. SPEAKER: Question is being called. Mr. Kakfwi.

The Need To Make Changes

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. To offer some comments on this motion. The motion itself, I think, addresses some fundamental questions and concerns about the way that this Legislature and, in fact, even the way the government used to conduct itself. It drives, I think, a need to look at the question of whether, you might say, an old machine can redesign itself, by itself. That is, the motion drives the need to make some changes, I would say, very minor

changes that, in my view, hardly do justice to the public need to make substantial changes to the way that the Legislature and the government conduct themselves, and the whole question of political and constitutional reform in the NWT needs to be looked at. This barely takes a stab at trying to wake the public's conscience, to look at this question.

I would say that many Members of this Legislature have been involved in government for a great number of years and they know themselves that some of them were very interested in making changes, some of them were only interested to do well and make the best of the situation in the way that the rules and the regulations are, and some are quite comfortable with, as you could call it, the Westminster style of government. If we move the change to elect a Minister in here the Members, I am sure, will not agree to have the vote public but only to have the Members give speeches as to why they are interested and why they should be considered for a ministerial posting.

So, in fact, it will move in favour of those people who are very eloquent, good clear speakers and not necessarily those people that are highly qualified in other areas to do the ministerial work, besides just talk. In jest, the Member who moved the motion is suggesting that the missing part of the face of this government is the mouth. I would say that, in my view, when the public elected us I think we arrived here and looked at ourselves as a pitiful lot of 24 and out of us we decided, in a very haphazard way but it was a way that was carried on from previous Legislatures, how we would pick the best out of our lot. It is not fair to many others who are qualified to be Ministers but are not, either of their own choice or by the highly subjective emotional varying choice of those of us that vote on whether they are qualified or not.

Motion Changes Nothing

So, I think then that the motion, in effect, really changes nothing. I find it offensive in some ways, that it tries to undo a decision that the caucus arrived at previously and that there is surely some reason why we call ourselves honourable Members in this Legislature and that there is some measure of honesty or straightforwardness, whatever, in how we conduct our business. Whether it is in public or behind closed doors, always we strive to do what is in the best interest of the public. To do this here, in this House, at this time, is not really going to make it public as the Member argues. It will for those people that are able to attend the sitting of this session and for those people that have access to the radio that would cover it, the media. But by and large, for instance, my constituency would be out of earshot and eyesight of this exercise.

I have said in caucus that I think the Member that will be elected in Yellowknife South should have a say and that the motion -- what it does though, it piggybacks another move, which is to suggest that the election of a Minister be conducted in public. I also have a lot of concerns about the change at this late date, about the way that Ministers are elected. I think, in addressing again the decision of caucus, this motion puts into question in my mind all decisions that we, as honourable Members, make, as you would say, as gentle persons. Why do we make decisions in caucus if we are going to get a second shot at undoing them in public here?

I think it drives a point. We say, "This should be done in the public interest and Yellowknife should have a say. Anybody should have a say." It is for me almost like a renegade's way of addressing, once again, a question that has been addressed by caucus previously and so we spend some time talking about it.

My view of it is that I would support the motion that Yellowknife South should have a say in the election of a Minister but I do not support the motion that it is proper at this time to make a change in the way that we elect a Minister. Based on that, I would be moved to vote against the motion. Thank you.

MR. SPEAKER: Thank you, Mr. Kakfwi. To the motion. As the mover of the motion, Mr. Lewis, you have the right to close debate. Mr. Lewis.

MR. LEWIS: Thank you, Mr. Speaker. I have been advised by my colleague to the left that I should not be so passionate so I take his advice and in my closing remarks I will be quiet and still. However, I hope to show that this is in fact a motion by another honourable Member who wants to be fair and wants to recognize the tremendous achievements of past Members.

Vast Strides In Last 25 Years

In no way does anything I have to say take away from the vast strides that have been made over the last 25 years as I have watched this Assembly in these Territories move from a completely advisory group of people who did not meet very often, who were not elected. In fact, in Cape Dorset in 1963 there was a meeting of our Council and at that time, I remember, it was Paul Kaeser that was being inducted into this House. It was the very beginnings of elected people so I in no way intend to make my remarks to suggest that nothing has been achieved. Quite the opposite.

As an honourable Member, I would like to exercise my right on behalf of the people I represent to say what I want to say in this House. This issue of caucus, that is one thing. My democratic right in this House to say what I want in this House about an issue that matters an awful lot to me is something which all Members have to respect. I do not like to be called a renegade. I do not like the suggestion that I am somewhat less than honourable.

In making this motion, Mr. Speaker, what I wanted to do was simply to remind Members of what we tried to achieve by calling this by-election early, so that another Member could have his say in the way this House is going to operate.

Attempts To Find Ways Of Defeating Motion

The arguments I have heard to date have not convinced me. Ms Cournoyea has praised the intent of the motion. She has praised the different elements of it but uses the argument of timing. Mr. Kakfwi says, "Wonderful, but I am not going to support it because it is a divided motion. What you have here is an attempt to get the Member for Yellowknife South involved and you have added in there another element. Public process." So although he likes the ideas of what we are trying to do there is an attempt to find ways of defeating this motion and the overall intent to make this a democratic, consensus government. The argument that we do not have rules to cover this, I do not believe will hold up.

I remember just last October sitting up there somewhere signing something with the Commissioner. We were in this House. We were engaged in a signing ceremony, which everybody went through, and we were not in formal session. We just decided to do it that way. It seems to me that if we wanted to have, if the wish of this House was to achieve what we want to do, we can use our brains to decide how to do it if that is what we really want to do. Well, I sense from what I have heard to date that there is a feeling that this motion has all the great things in it, the wonderful ideas and so on, but we should not do it. And we should not do it perhaps for the reason that Mr. Sibbeston raised; that we really need to have this person in there right away. I know from previous experience that when a Minister is chosen, that person does not assume that portfolio for some time. We would probably be very easy on a new Minister anyway for a little while. We call it a honeymoon. We are not going to be giving that person a lot of tough stuff if he is just going to take on a new job.

Argument Does Not Hold Water

So the argument that we really need to have this right this week, really does not hold water because, for all I know, your Leader, our Leader may decide to switch the portfolios. He may decide to rearrange his cabinet, rearrange the assignments. So the argument that we really should not delay this because it would put a great burden on a new person does not really hold water on the basis of the previous experience in this House. Mr. Sibbeston himself has said that this is really a nothing job. I do not want to misquote him but he has said that it is really not an

onerous job, or words to that effect, and that this is something which perhaps for a short time on a limited time basis, the Minister currently responsible can carry out.

The argument that this is only of interest to the people that come in off the street in Yellowknife, also does not hold water. If you remember last year when we discussed, we suggested that perhaps, if we give them enough notice, CBC would probably love to cover something like that. They could be a complete northern network look at this and see what we are doing. So the argument that this is only of interest to people from the public service across the street or only of interest to maybe a few local people is just not true. We represent all the people of the NWT, and through the media many other people can be informed of what we do.

Members Released From Supporting Motion

Finally, Mr. Speaker, although I have already got some indication from Members who are interested in being Executive Council Members that they would be in support of this motion, I hereby release them from the statements that they have made that they would be in fact supporting this motion. I release them. If they now figured they have heard arguments that convince them that they should in fact not have it in public and that they do not want to have the guy for Yellowknife South in this House, those four people that said they would support it, you are released from any obligation. I do it personally to each and every one of the four people that said they were going to support it.

The point I am trying to make is that this is a democratic House. You have now had a chance to hear all the arguments and if you have viewed all the arguments and you are still convinced you want to exclude the guy from Yellowknife South from taking part in the debate, that you do not want to have a trial run for maybe the next evolutionary process -- because there was a lot of discussion about it last fall, a lot of interest in it, a lot of interest in trying to get our government evolved -- then perhaps just that argument alone, that here is one chance for us to see if this is in fact the way we want to go. I did in fact intentionally pose the question to the interested and Executive Members as to whether they would agree to this. I do not see why the rest of us should be so worried about it. They are the ones that are going to have to go through the process. They are the ones that agreed, so why should the rest of us worry if they are agreeable to subject themselves to that process? They are the ones that are going to be affected. They are the ones that are going to have to make their point.

Process Should Permit Questioning Prospective Minister

The one final thing that I want to touch on is this, and this is my final comment, Mr. Speaker. Mr. Kakfwi has pointed out a very fundamental issue and I appreciate the fact that he made it. Being an effective Member of this House does not mean being a mouth. There are all kinds of people that I know that cannot put two or three words together without forgetting what the last one was. But they can be very, very good Ministers in this House. I would hope, though, that in the process that we eventually develop, we would at least be in a position that we can ask the Minister a question or the prospective Minister a question so that we can get an answer from the person about the kind of person he is or she is, the kind of things they believe in, so that we can get a feel for what that person is really going to be like as a Minister. We do not have to have huge campaign speeches but at least a chance to get a feeling for the kind of person that we are talking about. It is a very fundamental principle that we get to understand who it is that we would like to have as that extra face on the other side of the House. I am sorry, the other part of the House. That is my final comment, Mr. Speaker. Thank you very much.

MR. SPEAKER: Thank you, Mr. Lewis. Mr. Lewis, you have a point?

MR. LEWIS: If you are going to call a vote on this, Mr. Speaker, I would like to have a recorded vote, please.

Motion 2-88(2), Defeated

MR. SPEAKER: Thank you, Mr. Lewis. A recorded vote has been called. The reply of the mover of the original motion, of course, closes the debate. Are you ready for the question?

AN HON. MEMBER: Question.

MR. SPEAKER: All those in favour of the motion, please stand.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Arlooktoo, Mr. Nerysoo, Mr. Pollard, Mr. Butters, Mr. Ernerk, Mr. Lewis, Mr. McLaughlin, Mr. Ballantyne.

MR. SPEAKER: Thank you. All those against the motion, please stand.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Crow, Mr. Kilabuk, Mr. Sibbeston, Mr. Morin, Mr. Pudluk, Ms Cournoyea, Mr. Kakfwi, Mrs. Marie-Jewell, Mr. Zoe, Mr. Gargan.

MR. SPEAKER: All those abstaining from the motion please stand.

The motion is defeated 10 to eight.

---Defeated

The House will take a short recess.

---SHORT RECESS

MR. SPEAKER: We are on Item 15 on orders of the day, first reading of bills. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Slave River, that Bill 4-88(2), An Act to Amend the Coroners Act, be read for the first time.

MR. SPEAKER: Mr. Ballantyne, I take it you are seeking unanimous consent to proceed with first reading.

HON. MICHAEL BALLANTYNE: You are right, Mr. Speaker; I am one day early. Mr. Speaker, I ask unanimous consent to proceed with first reading of Bill 4-88(2), An Act to Amend the Coroners Act; Bill 10-88(2), Interpretation Act; Bill 17-88(2), An Act to Amend the Residential Tenancies Act; Bill 18-88(2), An Act to Amend the Statute Revision Act; Bill 24-88(2), An Act to Amend the Vital Statistics Act.

MR. SPEAKER: Thank you, Mr. Ballantyne. The Minister has requested unanimous consent to give first reading to Bills 4-88(2), 10-88(2), 17-88(2), 18-88(2) and 24-88(2). Are there any nays? There are no nays. Mr. Ballantyne, you have unanimous consent.

ITEM 15: FIRST READING OF BILLS

First Reading Of Bill 4-88(2): Coroners Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Slave River, that Bill 4-88(2), An Act to Amend the Coroners Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Bill 4-88(2) has had first reading. Mr. Ballantyne.

First Reading Of Bill 10-88(2): Interpretation Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 10-88(2), Interpretation Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. All those in favour? Thank you. All those opposed? Carried.

---Carried

Bill 10-88(2) has had first reading. Mr. Ballantyne.

First Reading Of Bill 17-88(2): Residential Tenancies Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Sahtu, that Bill 17-88(2), An Act to Amend the Residential Tenancies Act, be read for the first time.

MR. SPEAKER: Thank you. All those in favour? Thank you. All those opposed? Carried.

---Carried

Bill 17-88(2) has had first reading. Mr. Ballantyne.

First Reading Of Bill 18-88(2): Statute Revision Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 18-88(2), An Act to Amend the Statute Revision Act, be read for the first time.

MR. SPEAKER: Thank you. All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Bill 18-88(2) has had first reading. Mr. Ballantyne.

First Reading Of Bill 24-88(2): Vital Statistics Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Slave River, that Bill 24-88(2), An Act to Amend the Vital Statistics Act, be read for the first time.

MR. SPEAKER: Thank you. All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Bill 24-88(2) has had first reading. First reading of bills. Item 16, second reading of bills. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I seek unanimous consent to proceed with second reading of Bill 4-88(2), An Act to Amend the Coroners Act; Bill 10-88(2), Interpretation Act; Bill 17-88(2), An Act to Amend the Residential Tenancies Act; Bill 18-88(2), An Act to Amend the Statute Revision Act; Bill 24-88(2), An Act to Amend the Vital Statistics Act.

MR. SPEAKER: Thank you. The Minister has requested unanimous consent to give second reading to Bills 4-88(2), 10-88(2), 17-88(2), 18-88(2) and 24-88(2). Are there any nays? There are no nays. Mr. Butters.

MR. BUTTERS: On a point of order, would it not be better -- I realize he wants to speed up the business of the House -- but would it not be better to ask for unanimous consent for each bill individually, rather than group a whole bunch together and seek unanimous consent for the four?

MR. SPEAKER: Mr. Butters, your point of order is correct, if it is the wish of the House. Mr. Minister, would you do them one at a time?

HON. MICHAEL BALLANTYNE: Do you want me to start over, one at a time? Okay. Thank you, Mr. Speaker, we are always pleased to accommodate the wishes of the House. Shall I proceed to second reading then, Mr. Speaker?

MR. SPEAKER: Mr. Minister, could you start off with a request for unanimous consent for second reading of Bill 4-88(2)?

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I seek unanimous consent to proceed with second reading of Bill 4-88(2), An Act to Amend the Coroners Act.

MR. SPEAKER: Thank you, Mr. Minister. Unanimous consent is being sought to give second reading to Bill 4-88(2). Are there any nays? There are no nays. Mr. Minister, proceed, you have unanimous consent.

ITEM 16:; SECOND READING OF BILLS

Second Reading Of Bill 4-88(2): Coroners Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 4-88(2), An Act to Amend the Coroners Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Coroners Act, S.N.W.T. 1985(3), C.2, to provide that the act or any provisions of the act shall come into force on a day or days to be fixed by order of the Commissioner.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill.

AN HON. MEMBER: Question.

MR.SPEAKER: Question is being called. All those in favour? Thank you. All those opposed? Thank you. The motion is carried.

---Carried

Bill 4-88(2) has had second reading. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I seek unanimous consent to proceed with second reading of Bill 10-88(2), Interpretation Act.

MR. SPEAKER: The Minister has requested unanimous consent to give second reading to Bill 10-88(2). Are there any nays? There are no nays. Mr. Minister, you have unanimous consent to proceed.

Second Reading of Bill 10-88(2): Interpretation Act

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Slave River, that Bill 10-88(2), Interpretation Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to replace the Interpretation Act with a new Interpretation Act. The language of the act is updated and new provisions have been added. These provisions are needed to help in the interpretation of an act so that all the rules do not have to be set out in each act. The new provisions are to provide that if an enactment has expired or lapsed, it is deemed to have been repealed; to provide that the government is bound by this act; to provide that provisions of an act can be brought into force at different times; to provide that headings and table of contents do not form a part of the act for purposes of interpretation; to provide for an appeal from a judgment unless an act otherwise specifies; to specify when the appointment of an officer begins and ends; to provide that a power or duty of a Minister can be exercised by another Minister or a person holding the office of deputy of the Minister; to specify that if an enactment is to begin or end on a specified day that day is included in computing the times or the computation of time where the reference is to months or to age; to add in a reference to metric expression; to define words which are often used in enactments so that the definition does not have to be repeated each time; and provide that references in our act to acts of another jurisdiction are continued where the acts are repealed and replaced.

MR. SPEAKER: Thank you. To the principle of the bill. Are you ready for the question?

AN HON. MEMBER: Question.

MR. SPEAKER: All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Bill 10-88(2) has had second reading. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I seek unanimous consent to proceed to second reading of Bill 17-88(2), An Act to Amend the Residential Tenancies Act.

MR. SPEAKER: Thank you. The Minister has requested unanimous consent to give second reading to Bill 17-88(2). Are there any nays? There are no nays. Mr. Minister, proceed.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Slave River, that Bill 17-88(2), An Act to Amend the Residential Tenancies Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend subsection 41(3) to decrease the penalty for late payment of rent.

AN HON. MEMBER: Point of order.

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

MR. BUTTERS: Point of order. The Member for Slave River is not in the House, Mr. Speaker.

MR. SPEAKER: Mr. Minister, do you have another seconder?

Second Reading Of Bill 17-88(2): Residential Tenancies Act

HON. MICHAEL BALLANTYNE: You are sharp today, Tom, right on. I am watching you. Mr. Speaker, I move, seconded by honourable Member for Slave River, that Bill 17-88(2), An Act to Amend the Residential Tenancies Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend subsection 41(3) to decrease the penalty for the late payment of rent.

MR. SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

MR. SPEAKER: Question being called. All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

MR. SPEAKER: Bill 17-88(2) has had second reading. Mr. Minister.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I seek unanimous consent to proceed to second reading of Bill 18-88(2), An Act to Amend the Statute Revision Act.

MR. SPEAKER: The Minister is requesting unanimous consent to give second reading to Bill 18-88(2). Are there any nays? There are no nays. Mr. Minister, you have unanimous consent.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I note that the honourable Member for Sahtu is sitting in his seat. Mr. Speaker, I seek unanimous consent to proceed to second reading of Bill 18-88(2), An Act to Amend the Statute Revision Act.

MR. SPEAKER: Thank you, Mr. Ballantyne. You had unanimous consent.

HON. MICHAEL BALLANTYNE: Just checking.

---Laughter

MR. SPEAKER: Proceed.

Second Reading Of Bill 18-88(2): Statute Revision Act

HON. MICHAEL BALLANTYNE: Thank you. Mr. Speaker, I move, seconded by the honourable Member for Sahtu, that Bill 18-88(2), An Act to Amend the Statute Revision Act, be read for the second time. The purpose of the bill, Mr. Speaker, is to amend the Statute Revision Act to require the statute revision commissioner to revise the acts in accordance with the new Interpretation Act; to provide that a designation made in an act before the coming into force of the revised statutes

shall be deemed to be an appointment under the repealed act where the corresponding provision of the revised act refers to an appointment; to provide that a reference in any unrevised and unrepealed act, or any regulation, instrument, document or text, to any expression used in a repealed act or part of an act, is held to be a reference to the corresponding provision used in the revised statutes; and to add a provision that forms, schedules, stationery and other documents used under a repealed act may be used under the substituted revised act for a reasonable period of time after the coming into force of the revised statutes.

MR. SPEAKER: Thank you. To the principle of the bill. Are you ready for the question?

AN HON. MEMBER: Question.

MR. SPEAKER: All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Bill 18-88(2), has had second reading. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I seek unanimous consent to proceed to second reading of Bill 24-88(2), An Act to Amend the Vital Statistics Act.

MR. SPEAKER: The Minister has requested unanimous consent to give second reading to Bill 24-88(2). Are there any nays? There are no nays. Mr. Minister, you have unanimous consent.

Second Reading Of Bill 24-88(2): Vital Statistics Act

HON. MICHAEL BALLANTYNE: I move, seconded by the honourable Member for Sahtu, that Bill 24-88(2), An Act to Amend the Vital Statistics Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Vital Statistics Act to provide that the content of birth, marriage and death certificates may be prescribed by regulation; and to provide that the registrar general may issue more than one form of birth and marriage certificate.

MR. SPEAKER: Thank you. To the principle of the bill. Are you ready for the question?

AN HON. MEMBER: Question.

MR. SPEAKER: All those in favour? Those opposed? The motion is carried.

---Carried

Bill 24-88(2) has had second reading.

Mr. Clerk, Bill 4-88(2), Bill 10-88(2), Bill 17-88(2), Bill 18-88(2) and Bill 24-88(2) have had second reading and are ordered into committee of the whole for today. Item 17, consideration in committee of the whole of bills and other matters: Committee Report 1-88(2); Tabled Document 2-88(2); Ministers' Statement 7-88(2); Bill 2-88(2), Bill 6-88(2), Bill 4-88(2), Bill 10-88(2), Bill 17-88(2), Bill 18-88(2), Bill 24-88(2), 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 COMMITTEE REPORT 1-88(2); BILL 6-88(2)

CHAIRMAN (Mr. Gargan): The committee will now come to order.

Bill 6-88(2): Education Act

We are on Bill 6-88(2). General comments. Would the Minister like to bring in his witness? Would the Minister like to introduce his witness, and we will carry on with the general comments?

HON. STEPHEN KAKFWI: Joe Handley from the Department of Education and Ms Bentivegna from the Department of Justice are with me today, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you. We are on Bill 6-88(2). General comments. Mr. Lewis.

MR. LEWIS: Mr. Chairman, I was privileged to be part of Mr. Ernerk's committee when we reviewed this particular piece of legislation and I voiced some concerns at that time. I would like to expand on those today.

What we have here in front of us is a bill which in other jurisdictions would be called an omnibus bill. There are all kinds of bits and pieces in it which do not relate to each other but I suspect, because of my long association with Education, that hidden inside all of the bits and pieces within this Act to Amend the Education Act, is one purpose, one main crucial issue. I will explain exactly what I mean by that.

This act here, when we look at it, we may say, "Well, that is good. There should be a provision in our act for a person to be granted a certificate, to have his certificate cancelled, suspended or reinstated." Mr. Kakfwi pointed out, in his opening statement, that that had been an omission in the 1977 ordinance.

Well, the reason why it was an omission in the 1977 ordinance was that we did not have a Northwest Territories teacher certificate at that time. All teachers had to have a provincial certificate. There was a mechanism in place whereby those certificates could be reinstated or cancelled or suspended through the various jurisdictions that controlled certification at that time.

I recognize that the Minister would want to now, since we have our own Northwest Territories teacher certification, I realize that we will want to have that provision specified in our own act. I am convinced, having gone through this once with the legislation committee and having studied it, that there is one main purpose behind this amendment and Members may be encouraged to support the whole act because it has bits in there about paying honorariums, expenses, things that may seem to be just housekeeping matters and things that really do not seem to be that important.

Amendment Provides Mechanism To Get Rid Of Unpopular Teacher

What concerns me about this amendment, Mr. Chairman, is that we have in here a mechanism whereby the Minister for just cause can remove a teacher's certificate. I understand exactly what the Minister is attempting to do here. We do have cases, there is no doubt about it, where you would very much like to suspend a teacher's certificate. What this amendment does, though, is to open the door to a Minister who wants to impose disciplinary action on a teacher. He can sit down with his deputy and say, "God, how the hell do we get rid of this guy, how do we do it!"

I will give you an example. He may say, "I am getting all kinds of pressure from people to get rid of person X." So the Minister may say, "That is my problem; how do I solve it? What can we use as the excuse to get rid of this teacher?" There is nothing very much, but the Minister has to find just cause to get rid of this person and does not want to go through the normal procedure of disciplining this teacher by suspending them from employment or just giving them their marching orders, telling them that they are fired.

Minister Could Decide On "Just Cause"

What he can do, with this mechanism, is to say, "Look, people say about this guy that he is not really very well liked, so how can I use this mechanism of certification to get rid of him? I know that this argument that he is not well liked is not a good enough reason to fire that teacher, you cannot do it." Or you may say, "He is not sensitive enough. He is a bit of a redneck. He is not sensitive enough to know the people." So you say, "Well, would that stand up in court if we fire this guy? Is that just cause for firing him?" So then the two people, the Minister and his deputy, would sit down and say, "No, that will not hold up. We have to find some other way of getting rid of this guy."

If this mechanism were in place whereby the Minister can suspend the certificate for just cause, he may just say, "Well, I believe that just cause is that this guy is a redneck. He is insensitive to northern issues. That is, as far as I am concerned, a just reason to suspend that teacher's certificate."

But here comes the problem. According to this act, once that person is then deprived of his certificate, he no longer has a contract with his employer. What you have in effect done is to discipline that person by depriving him of his certificate and, by doing so, breaking his contract. So therefore all he can do now is to say, "Well, that was unfair. I want to appeal this decision of the Minister, that he has taken away my certificate because I am a redneck and I therefore want to go through the appeal procedure to get my certificate either reinstated or at least renewed, or whatever. And if I do that I can get my job back. I will still be an employee."

But the problem is this. Under the other system of discipline where you fire somebody for cause because they are no good, in other words they are incompetent -- they come to work drunk all the time, or whatever -- under that system you have to prove cause and there is a system whereby the teacher can appeal to an independent body which says to him, "Yes, you really do not have much of a case here. You never come to school and when you come you never do anything. The kids are not learning anything and you are just a hopeless case." So in that particular instance, the normal process would apply where a teacher can appeal to a board of reference to in fact challenge the decision that he has been disciplined. But with this new provision of having a certificate removed and thereby having the contract cancelled, what the Minister in fact is doing is firing that person.

He does have an appeal. But unlike the welders that we discussed the other day who could appeal to the Commissioner -- remember we were talking about the pressure boilers act, that provision. Then in that particular case, a welder in our system could appeal to an independent body. Someone who is not involved in the decision. Somebody who in fact can give him back his trade license or his professional license.

Minister Who Removed Certificate Becomes Final Authority In Appeal

But in this case, oh no. The Minister can set up a body but the Minister becomes a final authority as to whether that person gets his certificate back. So he has achieved his purpose of firing this guy simply by removing a certificate for what he considers to be just cause.

That is what I see to be at the heart of this amendment. That is why I believe that if that is really what the government wants to achieve, they should have come right out front. It is a huge issue. It is a major issue. It is at the very root of the rights of individuals who have something they may have worked for all their lives, to get into a profession, to have a license, to spend maybe years and years of training and suddenly, like that, because there is no solid way of getting rid of someone, you are going to take away that piece of paper that they have worked all their lives to get. And the only person who can restore it is the guy that took it away from him because right down at bottom what he wants to do is really to fire him. And this is a mechanism that he could use in order to achieve that.

Now Mr. Kakfwi is an honourable Minister; he is an honourable Member and I do not believe that deep down in his heart that, that is what he would like to use this amendment to achieve. But it is a problem in our system whereby teachers and many other employees present a challenge to

the employer and they would very much like to get rid of that individual and they do not know how they can do it legally. In other words, they cannot point to cause. They may have something they do not like.

I will not in this House go into details of some of the cases that I have been asked to solve in the way that Mr. Handley, I am sure, is being asked to solve them now. I will not embarrass the House by doing that, but what I want to point out to Members is that the weakness in this amendment is that it does not give that individual who loses his certificate an involvement of the profession group that represents him, to be involved in the way other professions are involved in policing their own profession.

Certification Used To Achieve Another Purpose

It is a crucial issue. What we have here is the potential for a political person, not Mr. Kakfwi, a political person to, in fact, use this in order to get rid of somebody and it has nothing to do with certification at all. They are using certification in order to achieve another purpose, which is to discipline that person.

Now then, you may have cases of people that are running away from the law, in our system, who may be bad people and you say, "Boy, that person should not be teaching. I am going to get rid of that guy by taking his certificate away because he/she is not fit to teach, anyway. I just found this out a week ago. He is not fit to teach." That, in my opinion, is a valid thing, that you use this amendment or this provision, if you like, to get rid of that individual because that person is not fit to teach and you have all kinds of information that proves it. But, you should not be afraid to do it, knowing that your decision may be overturned by an independent body that will, in fact, look at the case. The danger that we have here is that the person himself, with responsibility of that whole department, could use this mechanism to get rid of someone for nothing to do with fitness to teach, nothing at all. It is simply because he would like to get rid of that individual and will use this mechanism.

I have elaborated fully on the problem with this act, Mr. Chairman, because I think the crucial issue in it should have been separated from all the other stuff. The other stuff may be housekeeping, but hidden right inside this particular amendment is an issue which should have been separated out, presented as a separate act, because it is a crucial issue which relates to labour relations inside this government. There should be a provision for an independent group to examine the issue of reinstating certificates, and not the Minister, who may have used it as a mechanism to get rid of the person in the first place. Those are my opening general comments, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Lewis. I would like to remind Members to try to speak within your 10 minute limit. Mr. Zoe, would you like to make some general comments?

MR. ZOE: Well, maybe I will let the Minister make a little rebuttal here before I make my general comments.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. The fact is that there is no hidden agenda on my part, on the part of the department or the government to set this whole amendment to the bill up, just so that we can get at some teachers who we think need to be kicked out or reprimanded or fired without just grounds.

The intent of the amendment, as it says clearly, is that it will deal with the needed power for the Minister, not only to issue certificates, but to provide a mechanism for removing them as well. That is all there is. There is no convoluted plan to do all these dishonourable things that Mr. Lewis is conjecturing, I think. I do not know why he is attributing motives, other than those that we are stating, as intents of the bill.

There is a recognition that people that are in political positions should not become perhaps too closely involved in this sort of thing. There are provinces that provide, for instance, that the Minister will have this power and not a third party.

Proposed Procedures

The way that we propose to do this -- and the chairman of the standing committee has been advised of it -- is that in the amendment to the act it will say that the Minister will have that power to suspend, cancel or revoke the teaching certificate. The regulations will be discussed with groups like the teachers' association. The regulations we propose now will say that, for instance, when a designated body, like a divisional board or superintendent, feel that they should lay a complaint about the conduct of a particular teacher, it would follow that they would have to provide just cause for laying the complaint. This complaint would go forward to the Minister, and the Minister would then, on receipt of this, let the teacher know and convene a hearing committee. That committee would have a thorough hearing of the complaint and would be made up of, let us say, someone representing the legal profession, perhaps the NWT trustees association, and someone from the NWTTA, the union representing the teachers. What we propose is that when a decision is made by that committee, that the Minister would take the decision of that committee and convey it to the teacher. So that, in fact, the Minister will exercise his authority through a mechanism so that the hearing committee will have, in fact, the final say in that the Minister will make his decision in that manner. So it would be reflected in the regulations.

If the teacher feels, for whatever reason, that there are some grounds, again just cause, to think that he did not get a proper hearing, it can be appealed, and the appeal would go to the Minister. And if there is felt to be sufficient grounds to appeal, then an appeals committee would be set up by the Minister. I do not know how this committee would be set up yet, but the appeals committee would make a decision and convey that to the Minister, and whatever the Minister decides then would be final. But again, because we are dealing with a profession, a job and the rights of an individual, there is always the possibility for the individual, if there are just grounds, to take it to court anyway. That is the way that we are proposing the mechanism be laid out. As I say, it is, I think, important to remember that in places like Ontario, and I think Alberta and Manitoba, the mechanism is largely the one that we propose here.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Bill 6-88(2), Education Act. 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. Mr. Lewis.

MR. LEWIS: Sorry, I wanted to go back to clause 2.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Mr. Lewis.

MR. LEWIS: Mr. Chairman, since so much of this is subject to the regulations, and we do not know how any of this is going to be done until we see those regulations, I find it difficult that we can accept a clause about which we know nothing as far as its regulations are concerned. I find it difficult to accept that that clause can just be taken as it is, until we see exactly what the regulations are. Because they are subject to the regulations it is crucial, I think, that those regulations be seen before we can accept that particular clause. It is impossible.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. STEPHEN KAKFWI: What I understand, I guess, as a recently new Minister is that when you have legislation and propose amendments, for instance, to the act, they are discussed and passed first and then once that is done, then the regulations are discussed and consultation is undertaken to make sure that everybody is generally agreeable to the way that a certain act would be exercised. That is what I have been advised at this table. So once we have agreement on the amendments, then we will go out and consult on how the regulations would best be drafted.

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

Clause Should Be More Detailed

MR. LEWIS: That is the point I want to raise precisely, Mr. Chairman. Since this particular act is really about certification, it seems to me that, given the very sketchy clause there about the issuing and reinstating and so on, of certificates, that we are not going to be allowed to judge how much of the stuff should be in this act and how much of this stuff should be in the regulations. From the comments that Mr. Kakfwi has already made in response to my opening statement, it is clear that what he wants to do, on the very issue that I raised about appeals and so on, is going to be in the regulations. I have no way of judging, in fact, whether that is going to be done in a satisfactory manner, because the key thing is that on appeals and so on, the details that he wants to put in the regulations would determine whether I could support what he wants to do. For example, he has a clause later on which deals with the final authority of the Minister, and that is what I find to be objectionable.

So I need to know far more about the details of this, to make a decision, that in fact he has enough in this act, and that he is not going to leave the crucial things that matter to us, to the regulations. That is a key issue in the work that we do in this House, that we do not simply allow the major things that are of interest to us to be left to regulations when they should be in the act. Because this act really should be all about certification, and it is not. It is the main thing, but the key, the guts of it, is going to be done through regulation. The things that are of interest to us are going to be through regulation. And that is why I find this particular clause, which has hardly anything in it, leaving it all to regulation, to be something that I am very, very unhappy about.

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

MS BENTIVEGNA: Mr. Chairman, I just wanted to point out to the Members that presently the issuing of teachers' certificates of qualification is done through the regulations and there, there is a mechanism for appeals when a teacher is refused a certificate. And in this bill, there is a provision on page three, a right to appeal where someone whose teacher's certificate has been cancelled or suspended. There is a right of appeal in the bill. They can appeal the decision to

the Minister in accordance with the regulations. The regulations will set out the details in the same manner as they do for issuing and as the Minister has outlined.

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

Some Regulations Could Be Put Into New Act

MR. LEWIS: Has the Minister considered putting some of the stuff that is currently in the regulations into the new act? Because this act, in fact, deals with this one subject. Before, it was all done as he said, in regulations because as I pointed out, under the old act we did not issue certificates of our own. But since that act of 1977, we have introduced our own and the only way we could do it without major changes to the act was through regulations.

What I am saying now is that since we have an act and the main purpose of this act is to deal with certification, has the Minister looked at all those regulations to see how much of them should be in this act? That is basically the problem that I have and which I have not had an answer to.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. STEPHEN KAKFWI: The way that the act is now, for instance, there are a lot of things that are actually in the regulations and not in the act. But from previous experience he would know that it generally worked. So we are sort of taking a bit of a band-aid approach to doctoring up an old piece of legislation because it runs a little short of taking care of what it should do. There is a mechanism to issue certificates to teachers but right now there is not any to deal with cases where you would need, in the public interest, in the interest of employer, to cancel, suspend or revoke these certificates. A lot of it is going to be in the regulations.

Major Review Of Whole Education Act Planned

I should advise the Members here that there is an intent by myself and the Department of Education to go through a major review of the whole Education Act at a later date. I do not want to belittle it. I think it is an important issue that Mr. Lewis is pointing out but we are making revisions to an old act.

Much of the way that the powers of the act are exercised now is in the regulations and there has been really no reason to all of a sudden say we should move all the regulations into the act. This is the way it works. I do not know if that answers the question but as I say, there is an intent to do a major review of the Education Act in any case, at a later date.

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

MR. LEWIS: The intent of my general comments, again, on this clause, Mr. Chairman, is that this is the centrepiece of this particular act. All the other stuff in it is unrelated to teacher certification. It is being put together with bunches of other stuffs and it seems to me that this is a big issue which has to eventually be addressed in this major redrafting of the education ordinance. It seems to me that since we have a system that works right now and since what is being proposed here really changes quite considerably what we have in place, it has all kinds of hidden dangers in it. It would be my motion, in fact, to remove this from this piece of legislation. So that what we would be dealing with here is material of a housekeeping nature but not a major issue like this which should, in my opinion, be a separate piece of legislation which gives us far more detail, if you like, on teacher certification.

Motion To Delete Clause 2, Bill 6-88(2)

So it would be my motion, Mr. Chairman if, I may at this stage, move that this issue of certification raised in clause 2, be removed.

CHAIRMAN (Mr. Gargan): Mr. Lewis, can I have a copy of your motion? Mr. Minister.

HON. STEPHEN KAKFWI: The motion that he is suggesting would in fact remove a power to issue certificates as well, if you read the section. It talks about the issuing of certificates of qualification. It starts off with that and gets into -- I am going to quote it. It says, "the issuing and reinstating of certificates of qualification for teachers and the cancelling and suspending of certificates of qualification for just cause, subject to the regulations". I must say again that surely there is no reason to believe that we are going to, in a very evil or conniving way, mistreat teachers in the way that we propose it. Because it is action that can be open to court, every attempt is made and will be made to handle it on just grounds, not because somebody does not like someone else but because of solid reasons which will be dealt with by responsible people.

Mechanism Needed

There is a need to provide this mechanism and I believe that it is a good mechanism. The largest province with the greatest number of people in Canada think it is a good system. Two other provinces besides, one of which we have been affiliated with for years, the province of Alberta, think it is a good system. The NWT is not filled with conniving, ill-motivated Ministers ready to do teachers in. If there are such cases then, surely, we are not the only place in Canada that has that.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Lewis, can I have a copy of your motion please?

MR. LEWIS: Coming up.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Lewis. Your motion is in order. To the motion. The motion reads that, "clause (2) in Bill 6-88(2) be removed." So, it is the whole clause. Mr. McLaughlin, to the motion.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I am afraid I cannot support Mr. Lewis's motion in this regard because I firmly do believe that the right to cancel and to suspend, issue and reinstate has to lie with the Minister. The witnesses in debate of this issue refer to page three where, basically, clause 11(5) says, "The decision of the Minister is final." I also have to agree with that. Clause 10 deals with the regulations as well, but the basic principle of the suspension of certificates by the Minister is something that has to be done.

As for the Minister of Social Services, there were meetings all across Canada about cases where child abuse might occur and because there was no way to remove certificates these teachers just moved to another province and continued to do the same thing. I think Members have to understand that a lot of times when a very young child is involved in a child abuse situation that no action is taken because they do not want to go to trial, they do not want to put the kid on trial, so even though charges have been laid, nothing happens.

Method Of Policing Necessary

There has to be a method of policing this and this is the only way to do it, where the Minister has the final, ultimate say, no matter what the appeal says or anything else. I think it is important and I will support Mr. Lewis later on if he is going to be involved in how the appeal process takes place if he were to change some words to affect the wording of the regulations, but I have to speak against the motion, which is to remove the ability to do this. I am willing to consider motions that will affect how the process is done but I think that the fact that the Minister has to be able to cancel certificates has got to be left there.

MR. ZOE: Point of order, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Zoe, point of order.

MR. ZOE: Mr. Chairman, can I request the Chair to give us copies of the motion?

CHAIRMAN (Mr. Gargan): We will take a five minute break.

---SHORT RECESS

CHAIRMAN (Mr. Gargan): The motion was moved by Brian Lewis that clause 2 in Bill 6-88(2) be deleted. Mr. Lewis.

Motion To Delete Clause 2, Bill 6-88(2), Withdrawn

MR. LEWIS: Mr. Chairman, it was my intention to remove all references to certification and related subjects right throughout this bill. For that reason I have decided to remove this one and, perhaps, deal with a later one. So, I would like to withdraw this motion.

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

MR. ERNERK: Thank you very much, Mr. Chairman. Obviously there are some problems with this bill. I noticed in following the clauses there were a number of questions and a number of problems.

Motion To Defer Bill 6-88(2)

So, with your permission, Mr. Chairman, I would like to move a motion to defer Bill 6-88(2), An Act to Amend the Education Act, for a further review by the standing committee on legislation.

CHAIRMAN (Mr. Gargan): Thank you. I will have a copy of your motion. Mr. Minister.

HON. STEPHEN KAKFWI: Mr. Chairman, one of the thoughts circulating in this room is that there is some possibility that the way that the amendments would read in the regulations, they could be thrown out in a court of law. That is the way that power would be exercised, contrary to the Bill of Rights or whatever. I should point out again to the Members here that this mechanism is already in use in three other provinces in Canada and that there seems to be a strong opinion that legally it is solid and sound to have the power exercised in this fashion and that -- I am not sure what...

CHAIRMAN (Mr. Gargan): Mr. Minister, we do have a motion on the floor to defer this. You have to be talking about the deferral rather than about the bill. You have to be speaking to the motion, not to the bill. I know you are trying to make an argument for the bill but I believe this is to be deferred to go back to the committee.

HON. STEPHEN KAKFWI: Well, the motion will...

CHAIRMAN (Mr. Gargan): There has not been any ruling made on the motion itself yet. The motion reads, "That Bill 6-88(2), An Act to Amend the Education Act, be deferred for further review by the standing committee on legislation". That is the motion. Mr. Ernerk, your motion is in order. To the motion.

Further Review By Standing Committee

MR. ERNERK: Mr. Chairman, it is true that we did study this piece of legislation in our standing committee. It is also true that a number of Members had a lot of problems with certain clauses within the bill. What I would like to be able to do, Mr. Chairman, is to have a further review of the legislation by the standing committee on legislation. Once we did that we would bring it back to the House for further debate.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ernerk. To the motion. Mr. Minister.

HON. STEPHEN KAKFWI: With all respect to the chairman of the standing committee on legislation, the way that the act is now, for instance, you have apparently two -- there is some urgency to this in a sense. You have two former teachers in the NWT now serving sentences in federal penitentiaries, who are still certified to teach in the NWT. There is nothing in the world that can remove those things from them. There is another situation in a northern community, where someone charged with a serious offence and convicted, still carries a teaching certificate.

Then how the powers of the act and the amendments would be exercised would be in the regulations and we have made the commitment to have consultation publicly with groups like the NWTTA to discuss how the regulations will be drafted. If the Members want, perhaps we can deal with the amendments now and I can make a commitment perhaps to go back and discuss the regulations. That is not a difficulty but I just feel that I am not sure what the reason for the delay would be. There to be read and to be discussed and I do not understand the grounds for deferral. I think there is some urgency to getting the amendments, in my opinion.

CHAIRMAN (Mr. Gargan): Thank you. The motion is to defer Bill 6-88(2) to the committee for further review, the committee on legislation. I would like to ask the Members to speak to the motion of whether you would like to have this bill deferred. It is still on the order paper. It will remain there for further consideration. So perhaps I would like to ask the Members whether they support referring it back to the standing committee on legislation or not. The only other thing is if you want to defeat this bill. Mr. Lewis.

MR. LEWIS: Mr. Chairman, it was just by chance that I, as an alternate, sat with this group and had no opportunity to read it ahead of time. It was not until I got to the meeting that I realized the weaknesses in this bill and made some points, but I have had some time since to look at it further. I believe that this is a reasonable request. The point has been made that we have not had this provision since 1977. We have operated for the last seven years with our own certification program and we have survived well enough. It is my view that if in fact this was an urgent matter, that we really have to stampede into it, that there would be regulations for us to look at so that we can help the process along.

It seems to me that if there still has to be a long process of consultation way down the road, a few days of delay would not really prevent the Minister from speeding up the other part, which is to get the regulations done and so on. So I think the argument that it has to be done quickly has been already contradicted by his statement that he has a long process of consultation yet, in order to get the regulations done. And with a good piece of legislation that we can all be happy with that process will in fact be speeded up somewhat by those people that will be looking at the development of the regulations. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Lewis. Mr. Pollard.

Support For Further Review

MR. POLLARD: Thank you, Mr. Chairman. I am going to support the motion. There seems to be some controversy over the bill. When the chairman of the standing committee on legislation puts forward a motion to refer this bill back to his committee, then I am going to go along with it simply because I look to the standing committee on legislation to vet these things before they come into the House. If the chairman has a problem I am going to support the motion to take it back to his committee. Thank you, Mr. Chairman.

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

MR. ZOE: Thank you, Mr. Chairman. I too, am willing to support the motion but on the condition that the standing committee on legislation deal with this particular bill and bring it back to this House during this session. Once the House prorogues, if it is still with Mr. Ernerk's committee, then the bill dies and then the Minister would have to reintroduce his bill during the next session. So if I can get that type of guarantee or comment from the chairman to see that we can settle this during this particular session then I am willing to go along with deferring it to the standing committee on legislation. Mr. Chairman, after I hear from the chairman of legislation I am willing to put a motion to amend forward, to put a date certain on this particular motion.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Zoe. You cannot put any conditions on an amendment.

Motion To Amend Motion To Defer Bill 6-88(2)

MR. ZOE: I will make an amendment to the motion. Mr. Chairman, I move that right after "deferred" the words "to be brought back to the House during this particular session" be inserted.

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

MR. BUTTERS: A point of order. May I join the confusion? How many motions do we have on the floor? One motion, which is Mr. Ernerk's, and you are making an amendment to Mr. Ernerk's motion. Okay, I am unconfused now.

CHAIRMAN (Mr. Gargan): The motion itself is to refer Bill 6-88(2) to the standing committee on legislation and, further, that this bill be dealt with during the third session of the 11th Assembly, that this bill be brought back during this particular session in the amendment to this motion. I will read the whole motion as amended. "That Bill 6-88(2), An Act to Amend the Education Act, be deferred for further review by the standing committee on legislation. Further, that the bill be brought back to the House during this particular session." Mr. Zoe.

Motion To Amend Motion To Defer Bill 6-88(2), Withdrawn

MR. ZOE: Mr. Chairman, maybe I will withdraw my amendment. I realize that the standing committee is requesting that they review the existing bill again, and I am now wondering when they are planning to do their report. Would it be this session?

CHAIRMAN (Mr. Gargan): Mr. Ernerk.

MR. ERNERK: Mr. Chairman, yes, I would request that it be brought back to the order paper by Monday afternoon.

CHAIRMAN (Mr. Gargan): Mr. Minister, to the motion.

HON. STEPHEN KAKFWI: It has been an interesting day. The motion is asking to defer consideration of this bill so it could go to the back room to a small group. It would omit some of the Members here. It would certainly take it out of the public forum...

---Laughter

...for discussion. I am trying to take in what I think is happening here, and I do not want to jeopardize the possibilities for this bill. But I am just wondering why we could not have at least further discussion here before it went back before the committee. I do not understand what we are going to gain from it.

CHAIRMAN (Mr. Gargan): Thank you. That was a general comment, right? The motion is that it be referred to the standing committee on legislation. Mr. Pudluk, to the motion.

MR. PUDLUK: Mr. Chairman, I have some confusion too. I do not mind about deferring this bill. My question is, how are we going to -- this bill has had second reading. Is the standing committee amendment to this bill -- are we going to go through first and second reading again? Thank you.

Amendments Must Be Discussed In The House

CHAIRMAN (Mr. Gargan): Thank you. The bill itself, Bill 6-88(2), remains on the order paper. It is being referred to the standing committee to review, but any amendments to the bill have to be discussed here in the House. The bill has to stay in the House as is, unless the standing committee on legislation decides to make amendments to the bill. If there are amendments to be made, then they could be recommended at that time. So that is the way the motion reads right now, to refer it to the standing committee, but the bill remains in the House as is. Am I making any sense? I mean, I cannot even understand myself, here. Okay, the bill remains, and if there are any amendments, they have to be done in the House, in the committee of the whole. Mr. Nerysoo, to the motion.

MR. NERYSOO: Mr. Chairman, can I ask for a point of clarification please? Is the intention of the mover to defer consideration of the issue of regulations as it applies to this particular legislation, or is it just with the idea of amending the legislation itself?

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

MR. ERNERK: Thank you, Mr. Chairman. The intent of the motion to defer for further review by the standing committee on legislation is to further study the bill itself.

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

MR. NERYSOO: Thank you. Not to add any additional work, Mr. Chairman, to the standing committee on legislation, but I did recall the comments that were being made earlier by Mr. Lewis, and much of the concern that he raised will be addressed in the regulations, and it seems that there is no intention, at least at this particular time no, suggestion on the part of the mover, to move the regulations into the standing committee. And I think that is one of the important items in accommodating, or at least addressing, Mr. Lewis's concerns.

CHAIRMAN (Mr. Gargan): Mr. Butters, to the motion.

MR. BUTTERS: To the motion, and to the concern raised by Mr. Nerysoo, certainly when the legislation committee examines legislation, the regulations streaming from that legislation, or flowing from that legislation, are also available for examination, that is if they have been drafted. That has happened in the past. You see the legislation and you examine the regulations at the same time. I guess the question that I have of the Minister is, have the regulations subsequent to this particular legislative provision been drafted? Do they exist?

CHAIRMAN (Mr. Gargan): Mr. Minister.

Regulations Not Yet Drafted

HON. STEPHEN KAKFWI: There is no body of regulations to accompany this because we have a policy to put them forward to groups like the teachers' association so that they can have some say in the way that the regulations are drafted. We need to deal with the amendments to the act. If you agree with the amendments, then we can have, I think, more realistic discussions about the way that the regulations should be drafted but we have a chicken and egg situation here.

CHAIRMAN (Mr. Gargan): Mr. Butters, to the motion.

MR. BUTTERS: Well, I can recall in times past that the legislation committee has not approved the legislation put before it until it has seen the operative regulations that relate to that legislation. Mr. Nerysoo is correct; unless you can examine the regulations you cannot tell whether the intent of the legislation is being implemented or carried out.

Motion To Defer Bill 6-88(2), Carried

CHAIRMAN (Mr. Gargan): Thank you. To the motion to defer.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Gargan): Question is being called. All those in favour? All those opposed? The motion is carried.

---Carried

This bill has been deferred for further review by the standing committee on legislation. Mr. Butters.

MR. BUTTERS: I move that we report progress, Mr. Chairman.

CHAIRMAN (Mr. Gargan): The motion is not debatable. All those in favour? Opposed? Okay, I will rise now and report progress.

I would like to thank the Minister, Mr. Handley, and Ms Bentivegna. Mahsi cho.

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

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF COMMITTEE REPORT 1-88(2); BILL 6-88(2), EDUCATION ACT

MR. GARGAN: Mr. Speaker, your committee has been considering Bill 6-88(2) and wishes to report progress.

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. Mr. Zoe seconds the motion. All those in favour? Thank you. All those opposed? The motion is carried.

---Carried

Item 19, third reading of bills.

Item 20, Mr. Clerk, orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, there will be a meeting of the ordinary Members at 9:00 a.m. tomorrow and of the standing committee on finance at 10:00 a.m. tomorrow.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Wednesday, October 19th.

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; Tabled Document 2-88(2); Ministers' Statement 7-88(2); Bills 2-88(2), 6-88(2), 4-88(2), 10-88(2), 17-88(2), 18-88(2), 24-88(2)
18. Report of Committee of the Whole
19. Third Reading of Bills
20. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. The House stands adjourned until Wednesday, October 19th at 1:00 p.m.

---ADJOURNMENT

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