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NORMAN WELLS, NORTHWEST TERRITORIES

FRIDAY, OCTOBER 20, 1989

MEMBERS PRESENT

Hon. Titus Allooloo, Mr. Arlooktoo, Hon. Tom Butters, Hon. Nellie Cournoyea, Mr. Crow, Mr. Ernerk, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Kilabuk, Mr. McLaughlin, Mr. Morin, Hon. Richard Nerysoo, Hon. Dennis Patterson, Mr. Pedersen, Mr. Pudluk, Mr. Sibbeston, Mr. Whitford, Hon. Gordon Wray, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Thank you. I wish, on behalf of this House, to recognize our Pages for this week. Students are from Chief Tselihye School in Fort Good Hope and also students from Colville Territorial School. From Chief Tselihye School: Lysa Stewart, Marlene Cottam, Rayuka Jackson, Nitasha Rajoo, Douglas Louison, Jonas Chinna; from the Colville Territorial School: Mary Jane Blancho, Joseph Blancho, Trudy Kochon, Tommy Kochon. I wish to thank the Pages for the service that they have provided us during this week.

---Applause

Orders of the day for Friday, October 20, 1989. Item 2, Ministers' statements. Mr. Kakfwi.

ITEM 2: MINISTERS' STATEMENTS

HON. STEPHEN KAKFWI: Mr. Speaker, I have a couple of statements to make which I consider to be of an emergency nature.

MR. SPEAKER: Proceed, Mr. Kakfwi.

Ministers' Statement 5-89(2): Student Protest, Inuvik

HON. STEPHEN KAKFWI: Thank you. Mr. Speaker, at the beginning of the second period yesterday a small group of students at Samuel Hearne High School in Inuvik forced their way into the school administration office, pushed the vice-principal aside, seized the microphone for the public address system and advised students to leave their classrooms. Those who left their classes then marched to the CBC building without an explanation by the organizers of why or what they were protesting. Although staff at the school had heard rumours the day before that students were going to walk out, it was only after the students returned to the school an hour later that it became clear that they had walked out in protest of class size, particularly in a math 30 and math 33 combined class. The principal was aware of this concern and had developed a proposal to deal with the problem. He had no opportunity, though, to discuss the issue with the students, nor did the students request a meeting with the administration or teaching staff before leaving their classrooms.

Mr. Speaker, I have several concerns. Physically pushing staff aside and seizing the public address system, after being ordered not to do so, may be a criminal act. More importantly such action jeopardizes the safety and well-being of innocent students. If there had been a fire or other disaster at that time, the situation was not in the control of my staff at the school. Walking out of class without clear reason and inciting other students to do the same are totally irresponsible and unfair to everyone involved.

Mr. Speaker, I assure all Members that this unfortunate event is being investigated and appropriate action is being taken against those responsible. Hopefully, the investigation will show that this was a spontaneous act, not premeditated or manipulated by students or others.

Mr. Speaker, contrary to what students apparently were led to believe, there have been no staff cuts at Samuel Hearne this year. The large classes in some cases and split classes such as math 30 and 33 are largely a result of an enrolment increase at the school this year. The increase of about 40 students was only brought to my department's attention four days ago in a letter from the superintendent in Inuvik. The increase is being reviewed and, if necessary, additional staff will be provided in accordance with the schools staffing formula.

I want to emphasize, Mr. Speaker, that every school will be allocated staff on a basis that is fair and equal to all. Irresponsible acts such as has happened in Inuvik on October 19th will not become a successful way of gaining an advantage over others, nor will I tolerate actions by a misguided few that endanger the lives and safety of our students and staff. Thank you.

MR. SPEAKER: Thank you, Mr. Kakfwi. I believe you have another emergency statement. Please proceed, Mr. Kakfwi.

Ministers' Statement 6-89(2): Inuvik Court Action Against Minister Of Education

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, in an application filed on October 4th, the Inuvik Education Society and Jeannie McNaughton, the chairperson of the education society, applied to the Supreme Court of the Northwest Territories to have several orders made against me, as Minister of Education, and against the Beaufort Delta Divisional Board of Education. These can be summarized as follows: First, that I had exceeded my jurisdiction in changing the education society's funding and in my decision to place Samuel Hearne High School under the administration of the Beaufort Delta Divisional Board; second, that an order be made that the Minister of Education does not have authority to spend funds directly that had previously been in the society budget; third, that the court declare that Samuel Hearne High School is within the control, authority and administration of the Inuvik Education Society.

Mr. Speaker, Samuel Hearne High School was built as a regional high school and continues to be the only school in the Inuvik Region that offers grades 10, 11 and 12. Fifty-six per cent of the students in the school are from communities other than Inuvik. It is my view, and I am sure the view of the majority of parents, that the high school, as a regional high school, must be administered by the education body that most represents the communities it serves.

Mr. Speaker, shortly after the affidavit was filed, the lawyer acting on behalf of Jeannie McNaughton and the education society agreed that the education society, as an agency of the government, could not take legal action against the government as represented by the Minister of Education. The education society was then dropped from the court action. However, it was continued by Jeannie McNaughton as a private citizen.

Mr. Speaker, this matter was heard by Mr. Justice Bracca on October 19. I am pleased to advise this Assembly that the judge decided that action taken by me as Minister of Education was proper under the Education Act. The application by Jeannie McNaughton was dismissed. From the beginning of this case it has been my opinion that the action that was initiated had no substance in law. Thank you.

MR. SPEAKER: Thank you, Mr. Kakfwi. Are there any other Ministers' statements? Thank you. Item 3, Members' statements. Mr. Whitford.

ITEM 3: MEMBERS' STATEMENTS

MR. WHITFORD: Thank you, Mr. Chairman. Yesterday's announcement that the National Energy Board has granted ...

MR. PEDERSEN: Point of order.

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

MR. PEDERSEN: Mr. Speaker, you should not be addressed as Mr. Chairman by the honourable Member, but rather as Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Pedersen, that is correct.

MR. WHITFORD: Can I start over again, Mr. Speaker? My apologies, I meant no disrespect. It was something on my mind.

Member's Statement On National Energy Board Decision On Sale Of Northern Gas

Mr. Speaker, yesterday the announcement that the National Energy Board has granted the consortium of companies permission to sell northern gas over the next few years was a welcome piece of news to the Northwest Territories. Although the decision only means that the consortium has permission to sell the gas, the thought of exportation of that gas to southern markets excites the work force and the business community, especially in these times of rising unemployment and the falling stock market. But, Mr. Speaker, before a whiff of our gas goes south we should have some agreement between the exporters of this gas and this government for a fair share of the revenues of all products to be exported. This is for the people of the North for the future prosperity of the long-term northern residents of the Northwest Territories.

As well, Mr. Speaker, there is a noticeable lack of conditions attached that would have addressed the concerns of the aboriginal people. These, too, will have to be dealt with at some time in order to maintain harmony between the people and the industry. Mr. Speaker, the government must look at the future economic and employment potential positively, and in conjunction with the industry, and start preparing our northern work force for the day when they will be needed.

MR. SPEAKER: Sorry, Mr. Whitford, your time has expired. Any other Members' statements? Mr. Pedersen.

Member's Statement On Support For New Speaker

MR. PEDERSEN: Thank you, Mr. Speaker. I rise today in a slightly unfamiliar role. This is the first time I have spoken to the House as an ordinary Member in more than four years, and the first time in Members' statements which were not allowed under our Rules when I last was in this position. It is also the first time ever that I speak physically from this side of the House. It feels good.

Mr. Speaker, I want to congratulate you on your new position as Speaker. I know that you will guide us well, that you will sometimes chastise us when we deserve it, but that you will always do so in your usual eminently fair and wise way. I hope the House will bear with me for a few more days until I get used to my new role when I will become more active. Mr. Speaker, I want to say that I congratulate you sincerely and pledge you my full support for your term as Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Pedersen, for those kind words. Are there any other Members' statements?

Item 4, returns to oral questions. Item 5, oral questions. Mr. Arlooktoo.

ITEM 5: ORAL QUESTIONS

Question O23-89(2): Funding For Repairs To Community Radios

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I would like to talk to the Minister responsible for Culture and Communications. You probably understand about this question

because I gave you a letter yesterday. The question is in regard to community radios in the communities. I would like to ask a question about the funding that we get yearly for community radios, that we receive from Culture and Communications. I just wonder whether that funding has to do with repairing those community radios or is there any other funding besides the funding that we get yearly for the repairs of the community radios?

MR. SPEAKER: The honourable Minister of Culture and Communications.

Return To Question O23-89(2): Funding For Repairs To Community Radios

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. The community radio societies get funding yearly from our department. If they can produce \$1000 they would receive \$6000 for operation and maintenance of the community radios. Also, we contract companies to repair anything that is wrong with the community radios. The community radios, that is the equipment of the community radios, can be replaced if they need repairs or if they are damaged. There is also a policy that we have in place and we are going to be amending the policy. We do not have any money at this time to repair the transmitters. Thank you.

MR. SPEAKER: Thank you. Are there any further oral questions? Mr. Pudluk.

Question O24-89(2): Hunting Of Musk-Ox On Bathurst Island

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. This is a question to the Minister of Renewable Resources. The Resolute Bay Hunters and Trappers Association wrote a letter to your department and sent their minutes of the meeting. They wanted to get some musk-ox from Bathurst Island. I just wondered if the Minister of Renewable Resources has considered their request to take musk-ox from Bathurst Island. Thank you.

MR. SPEAKER: Thank you, Mr. Pudluk. Minister of Renewable Resources.

Return To Question O24-89(2): Hunting Of Musk-Ox On Bathurst Island

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. I have received the letter and it is being dealt with by my department at this time. Thank you.

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

Supplementary To Question O24-89(2): Hunting Of Musk-Ox On Bathurst Island

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. Perhaps the Minister can respond to me in the near future with respect to the request for the musk-ox quota. It is close to Prince of Wales Island and we have easy access to it. Maybe the Minister can respond to me in the near future as to what the response is going to be. Thank you.

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

Further Return To Question O24-89(2): Hunting Of Musk-Ox On Bathurst Island

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. I will keep the Member informed as to what is happening with this. Thank you.

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

MR. GARGAN: Mr. Chairman, I would like to direct my question to the...

MR. SPEAKER: Sorry, just to remind Members that you must address the Chair as Mr. Speaker.

MR. GARGAN: I apologize, Mr. Speaker.

Question O25-89(2): Parents Going Out On The Land While Students Attend Boarding Homes

Mr. Speaker, I would like to direct my question to the Minister of Renewable Resources with regard to statistics on the number of outpost camps there are in my area, and also with regard to the effects boarding homes may have had on the programs which normally encourage hunters and trappers to go on the land while their children are being kept in hostels. This was resolved three years ago so there must be an indication of whether or not putting students in boarding homes has encouraged parents to go out on the land.

MR. SPEAKER: Mr. Allooloo.

HON. TITUS ALLOOLOO: Mr. Speaker, I do not have statistics at this point on the number of parents who are encouraged to go out because their children are taken to boarding homes. I would have to get back to the Member as to how many of these parents are able to go out now since their children are taken care of in the community. Thank you.

MR. SPEAKER: Thank you. The Minister is taking the question as notice. Oral questions. Mr. Whitford.

Question O26-89(2): Financial Responsibility Regulations

MR. WHITFORD: Thank you, Mr. Speaker. My question is directed to the Minister responsible for Transportation. Some time last year the proposed financial responsibility regulations were to be enforced, it was suggested around September. The question I have for the Minister is: Because this did not take place in September 1989, when does the Minister intend to introduce the regulations as law? There is a lot of concern by the cab companies, the bus companies, as to when this will be taking place.

MR. SPEAKER: Mr. Minister.

Return To Question O26-89(2): Financial Responsibility Regulations

HON. GORDON WRAY: Thank you, Mr. Speaker. Hopefully I will be introducing the legislation today, and depending on its passage through the House, if it is passed it will be proclaimed in law as of January 1, 1990.

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

Supplementary To Question O26-89(2): Financial Responsibility Regulations

MR. WHITFORD: Mr. Speaker, to the same Minister concerning the same item. Will, in fact, the companies that supply transportation needs to the public, such as cabs and bus companies, be required to increase the amount of insurance that they already have in compliance with the proposed regulations? Are they required to do that before this matter is dealt with in the House?

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

Further Return To Question O26-89(2): Financial Responsibility Regulations

HON. GORDON WRAY: Thank you. I do not believe so, Mr. Speaker.

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

Question O27-89(2): Student Protest At Samuel Hearne School

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Education. Mr. Speaker, the Minister made a statement this morning regarding the action of some

students in the Samuel Hearne High School, in particular combined classes of math 30 and 33, which means there are two classes put inside one room and it puts those classes in a dangerous situation. I would like to ask the Minister -- I believe his statement is one sided -- whether or not the students also told their version of the situation that occurred yesterday? You also have to say that the combined class went into the principal's office, which I would presume was a large number, and there was bound to be some pushing too. So, I would like to ask the Minister whether or not this statement that he has made, was made by the principal or the vice-principal and whether or not there were statements made by the students themselves.

MR. SPEAKER: Thank you. The honourable Minister responsible for Education.

Return To Question O27-89(2): Student Protest At Samuel Hearne High School

HON. STEPHEN KAKFWI: Mr. Speaker, following the notice that I had about the events yesterday morning at Samuel Hearne, I had asked my department to brief me on the incident. We have spoken to the superintendent and the staff and the acting principal of the school. As I said, it is being investigated because we see it as a serious matter. I have also indicated in the past that where students have serious concerns about their schools and their residences they, as anyone else, have a right to be heard and they can present their views, but they also have to account for themselves in the way in which they conduct themselves. This is the manner in which we are approaching this. We are not suggesting that this was a responsible act; in fact, we have a lot of concerns about the way in which it was conducted and this is the reason that I have asked that the whole matter be thoroughly investigated.

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

Supplementary To Question O27-89(2): Student Protest At Samuel Hearne High School

MR. GARGAN: Mr. Speaker, I would like to ask the Minister with regard to the classroom, the situation of the classroom, how many students were actually in the 30 and 33 math classes and how many teachers are responsible for those students in that one class?

MR. SPEAKER: The honourable Member, the Minister responsible for Education.

HON. STEPHEN KAKFWI: Mr. Speaker, one of the problems that we have had with the statistics in the school is that there were two different sets of statistics that my department received. I am not able to answer the Member's question right now but I can provide it at an early date.

MR. SPEAKER: The Minister is taking the question as notice. Mr. Sibbeston.

Question O28-89(2): First-Class Education For Native Students

MR. SIBBESTON: Mr. Speaker, I would like to ask the Minister of Education a question concerning Grandin College types of schools for some of our students in the North. I think it is generally recognized that our public school system is simply not producing a large number of native graduates, let alone native leaders, and a lot of people hearken back to the days of Grandin College when it produced the Minister himself and quite a number of prominent native people in our northern society. I sense that there is a desire and a feeling among many people that the government should set up a similar type of school with a view to giving native students a good first-class education with the hope that they will become leaders in our society in the future.

When is the Minister going to act on this? It has been two years now since the Minister has been responsible for education and I am just wondering when we might expect that the Minister will act on this.

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

Return To Question O28-89(2): First-Class Education For Native Students

HON. STEPHEN KAKFWI: Mr. Speaker, the question that the Member asked is one that I have been working on with the department for quite a number of months now. I cannot tell him exactly when we will have a proposal to put forward because it is not a matter of simply myself, as a Minister of the department, developing a proposal and then forwarding it to the Members here. It is something that I want to run by a number of people and get their input. We have talked to a number of institutions in the South that we have reviewed. We have talked to staff and directors of residences like Grandin. We have looked at present facilities that we might be able to use in the North. We have looked at approximate costs of setting up institutions, in very rough figures, and by and large we are still working on it but I do not know when we will be able to complete it, perhaps by Christmas. Maybe we could try to pass on to the MLAs some paper on the basis of which we will continue our work and get feedback from them.

I know there is a lot of interest. I have a lot of interest in the matter as well because I think in many cases, whether we like it or not, there are students and families who require that their children or some of their children be placed in institution-type residences, to challenge them more to their full potential and also to give them the kind of living space and environment that perhaps is not available, and this is voluntarily admitted by the parents. The parents may very well ask that in the interest of their children that these students be placed in residences or in leadership-type residences.

So, I share the urgency that the Member expresses in his question but wish to say that we are going to do it right because there is still the stigma, a very negative stigma, of residences that is with us from the past and I think when we do it, I want to make sure that we do it right. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Any oral questions? Mr. Arlooktoo.

Question O29-89(2): Elections Of Alcohol Education Committees

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I really do not know how to direct my question but I will ask the question anyway. I really do not know who to direct this to, but I probably will be asking this question to the Minister of Municipal and Community Affairs in regard to elections. This was written in Cape Dorset by the alcohol education committee and it was written to me asking me -- I will be directing this question to the people who deal with the elections. The Cape Dorset Alcohol Education Committee have a policy at election time every year. All of the members of the alcohol education committee have to resign before the elections are held. I was wondering if these kinds of policies are set up in some communities when members of the alcohol education committee have to resign before the election, or do they have to follow the old policy, or is there such a regulation that was made previously? Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. The honourable Minister responsible.

HON. GORDON WRAY: Thank you, Mr. Speaker. I think probably this is the jurisdiction of the Minister of Social Services and as such I think I will take the question under notice. However, I am fairly certain that elections of alcohol education societies are not legislated, the rules are not legislated or regulated and it is probably a self-regulation. It may even be just a policy of Social Services. But we will take it under advisement and get back to the Member.

MR. SPEAKER: Thank you. The Minister is taking the question as notice. Any further oral questions?

Item 6, written questions.

Item 7, returns to written questions.

Item 8, replies to Opening Address.

Item 9, petitions.

Item 10, reports of standing and special committees.

Item 11, tabling of documents.

Item 12, notices of motion.

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

Item 14, motions. Item 15, first reading of bills. Mr. Kakfwi.

ITEM 15: FIRST READING OF BILLS

First Reading Of Bill 8-89(2): Elevating Devices Safety Act

HON. STEPHEN KAKFWI: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 8-89(2), Elevating Devices Safety Act, be read for the first time.

MR. SPEAKER: The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 8-89(2) has had first reading. First reading of bills. Mr. Wray.

First Reading Of Bill 9-89(2): Hamlets Act

HON. GORDON WRAY: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Nunakput, that Bill 9-89(2), An Act to Amend the Hamlets Act, be read for the first time.

MR. SPEAKER: The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 9-89(2) has had first reading. First reading of bills. Mr. Patterson.

First Reading Of Bill 11-89(2): Interpretation Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Amittuq, that Bill 11-89(2), An Act to Amend the Interpretation Act, be read for the first time. Thank you.

MR. SPEAKER: Thank you, Mr. Patterson. The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 11-89(2) has had first reading. First reading of bills. Mr. Patterson.

First Reading Of Bill 12-89(2): Jury Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Bill 12-89(2), An Act to Amend the Jury Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Patterson. The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 12-89(2) has had first reading. First reading of bills. Mr. Patterson.

First Reading Of Bill 13-89(2): Justices Of The Peace Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Inuvik, that Bill 13-89(2), An Act to Amend the Justices of the Peace Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Patterson. The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 13-89(2) has had first reading. First reading of bills. Mr. Patterson.

First Reading Of Bill 14-89(2): Legal Profession Act

HON. DENNIS PATTERSON: Thank you again, Mr. Speaker. I move, seconded by the honourable Member for Nunakput, that Bill 14-89(2), Legal Profession Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Patterson. The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 14-89(2) has had first reading. First reading of bills. Mr. Butters.

First Reading Of Bill 16-89(2): Liquor Act

HON. TOM BUTTERS: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Bill 16-89(2), An Act to Amend the Liquor Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Butters. The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 16-89(2) has had first reading. First reading of bills. Ms Cournoyea.

First Reading Of Bill 17-89(2): Mental Health Act

HON. NELLIE COURNOYEA: Mr. Speaker, I move, seconded by the honourable Member for Kivallivik, that Bill 17-89(2), An Act to Amend the Mental Health Act, be read for the first time.

MR. SPEAKER: Thank you, Ms Cournoyea. The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 17-89(2) has had first reading. First reading of bills. Mr. Wray.

First Reading Of Bill 18-89(2): Motor Vehicles Act

HON. GORDON WRAY: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Iqaluit, that Bill 18-89(2), An Act to Amend the Motor Vehicles Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Wray. Your motion is in order. Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Bill 18-89(2) has had first reading. Item 16, second reading of bills. Mr. Wray.

HON. GORDON WRAY: Mr. Speaker, I would like to seek unanimous consent to proceed with second reading of Bill 9-89(2), An Act to Amend the Hamlets Act.

MR. SPEAKER: Unanimous consent is being sought. Are there any nays? Proceed, Mr. Wray.

ITEM 16: SECOND READING OF BILLS

Second Reading Of Bill 9-89(2): Hamlets Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 9-89(2), An Act to Amend the Hamlets Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Hamlets Act to allow the Minister to change the name of a municipal corporation; to allow the council of a municipal corporation to determine the circumstances in which the mayor or other presiding members shall vote; to clarify that a majority of those council members voting is necessary in order for a resolution or by-law to pass; to allow the council to forgive outstanding property taxes where no special lien attaches against land for non-payment; and to allow the council to make grants to persons or groups not resident in the municipality. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill. Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Bill 9-89(2) has had second reading. Mr. Clerk, Bill 9-89(2) has had second reading and is ordered into committee of the whole for today. Mr. Wray.

HON. GORDON WRAY: Mr. Speaker, I would like to seek unanimous consent to proceed with second reading of Bill 18-89(2), An Act to Amend the Motor Vehicles Act.

MR. SPEAKER: Are there any nays? Proceed, Mr. Minister.

Second Reading Of Bill 18-89(2): Motor Vehicles Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Iqaluit, that Bill 18-89(2), An Act to Amend the Motor Vehicles Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Motor Vehicles Act to make it conform with the requirements of inter-jurisdictional agreements relating to the National Safety Code; to provide a definition of NSC vehicle; to provide that the registrar may suspend, cancel or refuse to issue a registration certificate where the owner of an NSC vehicle has an unsatisfactory safety rating; to provide that the operator of a vehicle will be responsible for towing charges where an officer orders that the vehicle be towed to a place where it can be given a safety inspection; to provide officers with the authority to inspect and search the premises of the owner of an NSC vehicle; to provide regulation-making powers necessary for the implementation of the National Safety Code. Thank you.

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

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Bill 18-89(2) has had second reading. Mr. Clerk, Bill 18-89(2) has had second reading and is ordered into committee of the whole for today. Second reading of bills. Ms Cournoyea.

HON. NELLIE COURNOYEA: Mr. Speaker, I seek unanimous consent to deal with Bill 17-89(2), An Act to Amend the Mental Health Act.

MR. SPEAKER: Unanimous consent is being sought by Madam Minister. Are there any nays? Proceed, Madam Minister.

Second Reading Of Bill 17-89(2): Mental Health Act

HON. NELLIE COURNOYEA: Mr. Speaker, I move, seconded by the honourable Member for Kivallivik, that Bill 17-89(2), An Act to Amend the Mental Health Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Mental Health Act to remove the reference to consent from the provisions providing for admission of voluntary patients; to provide for emergency treatment without substitute consent where the patient has no nearest relative or the nearest relative is not available; to allow an application to transfer an involuntary patient to a hospital outside the Territories to be made at any time during the detention of the patient; and to increase the time for an application for extension of detention of an involuntary patient.

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

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Bill 17-89(2) has had second reading. Mr. Clerk, Bill 17-89(2) has had second reading and is ordered into committee of the whole for today. Second reading of bills. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, I would seek unanimous consent to give second reading to Bill 14-89(2), Legal Profession Act.

MR. SPEAKER: The Minister is seeking unanimous consent. Are there any nays? Proceed, Mr. Minister.

Second Reading Of Bill 14-89(2): Legal Profession Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Sahtu, that Bill 14-89(2), An Act to Amend the Legal Profession Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide that members of the executive of the law society be elected in accordance with the rules of the law society; to provide that a roll shall be kept of persons admitted to the law society as members; to provide that the name of a person who becomes a territorial court judge shall be struck off the roll; to provide that a person obtaining a restricted appearance certificate can subscribe to the required oath in a superior court outside the Territories; to provide that the executive may designate one or more vice-chairmen of the discipline committee; to provide that the chairman of the discipline

committee may direct a member to appear before other members for advice and direction; to provide that the chairman of the discipline committee has powers necessary to conduct an investigation; to provide that the chairman of the discipline committee shall notify the executive, the member and the complainant of the results of an investigation; to provide that the executive of the law society may suspend a member who does not comply with requirements of the act related to trust accounts; and to provide for contempt proceedings against a person who is in contempt of the chairman of the discipline committee. Thank you.

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

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Bill 14-89(2) has had second reading. Mr. Clerk, Bill 14-89(2) has had second reading and is ordered into committee of the whole for today. Second reading of bills. Mr. Kakfwi.

HON. STEPHEN KAKFWI: Mr. Speaker, I seek unanimous consent to proceed with second reading of Bill 8-89(2), Elevating Devices Safety Act.

MR. SPEAKER: Thank you, Mr. Kakfwi. Unanimous consent is being sought to proceed with second reading of Bill 8-89(2). Are there any nays? Proceed, Mr. Kakfwi.

Second Reading Of Bill 8-89(2): Elevating Devices Safety Act

HON. STEPHEN KAKFWI: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 8-89(2), Elevating Devices Safety Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide for the safe operation of elevating devices such as elevators, escalators and amusement rides within the Northwest Territories; to provide for inspection of elevating devices and the issuance of certificates of inspection; to provide for registration of the design of elevating devices and major alterations to them; to establish procedures for the monitoring of maintenance on elevating devices; to provide investigatory powers to inspectors and to establish procedures to protect the public from unsafe elevating devices including orders to close unsafe elevating devices; to provide for reporting of accidents; to establish procedures for appeal from a decision of an inspector; to provide for the appointment of inspectors and the designation of a chief inspector; to establish offences and punishments; and to provide for a regulation-making power.

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

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Motion is carried.

---Carried

Mr. Clerk, Bill 8-89(2) has had second reading and is ordered into committee of the whole for today. Second reading of bills. Mr. Butters.

HON. TOM BUTTERS: Mr. Speaker, I seek unanimous consent to give second reading to Bill 16-89(2), An Act to Amend the Liquor Act.

MR. SPEAKER: Unanimous consent is being sought to give second reading to Bill 16-89(2). Are there any nays? Proceed, Mr. Butters.

Second Reading Of Bill 16-89(2): Liquor Act

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Sahtu, that Bill 16-89(2), An Act to Amend the Liquor Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Liquor Act to allow the Minister to impose a liquor prohibition in an area or community for special occasions.

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

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Clerk, Bill 16-89(2), has had second reading and is ordered into committee of the whole for today. Second reading of bills. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I wonder if I might seek unanimous consent to move Bill 13-89(2), An Act to Amend the Justices of the Peace Act, to second reading.

MR. SPEAKER: Unanimous consent is being sought to give second reading to Bill 13-89(2). Are there any nays? Proceed, Mr. Minister.

Second Reading Of Bill 13-89(2): Justices Of The Peace Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Inuvik, that Bill 13-89(2), An Act to Amend the Justices of the Peace Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Justices of the Peace Act in accordance with "The Task Force on Justices of the Peace" by repealing the provision stating that justices of the peace hold office during pleasure for a term of three years; providing that the chief judge of the territorial court may assign duties to justices of the peace; establishing a justices of the peace review council to investigate complaints against justices of the peace and establishing the grounds on which a justice of the peace may be disciplined or removed from office; to make the Commissioner in Executive Council, rather than the Commissioner, responsible for the appointment and removal of justices of the peace; to remove certain provisions of the Act which are not used; to clarify the regulation-making powers under the Act; to consequentially amend the Local Authorities Elections Act to allow justices of the peace to sit on local education authorities and to take a leave of absence in order to run for a municipal or settlement council; and to consequentially amend the Territorial Court Act to provide the chief judge with responsibility for the supervision of the justices of the peace. Thank you.

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

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Clerk, Bill 13-89(2) has had second reading and is ordered into committee of the whole for today. Second reading of bills. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I would like to seek unanimous consent to proceed to second reading of Bill 12-89(2), An Act to Amend the Jury Act.

MR. SPEAKER: Thank you. Unanimous consent is being sought to give second reading to Bill 12-89(2). Are there any nays? Proceed, Mr. Minister.

Second Reading Of Bill 12-89(2): Jury Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Amittuq, that Bill 12-89(2), An Act to Amend the Jury Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Jury Act to provide that the procedure for the compilation of a jury list and the selection of a jury panel be set out in regulations. Thank you.

MR. SPEAKER: To the principle of the bill. Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Clerk, Bill 12-89(2) has had second reading and is ordered into committee of the whole for today. Second reading of bills. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I would also like to seek unanimous consent to proceed with second reading of Bill 11-89(2), An Act to Amend the Interpretation Act.

MR. SPEAKER: Thank you. Unanimous consent is being sought to proceed with second reading of Bill 11-89(2). Are there any nays? Proceed, Mr. Minister.

Second Reading Of Bill 11-89(2): Interpretation Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Kivallivik, that Bill 11-89(2), An Act to Amend the Interpretation Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Interpretation Act, R.S. N.W.T. 1974, c.1-3, in order to allow appointments of public officers to be retroactive for up to 60 days; to add a definition of "Commissioner in Executive Council"; to amend the definition of "holiday"; to amend the Interpretation Act, c.10, 1988(2) in order to allow appointments of public officers to be retroactive for up to 60 days; to add a definition of "Commissioner in Executive Council"; to amend the definition of "holiday"; to add a definition of "municipal council"; and to amend the definition of "settlement". Thank you.

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

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Clerk, Bill 11-89(2) has had second reading and is ordered into committee of the whole for today. Second reading of bills. Consideration in committee of the whole of bills and other matters: Report of Standing Committee on Legislation; Bill 6-89(2), Bill 7-89(2), Bill 8-89(2), Bill 9-89(2), Bill 11-89(2), Bill 12-89(2), Bill 13-89(2), Bill 14-89(2), Bill 16-89(2), Bill 17-89(2) and Bill 18-89(2), with Mr. Zoe 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 2-89(2),
REPORT OF THE STANDING COMMITTEE ON LEGISLATION; BILL 6-89(2), DENTAL PROFESSION
ACT**

CHAIRMAN (Mr. Zoe): The committee will come to order. We are dealing with Bill 6-89(2), Dental Profession Act. Mr. Allooloo.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. The government would like to take a short recess to decide the order of the review of the bills that we will be dealing with today.

CHAIRMAN (Mr. Zoe): Thank you. The committee will take a short recess for 15 minutes.

---SHORT RECESS

Bill 6-89(2): Dental Profession Act

CHAIRMAN (Mr. Zoe): The committee will come to order. Madam Minister, would you like to bring in your witnesses? For the record will you introduce your witnesses?

HON. NELLIE COURNOYEA: Mr. Chairman, the deputy minister of Health, Bob Cowcill; Giuseppa Bentivegna, legal adviser.

CHAIRMAN (Mr. Zoe): Yesterday when we left Bill 6-89(2), we were on clause 6. Clause 6, registration committee shall register. Member for Deh Cho.

MR. GARGAN: Mr. Chairman, this clause should be way back after we have gone through all the sections. If we accept this, then we pretty well have to accept all the other clauses. Maybe this clause should be at the end. I do not know whether it makes sense to have it there.

CHAIRMAN (Mr. Zoe): Mahsi cho. Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, the way the bill is set out is how a bill is normally set out. This is a procedure, and later on we deal with the specifics of the criteria. I will let Ms Bentivegna explain further in terms of the specific question on why the procedure or bill is placed in this manner.

CHAIRMAN (Mr. Zoe): Mahsi cho. Ms Bentivegna.

MS BENTIVEGNA: Thank you, Mr. Chairman. The reason is that in this bill there are three parts to the dental register and there is a temporary register. So therefore we set out the general principle at the beginning in section 6 and then in sections 12, 13, 14 and 15, there are the requirements. So since there are different parts, it did not make sense to set them all out first and then the requirement. So the general principle first and then what that entails.

CHAIRMAN (Mr. Zoe): Thank you. It is a matter of style too, I believe. Mr. Gargan.

MR. GARGAN: Mr. Chairman, again if you read this, some of the Members who are not on the legislation committee would not know what this act is all about. To accept this is like putting the cart before the horse sort of thing. So we do not know what is in the act, but still this clause would mean then that the Members know what this is all about and are accepting it as such, as set out in this act. That is the point I am trying to make. Why accept something even before you look at it? Maybe half of the Members do not know what this act is all about and they are agreeing to it. It does not make sense. Perhaps our Law Clerk might have an opinion on that.

CHAIRMAN (Mr. Zoe): Mr. Law Clerk, do you have an opinion?

Right Of Qualified Dentist To Be Registered

LAW CLERK (Mr. Cooper): As Ms Bentivegna said, it is a matter of drafting style and the requirements are set out a little later in the legislation, which we will come to. The clause is in some ways there to ensure that anyone that does comply with the requirements cannot be denied registration. It says, "The registration committee shall register a person applying for registration." So it is intended to protect the rights of any qualified dentist under the legislation to be registered. So I do not have any legal difficulties with it, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Mahsi cho. Mr. Gargan.

MR. GARGAN: So in this case should it be the registration committee "may" register?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, I thought the question was asked to the Law Clerk. But in drafting this legislation, if a person meets the requirements then you shall do it. You will

have no reason not to do it. So as the requirements are stated, the requirements for qualification, if these people meet these, then there will be no other option but to register them, because they are qualified according to the criteria laid down in this act.

CHAIRMAN (Mr. Zoe): Thank you. Clause 6, registration committee shall register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 7, application for registration in part three. Member for Deh Cho.

MR. GARGAN: Mr. Chairman, yesterday when we were discussing this act the Minister did indicate that under this act we are not accepting any dentists that are not qualified. Yet, if I understand this section it says a person who is not registered or eligible to be registered to practise dentistry in the provinces or the Yukon Territory, or does not hold a certificate or qualifications from the National Dental Examining Board of Canada, may apply to the Minister to be registered in part three of the dental register. If I read this correctly, it does mean that the Minister may accept a person that does not pass his exam. In other words the person is not qualified under the National Dental Examining Board of Canada but could still practise here. That was one concern that I had with regard to why only the Territories have a section like this while in other provinces it is not accepted. I believe that some of the reasons were because of the shortage of dentists, but I think if we want the best because of the small population and the number of different diets that students and children are under, we have to get the best qualified care and this does not give you that.

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, the clause does not mean that the person is not qualified. It only references people that are in the Yukon. If you do not mind, I will ask Ms Bentivegna to clarify this to see what the circumstances would be.

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

MS BENTIVEGNA: Mr. Chairman, as was said yesterday, the provinces and the Territories, in order for someone to be eligible to be registered, required the certificate of qualification from the National Dental Examining Board of Canada. Now, what is being required under this act and what the department requires is that the National Dental Examining Board of Canada say that the person is eligible to write it; therefore, they do have a degree from a dentistry school that they are a dentist but in another country. So, they are going to come to the Territories under a sponsorship agreement and under the supervision of a licensed dentist here and then be able to write their exams. That is the purpose of this and that is why we say a person who is not eligible or who does not have this certificate because those are the two things that the person is going to be working toward getting, then they can also be registered here in their own right.

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

MR. GARGAN: Mr. Chairman, I would like to ask the Minister whether or not this part of the clause is applied in other jurisdictions. From my understanding, other jurisdictions do not have that type of an arrangement in which -- I would assume that a person that does not pass a National Dental Examining Board of Canada exam on dental work is given another chance to take it after three years; but if that is not the case, I am just wondering whether or not the Minister might tell me whether or not this part of the act also applies in all of the provinces, including the Yukon, or is it not in there because it stinks?

CHAIRMAN (Mr. Zoe): Madam Minister.

Particular Circumstances In NWT

HON. NELLIE COURNOYEA: Mr. Chairman, as I stated yesterday, the Northwest Territories Dental Profession Act has been drafted for the particular circumstances which we face in the Northwest Territories. In no way is this clause indicating that the person is not qualified and that he does not have the dental professional qualifications. I think this is maybe where we are having a misunderstanding. The National Dental Examining Board of Canada gives a certificate for a person who can operate freely in Canada, but because of the circumstances of the Northwest Territories these professionally qualified people who come from another country have to write this entry exam. It does not mean they are not qualified; they just write this exam and then they are able to practise anywhere in Canada. We need these professionally trained, qualified people in the Northwest Territories and if we are unable to get them in Canada, we have to prove this in order to bring them in. Then they can go to work under a qualified Northwest Territories dentist, under his supervision, and we have to give them some lead time to write those exams.

The exam does not mean that you are qualified or not qualified; it means that you are able to operate in Canada. I believe southern Canada wants some protections; they do not want a whole lot of professional people invading the market that they set up. If there were more dentists that were willing to work in the Northwest Territories, in the remote conditions, and could provide professional services, we would not have to do this. We are not planning to bring in unqualified people, it is just that it takes time for people to write that dental exam. If the Immigration department allowed 10 dentists to come into Canada for the province of Alberta, they, too, would take that period of time to get past the National Dental Examining Board. It is not that it is different in terms of the normal amount of time to write this exam. It does not mean that they are not qualified.

What we are saying is that because these people are qualified, if they work under a Northwest Territories dentist they should be able to operate for up to three years until they are able to write that entry exam. Once they write that entry exam they can go any place in Canada. So we are just making a provision but not to bring in substandard service to the North; that is not the intention at all. This is really a dental registration act that is being put in place so that we can get professional people fixing people's teeth in a remote community, since other dentists from Canada do not chose to come to the North. In no way are these people that we are advocating not qualified. I do not know if I am explaining it right.

CHAIRMAN (Mr. Zoe): Thank you. Member for Deh Cho.

MR. GARGAN: Mr. Chairman, in this case if a dentist does not take this exam, is it possible that we could run into a situation as happened in Inuvik in which a doctor who was not a doctor was practising there and got away with it? If you do not take an examination and you still could practise up North -- in three years if I practise and I want to become a dentist I could say I am a dentist and come up here and practice for three years. I probably would be able to pass the exam then. Is that possible?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: I think the deputy minister of Health will attempt to go again over the criteria before this person is accepted. Because that case existed, certainly, for bringing doctors into the NWT but there are stricter controls and mechanisms at this time to deal with that so it does not happen again. However, yesterday I read through the criteria that a person would have to provide to prove that he qualified before we would even entertain allowing him or her to operate in the NWT. However, if you do not mind, I will allow the deputy minister to once again go over the criteria and what the safeguards are in this provision.

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

Dentists' Qualifications For A Temporary Permit

MR. COWCILL: Thank you, Mr. Chairman. Just to once again state that the fact here is that we are not bringing into the NWT dentists who are not qualified. They are simply dentists who have graduated from dental schools outside of Canada. Before the registration committee agrees to authorize them to practise in the NWT under a temporary permit, they first of all receive a letter from the National Dental Examining Board of Canada saying that in their assessment that person is qualified to write the national examination for dentists in this particular country. That is point one. Point two is that the candidate brings along with them the copies of the certificate from a recognized university or school of dentistry confirming the successful completion of their program. Thirdly, they bring with them a certificate indicating good standing from the country from which they came, whether it be the United States, Britain, and so on.

In addition, because we would prefer, obviously, to hire people from Canada if they were there, before our Minister would agree to the registration of such an individual they have to show evidence that the clinic that wants to hire the person has made an attempt to recruit a dentist in Canada with Canadian standards. He also must declare that he has entered into a sponsorship agreement with the candidate for a temporary licence.

In other words, these people are regarded as being just as competent as a graduate from a Canadian school. However, as an extra safeguard during that period before they write the Canadian exam, we also require them to be under the supervision of an NWT dentist. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. Does that clarify it now, Mr. Gargan? Mr. Gargan.

MR. GARGAN: Thank you. Mr. Cowcill did indicate that the person must graduate from a recognized university or school in the countries where they pass their dental exams. I would like to ask the Minister if she might have a copy of those recognized schools. I would like to get a copy of that if I could.

CHAIRMAN (Mr. Zoe): Thank you. Madam Minister, Mr. Gargan is requesting a listing of all the recognized institutions, universities or dentistry schools acceptable to our government.

HON. NELLIE COURNOYEA: Mr. Chairman, is that a listing of all the accredited universities and dentistry schools in the Commonwealth, the United States of America and maybe Africa, from which we might take people? There are so many of them. That will be a long list.

CHAIRMAN (Mr. Zoe): Mr. Gargan.

MR. GARGAN: Maybe that would be unreasonable. Perhaps then the Minister or Mr. Cowcill might be able to give me an idea of how many institutions are recognized.

HON. NELLIE COURNOYEA: At this point in time, Mr. Chairman, I imagine -- given the Commonwealth countries which are well known for their academic institutions -- I know that a number of people who seek further training on a higher level or on a fellowship generally go to Scotland or England, or various places like that, so it would take us time to give you a whole listing of the institutions that these people might come from, because we would not be able to say which institution the committee would be investigating. It would be dependent on that individual who is being recommended for temporary licencing. I think that would be on a case-by-case basis. If the person comes forth and says he is from a university in England and he has the qualifications, the registration committee would look at that institution, would look at his qualifications, would ask for the various certificates to prove this, and would also go forward and ask whether he is in good standing in practice in that country. The National Dental Examining Board of Canada would also produce a letter to the jurisdiction that he will eventually have to seek registration under. They would also be giving us a letter saying that that institution is acceptable and that he has his qualifications. So they would see it; that individual will be seeking to take the national examination, but even before that we would ask them to produce that letter. We do not know in advance where that individual is going to come from. Then we would just look at where

he was educated, where he received his qualifications, where he worked and whether he is in good standing. The agency in Canada will also endorse the fact that he is qualified.

I do not know if it is useful for us to provide the Member with the multitude of institutions that exist in the Commonwealth and other countries such as the United States, because it would just be a presumption that they would be coming from one or the other of those. I suppose we could, but that is a big pile of paper.

CHAIRMAN (Mr. Zoe): Thank you. Any further comments, Mr. Gargan?

MR. GARGAN: Mr. Chairman, I do not know whether or not the Minister answered my first question with regard to why the other provinces do not have this section applied under their Dental Profession Acts. I feel that having a section like this does leave the door open for abuse. I am concerned in the NWT with the amount of bad teeth we have up here, where extraction is being done more often than is necessary perhaps. If we have a Canadian standard that is accepted by the provinces, then we should apply that same standard up here too.

I believe that the Minister is implying that this section only applies in the NWT, and perhaps the other provinces do not feel up to par in accepting that type of a section.

CHAIRMAN (Mr. Zoe): Madam Minister.

Provinces Can Get Canadian Dentists

HON. NELLIE COURNOYEA: For clarity, the reason the provinces do not have it, and I will say it once again, is because they do not need it. They can get Canadian dentists. Qualified Canadian dentists work in the provinces. We have a specific problem. Everybody is complaining all the time about not getting enough service. We are trying to find a way to provide that service to remote communities where Canadian dentists do not choose to operate. That is it, plain and simply. The provinces do not need it because Canadian dentists prefer to stay in the South and not work in the North.

Once we have been able to, some time in the future, build up a program where we can educate our own people and have permanent people up here, we will not need that clause any more. Right now, the Department of Health has been requested to provide good service and more services that are on a consistent basis and more frequent basis, and I have no other way except to go down to southern Canada and drag somebody by the hair because they are registered in Canada and say, "You work up in Grise Fiord." The provinces just do not need it because that is where Canadian doctors want to operate. They do not want to come to the NWT. We have not been able to recruit them, whether through the clinics or through the hospital boards. The hospital boards are asking for ways and means to get qualified people to work in the more remote communities, on a more continuous, frequent basis. We need the provision to do that.

CHAIRMAN (Mr. Zoe): Member for Deh Cho.

MR. GARGAN: Thank you, Mr. Chairman. The dental therapist program that was operating in Fort Smith, I now believe it is operating in Fort McMurray. I would like to ask why the government had to let that program go; a program that they recognized could probably resolve this issue of accepting dentists from other countries.

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, I know that that program was a very beneficial one, but it was a federal program and the federal government chose to move it to another location outside the NWT. We still have a working relationship with them in terms of the dental therapists that we do have in the NWT. However, right now we are talking about the qualified, registered dentists and the therapists are a very important part of that, but basically, back to the original question, it is that the federal government chose to move it outside the NWT.

CHAIRMAN (Mr. Zoe): Mahsi cho. Mr. Gargan.

MR. GARGAN: It was a program that dealt with a more preventative type of thing, how they may be able to arrest damage to the teeth before they were destroyed. I believe it was a good program. I would like to ask the Minister, how much public relations work are they doing with regard to encouraging people from the North to take those types of programs? The government could go as far as sponsoring these people so that they may be able to work up here eventually. Is there any kind of incentive program that this government is doing right now to address the issue of having to depend on other countries for the dental profession?

CHAIRMAN (Mr. Zoe): I would like to remind Members that we are dealing specifically with the Dental Profession Act and although it is related a little to the dental profession, it is related, but you are talking about the program for people to try to get into the dental profession. The act is dealing with the regulations of the profession. At this time I will let the Minister reply to what you asked. I would like to remind Members to keep specifically to the bill that is under consideration.

People Encouraged To Upgrade Themselves

HON. NELLIE COURNOYEA: Mr. Chairman, I think the general issue that has been brought forward by the Member certainly is one that as an overall question in the Department of Education and the Government of the NWT is, how do we get any individual more highly qualified in any profession? I think that we spend a great deal of time on how we get people to an academic level where they can go into those professions. And certainly the Department of Education spends a great deal of time in the promotional aspects of that. I guess each one of us takes responsibility ourselves in our own constituencies to encourage people to upgrade themselves so they can go into more professional areas of endeavor. I think we can continue to do more and more about that.

Certainly in the Department of Health at the community level, we try to encourage more awareness of the very critical responsibilities of individuals for their own health care, particularly in the preventative means and in understanding what good nutrition is, so they do not end up in a circumstance where they have to get their teeth pulled or have false teeth. But it is an ongoing process and I guess generally, in terms of the question of encouraging people to take up dental training, dental therapist training, we continue to try to encourage that. And certainly with the Department of Education, if people who reach an academic level choose to take up dentistry or dental therapy, I have never known anyone to be turned down at this point in time. We want to get people excited about working in the health profession.

I certainly share with the Member that it would be kind of nice to get more people interested in going into dentistry or the nursing or medical profession. So I think that is an ongoing responsibility of the Government of the NWT that we should take in encouraging people to that academic level. So I think we try the best we can and certainly it is an ongoing process.

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

MR. GARGAN: Rule me out of order if I am. I am aware of institutions in Saskatoon that promote having native people go into the field of medicine. I would like to ask if arrangements through this government are made to have them travel up north here to promote and encourage native people to go into medicine? That sort of incentive might help them to get into those fields. I am doing as much encouraging as the Minister is, but to actually have people from those institutions address a student body -- have these types of arrangements ever been made?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Are we back to general comments? But continuing on that line, I do not know whether specifically someone has been brought up from the University of Saskatchewan or another institution. I know on Careers Day, when they are open, the Department of Health tries to go in and promote the health professions as being a good place to be.

I will just tell a little story because everyone is being general. I did a thing in one of the schools in my constituency and I said, "Well, gee, dentistry is a great thing." The therapists are good and we have some very good therapists working in the NWT, but as well they are short of that particular type of person in southern Canada, so they can get just as good work down south and some of them chose to go there. However, the general consensus was that they did not think it was very romantic looking in somebody's mouth when it was only half there. A lot of people look at professions as the best thing to do; there are all kinds of different opportunities.

I guess the thing is that working with young people is more of a prize. We will have to find a way to sell it so that people think it is a good profession to be in. Right now I do not get a whole lot of people getting excited about cleaning somebody's mouth out. So how do we sell it? It is something we have to address.

CHAIRMAN (Mr. Zoe): Thank you. Clause 7, application for registration in part three. Mr. Whitford.

Authenticity Of Documents

MR. WHITFORD: Thank you, Mr. Chairman. Just for clarification, any documents that are received from recognized schools of dentistry or universities that a person may have trained at, are those documents checked for their authenticity at all by the territorial government? I realize that the people that are applying have to go through others before they get to your department, but the question I have is whether or not your department, Madam Minister, reviews these things just to make sure or sort of double-check.

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

HON. NELLIE COURNOYEA: Yes, Mr. Chairman, these papers go through the registrar in the Northwest Territories who checks it out. As well, when the National Dental Examining Board of Canada looks at those papers to give us a letter, they would also request that the original documents be presented. As well, we are certainly requiring that a double-check be in place, where the institutions are called, and they are also checked to verify that they are in good standing.

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

MR. WHITFORD: Thank you, Mr. Chairman. Subsection (2) of clause 7, when it says here "for a single continuous period of three years", does this mean exactly what this says? Does the clock start on the date that they register and if something disrupts the individual, for example, cessation of employment between one dental firm and another, will the clock stop until they find another job and then the clock starts again? Is it from the day they sign on, three years hence they shall be discontinued?

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

HON. NELLIE COURNOYEA: Mr. Chairman, I will ask Ms Bentivegna to answer that question.

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: Mr. Chairperson, I would like to refer the committee to section 19 where, let us say, the person has the sponsorship agreement and has been terminated with one and they have to get reinstated again, that person could be reinstated for one period that is not any longer than the three years. Basically one has not been expired but the clock stops and then it is picked up again but that person cannot work for any longer than three years before getting their qualification. Three years of actually working under a dentist, and they have the time to go and be reinstated. Therefore, if they lose their sponsorship then they can go and get another sponsor and do the period of time that is unexpired.

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

MR. WHITFORD: Then I am to understand that if the person were to be sponsored by a dental firm and worked for, say, a year and for one reason or another that employment ceases to be and he does not get another sponsor for six months, that means that one year has elapsed plus the six months of unemployment in the dental profession, so if the clock started at day one the clock continues to tick. If it stops for that period of six months, in fact they could go for three years and six months from the date that has been signed.

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: Mr. Chairman, to answer Mr. Whitford's question, it would be the three years and six months. That is what I mean; that it would be three years that the person is working or has a sponsor. The time would stop and then it would pick up again. Let us say that if the person stopped for longer than a year then there would be problems with their qualifications, that they might not be as current, so then the registration committee would look at it. On the strict question, yes the clock stops and then is picked up again, but it is three years when they are working.

CHAIRMAN (Mr. Zoe): Thank you. Member for Yellowknife South.

MR. WHITFORD: The final question on that particular subject. Is there anyplace in the act that will put a ceiling on the period of time in which that three year supervised practice must take place? Hypothetically, if a person were to sever their employment every six months or eight months, then this could continue for an awful long period of time, more than three years and six months as I used as an example. It could drag on for five to six years. Is there a ceiling at which time that this must be done?

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

MS BENTIVEGNA: Yes, Mr. Chairman, the ceiling is a year in the period of time that there is only one reinstatement that is possible, so they can only change sponsors once.

CHAIRMAN (Mr. Zoe): Thank you. Clause 7, application for registration in part three. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 8, Minister may direct registration. Agreed? Mr. Whitford.

Minister May Direct Registration

MR. WHITFORD: Is this an overriding provision that the Minister has, that she may direct the registration of a dentist? The way I understand it, the registration committee shall recommend to the Minister, or recommend the registration of a dentist; but is this a provision so that if the Minister does not agree with the recommendation, the Minister may override the decision of the committee and direct the committee to register someone?

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

MS BENTIVEGNA: Mr. Chairman, if you look at section 7, the person in this case for part three, applies to the Minister. This is saying that then the Minister says to the registration committee, "register this person" so that then they are in the register. Of course, the registration committee will be there to advise the Minister whether this is a good candidate or not. It just says that the application is to the Minister and then the Minister makes the decision, of course with the advice of the committee, and tells the committee to register that person. So, it is not an override but it is because of section 7, that the application is to the Minister so then the Minister makes the decision and says to the committee, "either register or not register".

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

MR. WHITFORD: Mr. Chairman, am I to understand then that this is not a section that will allow the Minister to make a decision, regardless of the registration committee's recommendation? Is this where the registration committee will review the individual and be satisfied that they are eligible for registration, then will recommend to the Minister who will then direct it to register the person? Am I to understand that this is not a provision, then, to allow the Minister to override any decision that they may make? If the registration committee recommends to the Minister that the person not be registered, does this section allow the Minister the powers to say, "Thank you very much for your recommendation, but in my opinion I will direct you to register the person regardless of what you recommended"?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, I think Ms Bentivegna has stated that it does not, because the Minister would have to comply with all provisions of the act and could not go outside the act.

CHAIRMAN (Mr. Zoe): Thank you. Any further comments? Mr. Whitford.

MR. WHITFORD: Yes, Mr. Chairman. Perhaps Ms Bentivegna will be able to give me an indication if there is such provision anywhere else in this act that may allow the Minister to do what I was hypothetically suggesting here; that is, enabling the Minister to override any kind of recommendation based on other information that the committee may or may not agree with.

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: Mr. Chairman, there is an appeal provision; where the registration committee refuses to register, there is an appeal to the Minister. So in that way then the Minister makes a decision that may be different from the registration committee. But there is no appeal then from the Minister's decision on registration. So in that case, since it is the Minister making the decision under section 8, then there is no appeal. But the only case where the Minister may rule differently than the registration committee would be where there is an appeal and it is found that there was some reason that the refusal was not right.

I just want to emphasize that whether it is the Minister or whether it is the registration committee, the person has to have the criteria set out in the act. If they fulfil that then they should be registered.

CHAIRMAN (Mr. Zoe): Mr. Whitford.

MR. WHITFORD: Yes, I agree that the committee may in its wisdom make a recommendation, but there are provisions in here that may be subject to a certain amount of interpretation; for example, further down, and I think it was mentioned before, the conditions that the committee specify, terms and conditions. Then there is another phrase, "being of good character", or reference to the kind of thing that may be a subjective interpretation and members of the committee may not like something -- maybe the applying dentist has an abrasive attitude, for example, that somebody might find offensive. Yet he is a perfectly good dentist. So they may recommend, based on those kinds of things, that the person not be registered for a particular characteristic. Does the Minister have the right then to overrule their recommendation?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: On an appeal, yes, under section 40. The person could appeal, there would be a hearing and then the Minister can make a decision.

CHAIRMAN (Mr. Zoe): Clause 8, Minister may direct registration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 9, registration committee shall register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

MR. GARGAN: Mr. Chairman, under this clause if a person is under disciplinary action or is cancelled in one jurisdiction due to suspension or whatever, there was a reason why those things were done in those jurisdictions. The Minister "may" refuse, but it does give the Minister an option to also grant the licence. I believe that if there is a reason for another jurisdiction to refuse or suspend a licence, then it should be respected. I do not think it should be "may"; I think it should be "shall" refuse.

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: Basically the act is just stating that where we said in section 6 that if the person has the qualifications then the committee has to register them. Here we are saying that you can refuse on this basis. So although it is a "may", the person would not have the qualifications because they would not be in good standing elsewhere. But it just leaves it open if there is a particular case, it gives them some discretion where they could, for a particular reason, in a particular case, exercise discretion whether to register the person or not. But this would not be used if a person is being suspended elsewhere; they would not then have the prescribed qualifications. So that is the reason for the "may". It is discretionary, but it is a "may" to empower, rather than to say that you are now going to do that.

CHAIRMAN (Mr. Zoe): Mr. Gargan.

MR. GARGAN: I would like to get the opinion from the Law Clerk if putting in "shall" would make a whole lot of difference or affect the rest of the act. Is there some difficulty?

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

LAW CLERK (Mr. Cooper): I think you would want to leave the Minister with discretion because, for instance, someone could be applying here who, 15 years earlier, had been suspended from practice in Scotland for a month for making a mistake with a patient, or something. The Minister might think, "Well, that has been brought to my attention, and the licence was previously suspended but that was so long ago that I am still going to register anyway." If you make it "shall" then the Minister would not have any discretion. I think it is probably better left as "may" instead of "shall".

CHAIRMAN (Mr. Zoe): Thank you. Clause 10, refusal to register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 11, practice for three years or more. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 12, registration in part one of dental register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 13, registration in part two of dental register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 14, residency. Mr. Whitford.

MR. WHITFORD: Mr. Chairman, I just need another second here. Mr. Chairman, this section deals with tenure; that is, a person must reside in the Territories. If they go away for a period of time, for whatever reason, do they cease to be eligible for residency status if they are out of the Territories for a period of time for some good reason?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Ms Bentivegna.

MS BENTIVEGNA: They would still continue, even though they are not resident, to be qualified. Section 14 states that "The registration committee may cancel the registration..." if the person is asked by the registration committee to state where they have been working as a dentist during the time they were not in the Territories. It is to check their qualifications, that they had continued to work as dentists, so that they do not get too rusty in the new procedures and new techniques. The registration committee can ask them to submit certificates of standing or documentation as to what they have been doing in the time they were away from the Territories, and then can decide whether they should continue being registered in the Territories or not.

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

MR. WHITFORD: Thank you, Mr. Chairman. It may be important in subsequent sections in this to establish residency. When a person is in the Territories and is a resident dentist, that person is then able to supervise dentists that come under the section that we previously dealt with, to practise for the three years in order to become recognized. If that person is living here, it is fairly well established that they are residents. If it is known that they are going to be moving, if they leave for another job or another practice out of the Territories, do they cease to be residents the day they leave? What I am leading up to is that if they have supervision responsibilities within a practice and they leave to relocate, for example, do they still maintain that supervisory responsibility, or can they maintain that supervision responsibility, even though they are residing in another province?

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

MS BENTIVEGNA: No, Mr. Chairman, they cannot because the dentist who is the sponsor has to provide written appraisals, and they cannot be appraising that person if they are not working with them. The sponsorship agreement has to terminate if the person moves. The sponsoring dentist has a duty to provide these written evaluations on the performance of the dentist that they are supervising. The sponsorship agreement has to be with a dentist who is registered in the Territories and who is able to provide this supervision.

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

MR. WHITFORD: Thank you, Mr. Chairman. I am sure there are a lot of examples that can be brought up, but I will just use one in order to illustrate what I am trying to get at here. If, for example, there is no private practice and a university sends young aspiring dentists to that community to work, they are in fact at arm's length -- they have the authority to be their sponsor,

but not to be there in the event that something happens. Is this going to be a problem in those particular types of situation where we have university or schools of dentistry sending people to the North to work, as may happen here? Will that be a problem?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: This would not cover where we are talking about people from Canadian institutions who are learning or some kind of equivalent of articles of work, that kind of work. What we are talking about here is the person that is coming from elsewhere who is a dentist but needs accreditation. I just want to point to 15(1)(b). The sponsorship agreement has to be with a licensee so, therefore, with a dentist who is licensed under this act, who resides in the Territories, and who meets the prescribed qualifications. There will be qualifications, so there has to be a person of so many years experience and this kind of thing, so that person has to be in the Territories. Also, they will have to have some way of supervising these people and being able to evaluate their work. They may not necessarily be with them each time they do something, but that is the intent of the act; that they have to be able to say, "Yes, this person does their work well", or "No, they do not."

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

MR. WHITFORD: Maybe I am becoming a bit too specific, but the distance the person has to be from them -- maybe it is not practical to have them leaning over their shoulders, but is it practical to have them in the next room, in the same building, in the same city or town, or just in the Territories? For example, if someone is operating out of a practice, say, in Yellowknife and comes to Norman Wells. You are 24 hours away from that clinic and your supervisor if something happens while a person is under anaesthetic or something like that. They do not actually see the work for quite some time. Is there anything here that allows at least a long-distance supervision?

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

MS BENTIVEGNA: Mr. Chairman, how the evaluations are done, or how the work is supervised is not in the act. That is left to each dentist. The sponsoring dentist will have to be able to say, yes or no; the person can report back and they can do reports saying this is what I have done. At some point the sponsoring dentist has to be able to honestly say, "I have evaluated this person and this is the kind of work they do." There is nothing in the act that limits how that is done, so it can be done as Mr. Whitford suggested. There is no limitation in the act. You leave it up to the dentist to give an opinion of the person they have a sponsorship agreement with.

CHAIRMAN (Mr. Zoe): Thank you. Clause 14, residency. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 15, registration in part three of dental register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 16, termination of sponsorship agreement. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. Clauses 16 to 18, I am a bit confused on. If I could, Mr. Chairman, talk about these three clauses and where I find the confusion with regard to the termination of the sponsorship agreement in section 16(2). Under section 17(1) a person may apply to the Minister for reinstatement of registration, and under section 17(2) the Minister may direct the registration committee to reinstate a person. Under section 18 a person is eligible for reinstatement in part three of the dental register if a person pays the prescribed fee under section

15. It is the sequence of events from section 16 on that is a bit confusing. I do not know what it is saying there and I would like the Minister to explain those three steps concerning termination of sponsorship, where the Minister could reinstate a person, or else could direct the registration committee to do it, and the last part, reinstate a person if he pays a prescribed licence fee and it is satisfactory to the registration committee that the person has obtained a new sponsor. I have been trying to read all three in order to make sense of it and I am a bit confused.

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

HON. NELLIE COURNOYEA: I think we just sort of dealt with that in a way with Mr. Whitford. A dentist who is sponsoring the temporary licensee decides to move away from the Northwest Territories for some reason or another and so therefore the temporary licensee does not have a sponsor any longer; so that is cancelled and this person has to get another sponsor who fits all the criteria of this first sponsor. He will be able to do that once more so it is not really his problem that this sponsor moved away. Maybe this sponsor's wife got ill and he could not stay in the Northwest Territories any longer, so the temporary licensee will go out and seek another sponsor who fits all the criteria. So that is just to give him a chance to get another sponsor. Until he gets that sponsor then he cannot practise any longer and that is really what that means.

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

MR. GARGAN: Thank you, Mr. Chairman. If I am correct then, the Minister is saying that if the sponsor terminates the sponsorship because of the example that she gave, a move out of the Territories, do we have jurisdiction in other areas to apply those rules? I would understand it if a person moved away and then came back to the Territories, these are the processes that he would follow. Am I correct? If he goes to another place because his old lady cannot stand the North, that -- if you move out of the Territories then this process would not apply. Am I correct or am I missing something?

HON. NELLIE COURNOYEA: Mr. Chairman, we are dealing with the process of what would happen in the Northwest Territories. If a registered doctor sponsors a person, that person is working under this temporary license. Then the registered doctor for one reason or another moves away -- it could be other reasons than I have mentioned -- so that temporary licensed person does not have a sponsor any longer. He has to go out and find another one but until he finds one, his -- call it a work permit -- is cancelled until he finds another sponsor because he has to comply. Perhaps I did not explain it right but the dentist, the registered dentist, could move away so that person is left without a sponsor, then his registration is cancelled and he has to get another sponsor registered in the Northwest Territories.

CHAIRMAN (Mr. Zoe): Clause 16, termination of sponsorship agreement. Member for Aivilik.

MR. ERNERK: Thank you. Can I go back to the residency clause which is clause 14? My question will be in two parts, Mr. Chairperson. One with regard to clause 16. We have had a dentist in Rankin Inlet, a person I believe who originally was from out of the country. He left Rankin Inlet for some reason and wanted to get employment with a university that serves the Keewatin Region right now, or some parts of the Keewatin Region. This person required a sponsorship from a qualified dentist according to the present law, outside of the Northwest Territories. If we pass these two clauses or if we pass this law, this would no longer be the case. As I understand the Minister, he would have to get a sponsorship from a resident doctor that lives in the Northwest Territories. Am I correct?

HON. NELLIE COURNOYEA: That is correct, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Back to clause 16, termination of sponsorship agreement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 17, application for reinstatement. Mr. Whitford.

Only One Reinstatement Allowed

MR. WHITFORD: Mr. Chairman, no person is eligible for more than one reinstatement under this section. If, for example, the person just has bad luck, picks the wrong dental firm to apprentice under, and one dentist leaves and he becomes employed with another dental firm who sees greener pastures and decides to leave the North, there is no -- is there provision for appeal under certain extenuating circumstances like that? The North has its transients and dentists, I am sure, and are no exception to the rule. If, for example, this happens then they are only entitled to one reinstatement but if through no fault of their own the second situation proves to be unsatisfactory, are they just out in the cold?

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

HON. NELLIE COURNOYEA: Mr. Chairman, I guess the person would be out of luck then because he has already had two chances. There is a certain period of time and I would suggest to people who are coming to Canada to work on a temporary permit, that they should take the time available to comply under the Canadian Dental Association. I believe that it is well-advised that the people who intend to come from other countries to the Northwest Territories to practise under the criteria as set out, that they make sure that they have a good reliable resident dentist that is going to sponsor them. So they have already had two chances and I believe that is entirely adequate. While you may have run into an unfortunate circumstance in the first instance but you still have the second chance.

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

MR. WHITFORD: Thank you, Mr. Chairman. Yes, I realize that they must be pretty careful where they pick to be employed, but there are circumstances and there are conditions, especially if we get a dentist that might be new to the country and who does not really appreciate the severity of the consequences of making an unwise choice. There are times, I am sure, that through anxiety, in order to become employed, in order to qualify so he can get the practise under his belt before his time is up, he makes a decision based on the facts at the time. Everything looks rosy but things do change so they change once and the same thing happens again, through no fault of their own; they are good dentists and they just happen to pick the wrong firm to work for and that firm, of course, may not intend to go or may not intend to become non-resident, it is just that opportunity presents itself and they pack up their drills and go. It happens from time to time.

What this section says is that you only have two chances, the first one and then one reinstatement, and that is it. If you chose unwisely then you are in trouble. I think it is a little unfair. I think it should allow for, perhaps, where the good offices of the Minister can be used to review special circumstances, extenuating and extraordinary circumstances, that may allow for that just in the event that does happen.

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: I think that there is a lot of question in terms of to what extent you allow professional people to be brought into the NWT; to what degree. And I think when we were exploring this in our consultation with various people, this is fairly broad and generous as it is and hopefully in the near future we would not even have to have this. But this is the period of time when we need this ability and I feel that we have been very, very generous. I know Mr. Whitford wants to be more generous, but I believe we have been as generous as we can in the circumstances, because we do not want it to appear that we are funnelling people in from other countries in the absence of promoting the Canadian educational and professional system. We would far prefer that Canadian dentists would like to work in the North and were available. But I think this is about as far as we can go. Given the consultation we have had with various agencies, because they realize the situation we are in, this is as far as we are able to go.

CHAIRMAN (Mr. Zoe): Clause 18, eligibility. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 19, period of reinstatement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 20, reinstatement and licensing. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 21, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 22, dental register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 23, reinstatement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 24, entitlement to practise. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 25, application for registration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 26, registration committee shall register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 27, registration in part one of temporary register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 28, registration in part two of temporary register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 29, validity of registration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 30, temporary register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 31, application for registration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 32, registration committee shall register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 33, registration of corporation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 34, cancellation of registration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 35, death of a shareholder. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 36, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 37, liability of shareholder. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 38, notification. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 39, hearing. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 40, powers of Minister. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 41, decision of Minister. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 42, review officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 43, complaints. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 44, duties of review officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 45, notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 46, powers of review officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 47, search warrant. Mr. Whitford.

MR. WHITFORD: Going back to notice for investigation of complaints in clause 45, will these notices, especially those dealing with conduct -- they are given 10 days' notice in writing and this notice is very confidential, I gather. Will this notice be very confidential?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, the notice is only given to the person being investigated. Notice is confidential unless he passes around his letter. Under this act we cannot guarantee that that individual person is not going to put it on CBC or give notice in the paper. I suppose I cannot guarantee that.

CHAIRMAN (Mr. Zoe): Mr. Whitford.

MR. WHITFORD: If the Minister or review board is asked whether or not a person or corporation has been given notice, that information is confidential?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: It is not a question of confidentiality. The notice is given just to the licensee. Now if a person is under investigation and then they appeal because they never received the notice, then the review officer would have to prove that that notice was given, but they would not necessarily involve the registration committee at that stage, or that Minister. They might know about it because the complaint will have been made, but as far as the notice to that person, it is an obligation under the act that that notice has to be given. If it is not given then it is a reason to break that decision.

CHAIRMAN (Mr. Zoe): Thank you. Any further comments? Mr. Whitford.

MR. WHITFORD: For the protection of the public, if something happens, that concern is brought to the attention of the Minister, some professional person is not behaving in a professional manner and in order to protect the public, if they just give notice and stuff, are there provisions here where more serious steps can be taken immediately?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: The review officer is the first step in the process. There is a complaint and the review officer looks at it and gives the person a chance to state their case and if the complaint is without merit, then he can dismiss it or then it can go to a board of inquiry. The board of inquiry will also then have a hearing. The Minister can also refer any matter of conduct of a licensee to the board of inquiry. Then they hold a hearing and the person can again state their case and then they make a decision. During that time, though, that it is before the board, the person can be suspended and therefore not be practising. They can go to the Supreme Court and ask that that suspension be stayed, meaning that they be allowed to practise.

So those are the mechanisms in the act and then there is a whole series of sections or provisions. The board can hear witnesses and then in section 73 it states what they can do, whether it is a reprimand, whether they cancel, whether they suspend for a period. That decision is also given to the person who is affected. Then there is an appeal provision.

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

Time Limit On Review

MR. WHITFORD: I was going to discuss this a little bit further but Ms Bentivegna may have answered it. My concern was the length of time from the complaint, either an oral or written complaint, to a review officer until this complaint is addressed. Is there any provision at all, either in the regulations or in this act, to set a time in which this thing must be dealt with? For example, if a complaint comes in today and it is of a fairly serious nature in that the public may be in some

way harmed or endangered, that if nothing is done until next week, that a person is going to go on holidays or it is the long weekend -- is there a period of time in which these things must be dealt with? I do not expect them to jump up right away and go and shut the place down, but is there a reasonable period of time so that it does not go too long before being addressed, even though it is being written, before the review officer reviews and decides what to do? Is there any time limit there that this can be dealt with and still protect the practitioner or the corporation that the allegations are brought against?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: There is nothing in the act on how quickly the review officer has to act, but it will be on a case by case basis. This is quite serious; discipline matters usually are; so the review officer, whose only task is to investigate these matters will in most cases act quickly. Now, the thing is that the Minister, as I said, can on the recommendation of this review officer, suspend the license immediately of a person being investigated so if the review officer thinks that it will take a bit of time to get all the information, then the review officer could go to the Minister and say, "Well, I think we should suspend this person because these allegations are serious enough, even before we find out whether they are true or not." In that way the public is protected.

CHAIRMAN (Mr. Zoe): Thank you. Clause 47, search warrant. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 48, copies. Mr. Whitford.

Copies Of Records

MR. WHITFORD: Mr. Chairman, is this legal for people to make copies of records, documents and things to be examined? At what point does this happen? Under law, I guess, the person has a right to privacy and the public have a right to privacy. I do not want my dental records and other things photocopied and kept where they do not have any bearing and subjected to all kinds of scrutiny by persons other than my dentists and myself. Is this legal, what we are doing here?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Not to get complicated, yes it is legal.

CHAIRMAN (Mr. Zoe): Mr. Whitford.

MR. WHITFORD: Do we not have to have a court order in order to do that? The review officer may make an error and decide that he might need this. It has been viewed in that person's opinion that there may have been a reluctance by the corporation or the practitioner to release books and records for the protection of the clients, but yet it may be seen as suspicious so, therefore, they decided they may want copies. Do they not need a court order to get that rather than just the decision of the review officer?

HON. NELLIE COURNOYEA: Mr. Chairman, this act lays out what the review officers can and cannot do. This is only after there is an investigation or a request for an investigation, and presumably it would be an individual person who has a complaint against a dentist. Certainly the review officer could not do his work if he was not able to get access to the documents to inquire as to whether the complaint and the investigation should go to a broader review. It would be virtually impossible for that individual to carry out his investigation.

CHAIRMAN (Mr. Zoe): Thank you. Clause 48, copies. Mr. Whitford.

MR. WHITFORD: Given the fact that the copies are obtained of books, records and documents and things under examination, these records are kept by the review officer and if after

investigation and the original books have been returned and these copies are still available, is there provision here further down somewhere, perhaps -- I saw in section 49, there is provision to return them, true, but are there provisions further down here somewhere else to return these copies or to ensure that these copies are destroyed and not just taken out to the trash and left? Something might befall them if they fall into the wrong hands but are there provisions there for the proper securement and destruction of these documents after the investigation or after they have been used for whatever they were intended to be used for?

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

MS BENTIVEGNA: There is nothing in the act that states what happens to the copies but the thing is that you have to keep them on file in case there is an appeal and it goes down the line. The thing is that this is for the purpose of an investigation and it is through the review officer and then they may go through the board of inquiry. So, there is not access for the general public to these records. They are still, from other people, protected under the confidentiality provisions of the territorial hospital and insurance services regulations. It is just that it does not apply when we are talking about the review officer but once the review officer is done with the work, those records still remain confidential.

CHAIRMAN (Mr. Zoe): Thank you. Clause 48, copies. Mr. Gargan.

Records To Substantiate Complaint

MR. GARGAN: Mr. Chairman, what is the general practice now with regard to dentists when they have a patient in their office -- I am referring to a review officer doing an investigation on a basis of a complainant -- in other words, in the dentist's records it will say "tooth extraction" and if they do put a reason, then good; but if they do not, then it is the word of the complainant against a professional dentist and naturally if I was a dentist investigating a dentist I would side with the dentist rather than a person who does not think much about the dental profession.

I would like to ask the Minister, in the case of an interview, or the reasons for a patient-doctor communication, are these recorded or is it just a matter of the dentist writing a prescription or a recommendation? Having a review officer is okay, but if you do not have the necessary ways of doing an investigation it is highly unlikely that any kind of conduct could actually go as far as the board of inquiry.

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

HON. NELLIE COURNOYEA: Mr. Chairman, the person that is complaining to the review officer, or making the complaint that has been referred to the review officer, is the first one that would be stating his or her opinion as to what happened to him or her, what he felt took place, how he or she felt they were mistreated, what exactly happened to them. That would be the first line of evidence, otherwise an investigation would never take place by the review officer. That person would be the first one, because obviously that is the individual that is making a request for an investigation. That is given to the review officer, the review officer looks at the statement, then he goes and gets the records that he feels fit. He weighs both of them and asks whether this is a legitimate complaint or not. For example, if the review officer says that it is not really a valid complaint, that person can still request a review board hearing. However, in the first instance, the first person heard is the one making the complaint, so his or her voice is the first to be heard. The information, whatever documentation that individual has, is what the review officer will base his request on for information from an individual dentist or a dentistry firm.

CHAIRMAN (Mr. Zoe): Thank you. Clause 48, copies. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 50, prohibition. Mr. Gargan.

MR. GARGAN: Under this clause: "Where a review officer is carrying out an investigation under this act, no person shall (a) knowingly make a false or misleading statement..." For the purpose of this act, who is this "no person"?

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

HON. NELLIE COURNOYEA: Mr. Chairman, anybody who is making a complaint.

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

MR. GARGAN: So in this case, it would be the complainant. Why is it necessary to use the words "no person" rather than saying here that the "complainant shall"?

CHAIRMAN (Mr. Zoe): Thank you. Maybe I can get our Law Clerk to give us the definition of this particular clause.

LAW CLERK (Mr. Cooper): I think the interpretation of "no person" would be broad enough to include anyone who is asked to make a statement, other than the complainant, who might have witnessed something, and perhaps even the dentist whose conduct is being inquired into who might make a false statement.

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

MR. GARGAN: Mr. Chairman, under definitions it does not say anything like that. I wonder if the definition of "no person" should be put in for the purpose of this act.

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: I did not get exactly what the Member said.

CHAIRMAN (Mr. Zoe): He is suggesting that the definition for "no person" should be included in the act under definitions.

HON. NELLIE COURNOYEA: Ms Bentivegna will explain the background on that one.

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: Mr. Chairman, the thing is that you would not define "no person". A person is defined in the Interpretation Act as any individual or any corporation. We have many, many prohibitions and usually you will drop the prohibition to cover anybody who might want to do this. So you say "no person shall do the following". Especially in the case of investigations under an act, you want to cover even someone who was not the dentist, someone who has papers in their possession, but does not want to give them to the investigating officer. It is just the broadest possible. It is like saying "any thing". You cannot define it because you want it as broad as possible, so that if anybody is interfering in this investigation they can be charged. It is as simple as that.

CHAIRMAN (Mr. Zoe): Thank you. Clause 50. Mr. Whitford.

Oral Complaints Or Anonymous Tips

MR. WHITFORD: Mr. Chairman, with your indulgence, may I go back for clarification on something here that will tie in with clause 50? About the review officer beginning his or her investigation, that it must be a written complaint. Are there provisions here to deal with things that are not written but are oral, but again may not really be identified? For example, an anonymous tip. We have had a few of those in the past. There have been examples where a newspaper has uncovered something. If we have an anonymous tip, can these things be dealt with by the review officer even though they are not documented in any way? A brown envelope, unsigned, a

telephone call, making allegations of a serious nature where the person does not want to be identified for one reason or another. Are there any provisions?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: Clause 44 is broad enough that whomever's attention that comes to, that person can then relay it to the review officer and just relay it in writing. The reason for that is that you want to have some record of what you are investigating. You do not want to go off on any kind of chase as to who made the complaint so that you can then check back with them. If it comes to the Minister's attention, the Minister can refer any matter related to the conduct of a licensee, or professional corporation, to a board of inquiry for a hearing. The Minister can go straight to the board of inquiry and not have the review officer investigate it where it was clear enough, or where the Minister felt it was clear there was professional misconduct. The reason for having a complaint in writing -- and it can come from anyone -- is to have a record and you know who you can ask to verify what is being stated, because it is a very serious charge.

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

MR. WHITFORD: Thank you, Mr. Chairman. I still do not know whether or not Ms Bentivegna has answered the question that I had. Can the review officer act on a phone call alleging certain practices, without its being written, or else act on a written complaint, but unsigned written complaint, again going back to the anonymous tip? Can a review officer commence an investigation based on that?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: If it is anonymous, it would be difficult for the review officer to give notice to the complainant, and also to allow the complainant, if he did not like the decision of the review officer, to appeal. Basically, as the act is set out, if you are going to make a complaint, you are going to have to identify yourself and it is going to have to be in writing, otherwise all the protection and mechanisms do not work.

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

MR. WHITFORD: So unsigned complaints and unidentified telephone calls will be ignored.

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: Yes, Mr. Chairperson, unless then the Minister felt that there were enough of these to warrant, or even that one was enough to warrant, that it would be referred to a board of inquiry. So there is always a mechanism to get it investigated. It is just that the review officer on his own could not do it.

CHAIRMAN (Mr. Zoe): Thank you. Clause 50, prohibition. Mr. Gargan.

MR. GARGAN: Mr. Chairman, the section is dealing with a review officer. I would assume that there is such a person in place now?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, this is a new act and there will be someone assigned to be the review officer once this act is passed.

CHAIRMAN (Mr. Zoe): Mr. Gargan.

MR. GARGAN: I know that the Minister mentioned that this is updating the old act. So it is more up to date and based on the recommendations from the Dental Profession Act or board or whatever. So in the old act then was there such a person, a review officer?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: In the old act there was just a board of inquiry.

CHAIRMAN (Mr. Zoe): Clause 50, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Clause 51, review officer must act. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Clause 52, notice. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Zoe): Clause 53, notice. Agreed? Mr. Gargan.

MR. GARGAN: In regard to 52(2), is 30 days sufficient time for the person to react to a review officer's notice? I know that even myself, it takes longer than that sometimes to receive mail. I get invitations and stuff like that and I get it after the date of the invitation. That sort of thing. There are situations where even the Minister identified emergency situations that do occur. So I am wondering whether or not that is a reasonable time.

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, I would think that it was more important for the board of inquiry to, as soon as possible, be directed to review. It is not that it is asking the complainant to go into a great deal of detail. We have fax machines now and I would think that if a complainant felt strongly enough, he would not want to have this delayed longer than 30 days. I think he would want it dealt with immediately, upon hearing from the review officer, stating that he felt the complaint was valid. So I am sure it would be more in the favour of the individual that it be dealt with as quickly as possible.

CHAIRMAN (Mr. Zoe): Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. There are only two fax machines in Fort Providence -- myself, I have one. But with regard to that 30 days, is it 30 days from the date of the review officer's letter to the complainant or 30 days after the person receives the letter?

CHAIRMAN (Mr. Zoe): Madam Minister.

HON. NELLIE COURNOYEA: It says "within 30 days of receipt of notice".

CHAIRMAN (Mr. Zoe): Mr. Gargan.

MR. GARGAN: In other words it would be 30 days after the review officer mails, or when the individual receives it.

CHAIRMAN (Mr. Zoe): Clause 52, notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 53, notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 54, report. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 55, Minister may refer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 56, appointment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 57, rules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 58, security for costs. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 59, interim suspension. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 60, application for a stay of order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 61, notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 62, counsel may be present. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 63, powers of board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 64, notice to attend hearing. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 65, testimony of non-resident witness. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 66, rules of evidence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 67, oaths. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 68, witness fees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 69, civil contempt. Mr. Gargan.

MR. GARGAN: I am having difficulty keeping up. You must be reading pretty fast. Mr. Chairman, with regard to the board of inquiry requesting a person to appear, is it up to the person that has been requested to appear, whether he is in the North or outside the North, to cover his own expenses, or is it done by the board of inquiry that is requesting this person to appear?

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

MS BENTIVEGNA: The board of inquiry can only subpoena people who are in the Territories. They can also, under section 65, ask a judge of the Supreme Court if they can go and get evidence from someone outside of the Territories and that would be called commission, where they would go outside of the Territories and it would be done under the rules of the Supreme Court. You cannot compel someone from outside of the Territories to come if they do not want to because this act and this board only has jurisdiction within the Territories.

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

MR. GARGAN: Mr. Chairman, who covers the cost of those people that are requested in the Territories to appear?

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

MS BENTIVEGNA: Well, it would be a board of inquiry. In this case it would be the Government of the Northwest Territories that would cover the cost.

CHAIRMAN (Mr. Zoe): Thank you. Clause 69, civil contempt. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 70, compellable witness. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 71, witnesses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 72, unskilled practice or professional misconduct. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 73, orders of the board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 74, written decision. Mr. Gargan.

MR. GARGAN: Mr. Chairman, in the case where the board of inquiry may order that a licensee or professional corporation, whose conduct is being investigated, pay a part of the cost -- how is that determined, whether or not the dentist or the corporation being investigated pay the cost? Is it guilty or not guilty?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: It would be up to the board to decide whether that person was so much at fault and that the board of inquiry had to go to quite a cost to find out that, yes, this person was acting unbecomingly, the contractor had contravened the act with an unskilled person who was practising dentistry, then the board would want that person to bear the cost. It is the board of inquiry and the facts of the case that will decide.

CHAIRMAN (Mr. Zoe): Clause 74, written decision. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 75, delivery of evidence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 76, powers of review officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 77, review of order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 78, appeal to board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 79, appeal to court. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 80, stay of proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 81, application of rules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 82, power of court. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 83, reinstatement of cancellation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 84, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 85, time limit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 86, registration committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 87, secretary. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 88, chairperson. Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairman. If I could go back to clause 86 on registration committee membership. There seems to be quite a lot of government members on the committee. I am wondering, Mr. Chairman, why we have two members from the Government of the Northwest Territories, one person in charge of dental services as well as one person employed by the Government of the Northwest Territories to register professional licences. I recognize the importance, but there has to be more membership from the public, in my opinion. Mr. Chairman, I wonder if I could get an answer from the Minister.

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

HON. NELLIE COURNOYEA: Mr. Chairman, in 86(2)(a) it says "three licensees registered in part one or part two of the dental register who are nominated by the Northwest Territories Dental Association". Those three people are private people in the profession. It may appear there is only one, but there are three there, and in 86(2)(d) there is one member. There are two government members out of six.

CHAIRMAN (Mr. Zoe): Thank you. Back to clause 88, chairperson. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 89, applications. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 90, available to public. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 91, duties of secretary. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 92, removal from register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 93, definition of "electronic transmission". Mr. Gargan.

MR. GARGAN: Under definition of "electronic transmission", does this include telephones?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: It would include anything where at the other end you would get a piece of paper stating what you are being served with, such as telex, facsimile, computer modem, whatever would give you the information so that you could print it out.

CHAIRMAN (Mr. Zoe): Thank you. Clause 93, definition of "electronic transmission". Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 94, protection from liability. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 95, prohibition respecting unlicensed persons. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 96, prohibition respecting unqualified persons. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 97, use of name. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 98, penalties. Mr. Whitford.

MR. WHITFORD: Thank you, Mr. Chairman. It is getting late in the day. Under penalties for an individual practitioner, how was the figure of \$6000 reached?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: The decision was to make the penalty hefty enough to deter people from contravening the act. It is a maximum \$6000 and it was just decided that that would be a good figure. There is no special reason why it is \$6000 rather than \$10,000. It was just thought to be a reasonable amount of a fine if someone contravened this act.

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

MR. WHITFORD: Thank you, Mr. Chairman. The second section where the company is involved -- the fine should not exceed \$10,000 -- it does not seem to be proportionate there. It is not a very big deterrent considering what the profession can garner out of one or two major contracts or something like that. It is not a very large amount and there is too small a separation between the private practitioner and the corporation, in my opinion.

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: A corporation can be one person. The reason you want to make the distinction is because normally in a corporation you might have more than one individual and they are acting in such a way as to contravene the act. Therefore you want that as a deterrent. I also want to point out that if somebody is not licensed and practises dentistry, each time they do one tooth, that is considered an offence and is prosecuted as such. So they could have various fines for doing a series of things. Also directors of a corporation are liable. So you could have the individual dentist fined and the corporation fined. So it could add up.

CHAIRMAN (Mr. Zoe): If I could ask our Law Clerk's advice.

LAW CLERK (Mr. Cooper): Just briefly, because I think the Member may be considering section 98 as applying to a dentist who is before the board of inquiry, who has been found guilty of unskilled practice or professional misconduct. It is section 73 that would apply to a lawfully licensed dentist who is guilty of professional misconduct. This section, I believe, is intended to apply to people who are not necessarily licensed dentists, who break the provisions of this act, for instance, practising illegally, and so on. In case the Member had those two mixed up, I just wanted to clarify that.

CHAIRMAN (Mr. Zoe): Thank you. Any further comments? Mr. Whitford.

Maximum Fine Too Low

MR. WHITFORD: That is why I was raising it, because the ceiling does not seem to be high enough to be a deterrent, especially using the example that legal counsel has provided. It might be worth taking a chance, let us say. In some cases it has been known to happen, perhaps not with the dental profession but with other corporations or companies. The profits are there and it may not be enough to deter. I realize it is not to exceed, but it could definitely be lower than \$10,000. But if the maximum were raised, say to \$25,000, it would certainly act as a deterrent because what you have there is the latitude for whoever passes sentence to be able to exercise a much more severe penalty than if the maximum penalty was not to exceed \$10,000, because even if they went half it would be only \$5000. The \$10,000 is a worst-case scenario. If it were \$25,000, even a small part of that would still be a heck of a wallop if anybody were to take chances and deliberately do something that was against this act and against the public. I was concerned that it was not high enough because on the other end, section 73, the penalty for professional misconduct goes up to \$50,000. Now there is a deterrent. If you have \$10,000 it is not a deterrent and I wonder if that could be raised to \$25,000 for a corporation or a company, even realizing this may only be one person.

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

MS BENTIVEGNA: Mr. Chairman, I just want to point out that if we take the example of dentists who are licensed to practice, they can be fined under section 73 for each time that they have been fined by the board of inquiry and are found to be unskilled or have unbecoming conduct;

they can be fined up to \$10,000 and up to a maximum for all findings of \$50,000. They can also be charged under section 98 as any other person could be, and fined by the court rather than being fined by the board of inquiry. You do have two hammers, so you do not want to then make it so exorbitant that it is not going to be applied, because the courts are not going to find that the conduct merits the combined penalties. You would be talking about the two convictions under the two different sections, by two different bodies; one is the board of inquiry finding and the other one is the court.

CHAIRMAN (Mr. Zoe): Thank you. Any further comments? Mr. Whitford.

MR. WHITFORD: If the board of inquiry have good parameters to work with, then why can this other section not have those same parameters? I appreciate what has been said on that but if you limit the amounts to a certain area, then the courts or the boards do not have that latitude in which to exercise discretion. I realize that the courts very seldom ever go for the maximum but if the maximum were high enough, they could still apply a penalty that is severe enough, being generous by saying we will only give you half of what the maximum is. In my opinion I think that it is too low and I fully appreciate what has already been said on it but I feel that it does not carry enough wallop.

CHAIRMAN (Mr. Zoe): Thank you. Clause 98, penalties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 99, onus of proof. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 100, continuing offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 101, liability of directors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 102, proof of offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 103, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 104, transitional. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 105, application for registration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 106, prior discipline proceedings. Mr. Gargan.

MR. GARGAN: Mr. Chairman, on clause 106, why is that?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: It is just to continue the proceedings that have been started, that have commenced but have not been finished, so they would be continued under the old act because that is what they were started under. It is just to be in sequence with what everybody was expecting because they had been started under the present act, so they are not going to be discontinued. But any complaints that are made after it, once this act comes into force, are going to be dealt with under this act. It is just to clarify what happens with matters that are already started.

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

MR. GARGAN: We do have about 30 other acts and some of them are retroactive. I questioned in this case why, so that any complainant or disciplinary proceeding would get the benefit of this act.

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

MR. WHITFORD: Thank you, Mr. Chairman. Just going back to clause 104. Is this section deemed to be the grandfathering section, that people that are already operating under the old act which is in existence and is a much smaller document than what we have here -- a lot of it is by regulations perhaps more than act -- is this the grandfathering section that allows those people to continue to practise in the Territories until a certain period of time after this new act is in effect?

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

MS BENTIVEGNA: It continues the registration for the unexpired period of a permit or, if a person holds a licence, then the next time they renew it -- the licence is for one year -- then they come under the new act, so there will not be any break in the law and people can continue to practise.

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

MR. WHITFORD: When we were discussing earlier the sections about eligibility for becoming a dentist in the Territories, under the existing rules and regulations and the very thin act that we do have now, in practice will the people that are under that -- they are few in number, I realize -- will they still be able to continue with the understanding that they already have to pursue their proper registration? Will they still be allowed to continue this for a period of time?

CHAIRMAN (Mr. Zoe): Ms Bentivegna.

MS BENTIVEGNA: Yes, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Clause 106, prior discipline proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 107, consequential amendments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 108, commencement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Does the committee agree that Bill 6-89(2), Dental Profession Act -- Mr. Gargan.

MR. GARGAN: Thank you. Before we agree with the bill as a whole. Mr. Chairman, I would like to ask the Minister whether or not there was a section in here, I must have missed it somehow, regarding the complainant. The person who is filing the complaint against the dentist could be obliged to pay the cost of the proceedings. I thought I missed that part. Is there such a part in here?

HON. NELLIE COURNOYEA: Yes, there is a section and I will find it and refer it to you.

CHAIRMAN (Mr. Zoe): Thank you. At this time the Chair would like to recognize some visitors in the gallery this afternoon. We have with us Mr. Dick Haskayne, chairman, president, chief executive officer of Interhome Energy Incorporated. Welcome to the House. The Chair would also like to recognize Mr. Pat Daniel, vice-president of planning and systems for Interprovincial Pipeline Company. Welcome to the House.

---Applause

Madam Minister.

HON. NELLIE COURNOYEA: The section that the Member is referring to is 58.

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

MR. GARGAN: Before we conclude, during the standing committee on legislation I expressed a concern -- a person is going to have to be pretty sure of himself if he makes a complaint and would be reluctant if he is not right on in what he is saying. I did express a concern about that during the legislative committee meetings and I just wanted to state for the record that it would make it pretty difficult, under any circumstances, for a person to make complaints and try to pay for it if he was wrong. It would make a person very scared of filing a complaint under this act against a dentist, a professional person.

CHAIRMAN (Mr. Zoe): Thank you. Any comment, Madam Minister?

HON. NELLIE COURNOYEA: Mr. Chairman, I am sure that we can give assurance that the intent of section 58, regarding the complainant and circumstances in which he may be required to pay, is

only to deal with complaints that are unfounded and generally nuisance complaints. I do not believe that the intention is to deter a person, if in his own best opinion feels he has a valid complaint, from coming forward. There are some cases however where people tend, because of other reasons -- maybe he does not like a certain dentist -- to make more of a nuisance-type complaint. I do not think that people should feel that this provision would restrict them if they believe in their own best opinion that their complaint is valid. Mr. Chairman, it also says it "may" be required.

CHAIRMAN (Mr. Zoe): Mahsi cho. The bill as a whole. Does this committee agree that Bill 6-89(2), Dental Profession Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. What is the wish of the committee? Mr. Allooloo.

HON. TITUS ALLOOLOO: Mr. Chairman, the government would like to proceed with Bill 17-89(2).

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

MR. GARGAN: Mr. Chairman, are you going to recognize the clock? I will make a motion to report progress.

CHAIRMAN (Mr. Zoe): I have a motion to report progress. It is not debatable. All those in favour? Opposed, if any? The motion is carried.

---Carried

I will now rise and report progress. I would like to thank the Minister and her witnesses for appearing before committee of the whole. Mahsi cho.

MR. SPEAKER: Report of the committee of the whole. Mr. Zoe.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF COMMITTEE REPORT 2-89(2), REPORT OF THE STANDING COMMITTEE ON LEGISLATION; BILL 6-89(2), DENTAL PROFESSION ACT

MR. ZOE: Thank you, Mr. Speaker. Your committee has been considering Bill 6-89(2) and wishes to report that Bill 6-89(2) is now ready for third reading.

MR. SPEAKER: You have heard the report of the chairman of the committee of the whole. Are you agreed?

SOME HON. MEMBERS: Agreed.

--- Agreed

MR. SPEAKER: Item 19, third reading of bills. Ms Cournoyea.

HON. NELLIE COURNOYEA: Mr. Chairman, just as a point of order. Some Members in the House are not wearing proper apparel or are not conforming with the dress of the Assembly.

---Laughter

MR. SPEAKER: Thank you, Madam Minister. It was a point of order that was correct and everything is now in order.

---Laughter

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

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, there is a meeting of ajauqtit on Monday morning at 9:00 a.m.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Monday, October 23rd.

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: Report of the Standing Committee on Legislation; Bills 7-89(2), 8-89(2), 9-89(2), 11-89(2), 12-89(2), 13-89(2), 14-89(2), 16-89(2), 17-89(2), 18-89(2)
18. Report of Committee of the Whole
19. Third Reading of Bills
20. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 1:00 p.m., October 23, 1989.

---ADJOURNMENT

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