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Speaker: The Hon. Richard Nerysoo, M.L.A.

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NORMAN WELLS, NORTHWEST TERRITORIES

THURSDAY, OCTOBER 26, 1989

MEMBERS PRESENT

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

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Members, I wish to bring your attention to the presence of students and staff of Norman Wells Territorial School.

---Applause

Let me express, on behalf of all Members, our appreciation and gratitude for the use of your school so that we can conduct the business of this Legislative Assembly. Further, I wish to thank your principal, Ms Lauren Lushman-Connolly, for her support, along with the rest of the staff of this school. Again, thank you very much.

AN HON. MEMBER: Hear, hear!

---Applause

Orders of the day for Thursday, October 26, 1989. Item 2, Ministers' statements. The honourable Member for Slave River, Minister of Social Services.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 12-89(2): Final Report On "Choices", A Three Year Action Plan To Address Spousal Assault

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. Later today I will be tabling the final report on "Choices", A Three Year Action Plan to Address Spousal Assault. "Choices" was tabled in February, 1986, as this government's formal response to the recommendations of the task force on spousal assault. It recognized the wide extent of the problem in the Northwest Territories as well as its complexity. Commitments were made in areas such as shelter for victims, public education and awareness, interagency referrals and protocols, counselling, programs for batterers and improvements to the criminal justice system.

Since then both government and community groups have contributed to improving the response of our society to this problem. Highlights of our accomplishments, as outlined in the final report, include: the production and distribution of written and video information; the inclusion of information about family violence in the family life unit of the school health curriculum and in the social service training program at Arctic College; the ongoing funding of crisis shelters in eight communities and counselling services in two communities -- these counselling services provide counselling to victims and batterers; the funding of an NWT-wide family violence conference held in March, 1988; the development of interagency protocols involving personnel in the medical, social services and criminal justice areas; the provision of workshops and training to women's groups and community agencies across the Northwest Territories.

Funding For Family Violence Prevention Program

I am particularly proud that the family violence prevention program, which funds shelters, counselling services and training initiatives, is now a part of the base budget of the Department of Social Services. In addition, the Women's Secretariat will continue to monitor progress on these issues on my behalf. These are indications of our ongoing commitment to addressing this issue.

I would like to take this opportunity to thank the Ministers and departments who participated in the ministerial committee on spousal assault. Over the past three years this committee, under the leadership of the Women's Secretariat, has monitored progress on "Choices". The co-operation of all departments has been much appreciated. The participation on this committee of the RCMP and Crown attorney's office on behalf of the Government of Canada has also been helpful.

The commitment and work of many women's groups and community agencies also deserves recognition. I strongly believe that the solutions for problems such as family violence must be found at the community level. I encourage these groups to continue their efforts and to view this government as an ally in their work. I encourage all Members to review this final report and to acquaint themselves with the complexity and depth of this social problem. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you. Ministers' statements. The honourable Member for Sahtu, Deputy Government Leader.

Ministers' Statement 13-89(2): Inuvik Student Protest At Samuel Hearne Secondary School

HON. STEPHEN KAKFWI: Mr. Speaker, just for the record, I would like to give an update on the student protest in Inuvik and the results of the ongoing investigation so far. Yesterday, the RCMP began a review of the incident in which students entered the administration area of the school and seized the public address system against very clear and direct orders from the vice-principal, who was in charge at the time. My deputy minister met with the RCMP staff sergeant and investigating officer yesterday to discuss the case with the investigators.

Mr. Speaker, my information is that the investigation by the RCMP has ceased. The RCMP have stated in a written report to myself that the actions of the students seem to fall under section 430(1)(d) of the Criminal Code, public mischief, and that if the students were charged and convicted they would have a criminal record. Mr. Speaker, we are dealing with students who seemed unaware of the seriousness of their actions. The RCMP suggest that since no damage was done to anyone, or to any property, that it is best to use this unfortunate incident as a means to educate all students at Samuel Hearne Secondary School about the possible consequences of actions taken by some, and to educate them about how they can voice their concerns in a lawful manner.

Arrangements are now being made for the RCMP to meet with the students as a whole. They will discuss the RCMP's role, the type of charges students could be facing and how to express their concerns within the law. Mr. Speaker, we do not want young people to have criminal records.

The internal investigation by the school, the regional superintendent and my department will continue. I expect, as a result of a thorough review of timetables, class sizes and teacher assignments, that we will be able to improve on the quality of learning opportunities in the school.

As I said last week, my department received the information on student enrolment increases only on October 16th. Enrolments are being reviewed in all schools. Any schools which can substantiate a significant increase is entitled to more staff by formula and I will do my best to get the additional resources for them. This includes Samuel Hearne Secondary School. We will

be basing those increases on the October 31st enrolment and our assessment of needs which is currently taking place. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements. The honourable Member for Nunakput, Minister of Energy, Mines and Petroleum Resources.

Ministers' Statement 14-89(2): Provision Of Additional Intervenor Funding For Kiggavik FEARO Review

HON. NELLIE COURNOYEA: Mr. Speaker, today the Government of the Northwest Territories and the federal Department of Indian Affairs and Northern Development jointly announced the availability of an additional \$62,500 in intervenor funding that will be made available to support eligible public individual and group applicants wishing to participate in the federal environmental review of the proposed Kiggavik uranium mine 70 kilometres west of Baker Lake. This brings the total amount of intervenor funding committed by the two levels of government to \$262,500. Early this year, just under one quarter of the total funding was given out to enable six northern groups to prepare their concerns, travel, and present their positions at FEARO workshops to develop environmental impact statement guidelines. The intervenor funding program is managed by the federal environmental assessment review office. The remaining \$187,500 in intervenor funding will be distributed in early November by an independent committee, following a strictly enforced set of eligibility criteria and reporting requirements.

The Government of the Northwest Territories was successful in encouraging DIAND to increase its joint intervenor funding level. Our government responded to increased public and local community interest in the project and a genuine desire for northern groups and individuals to obtain resources to help them develop positions which might not otherwise be raised at the FEARO panel's public hearings.

Mr. Speaker, we are encouraged that the Department of Indian and Northern Affairs has responded so positively and are sure the increased intervenor funding will result in a more thorough and complete public review of the Kiggavik proposal. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Madam Minister of Energy, Mines and Petroleum Resources. Ministers' statements. The honourable Member for Iqaluit, Government Leader.

Ministers' Statement 15-89(2): Arctic Contaminants

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, in my capacity as Government Leader and chairman of the cabinet subcommittee on arctic contaminants, I want to take this opportunity to reiterate this government's concern with the increasing number of contaminants being found in the Northwest Territories. As I stated during our briefing by scientists on March 13th, the problems facing us today will not be eliminated without strong, deliberate and co-ordinated action by all levels of government, industry, the scientific community and without the support of the public. Today I want to provide this House with an update on two recent international initiatives which focused on the arctic contaminants issue.

The first was a scientific conference held in Oslo, Norway, from September 18-22, 1989 dealing with the global significance of the transport and accumulation of polychlorinated hydrocarbons (PCBs) in the Arctic. A report on the outcome of this conference will soon be published.

The second conference, held in Rovaniemi, Finland, September 20 to 26, was the direct result of the Finnish government's initiative on the circumpolar arctic environment. During the conference, representatives of the Governments of Denmark, Norway, Sweden, Finland, Soviet Union, Canada and the United States agreed to the formation of two working groups to consider the state of the arctic environment, existing legal instruments for its protection and the need for further action and co-operation. A future meeting of the working groups is planned for the spring, 1990, at which time participation by this government is anticipated. Mr. Speaker,

Members have my assurances that I will keep them informed of developments arising from the Finnish initiative. Qujannamiik.

MR. SPEAKER: Thank you. Ministers' statements. Item 3, Members' statements. The honourable Member for Sahtu.

ITEM 3: MEMBERS' STATEMENTS

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. As the MLA for the Sahtu region I am pleased to be able to pay tribute today to a very special group of people who are with us. As we look around the chamber we cannot help but notice the fine examples of artwork on display. Indeed, wherever we look within this fine facility the walls everywhere have been decorated with very attractive and informative artwork. In addition, this special group of people...

MR. SIBBESTON: Point of order.

MR. SPEAKER: The honourable Member for Nahendeh.

MR. SIBBESTON: Mr. Speaker, I believe the Ministers' statements are for statements made by Ministers.

MR. SPEAKER: Order. Mr. Kakfwi, when a Member rises in the House on a point of order or a point of privilege one has to sit down during that particular process. To the honourable Member for Nahendeh, point of privilege.

MR. SIBBESTON: Mr. Speaker, I was not certain whether we were still under Ministers' statements. If we are, I was going to object to Mr. Kakfwi making a statement concerning his constituency. If we are under Members' statements then I apologize to Mr. Kakfwi.

MR. SPEAKER: On the matter for order we are under Members' statements. The honourable Member for Sahtu.

Member's Statement On Artwork In Norman Wells Territorial School

HON. STEPHEN KAKFWI: Mr. Speaker, as I was saying, as the MLA for the Sahtu region I am really pleased to point out some of the artwork that the students that are with us here today have provided for our enjoyment and our viewing. We should also thank the students and the staff members of this school, Norman Wells Territorial School, for their efforts in making their facilities available to us, and apologize for the inconvenience that we caused them, in part by taking over the gymnasium for the three weeks that we will occupy it. Further, for taking the time to make our visit much more pleasant and enjoyable, and especially for the fine artwork that they have put on display for us. Thank you very much.

MR. SPEAKER: Members' statements. The honourable Member for Aivilik.

Member's Statement On Aboriginal Languages

MR. ERNERK: (Translation) Thank you, Mr. Speaker. I stand up today on a very sensitive matter in regard to the aboriginal people in the North. I would especially like to make a statement in regard to the aboriginal languages. Especially for myself as an Inuk, the Inuktitut language -- I fully understand that the territorial government has been forced to deal with the language issue but they have not gone ahead to have the Inuktitut language or the aboriginal languages recognized as official languages in the North.

For myself, I do not think too much of making regulations or acts on elevators because we do not have those where we are, but in our country I am more concerned about not losing the aboriginal languages, Mr. Speaker. When I was growing up I did not have to pay to learn Inuktitut but when I went to school I had to learn to speak English. The federal government paid for me to go to

school and I am happy that I am from Canada. I am also happy that I am a Canadian. I am a very proud Canadian! The people from the NWT are also Canadians and we want to keep our language and we want our languages to be recognized in the North the same way as English and French are recognized; not to be higher but at the same level; to be recognized at the same level, and I ask the Canadian people so that they can understand what I want and what the people of the North want. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you. Honourable Member for Nahendeh.

Member's Statement On Making Aboriginal Languages Official

MR. SIBBESTON: (Translation) Mr. Speaker, I want to tell the government House that the aboriginal languages, the Dene and the Inuit languages, are not official languages like the French and English. When I go to visit people in my constituency, particularly the small communities, Slavey is the main language that the people speak. The Dene people are a proud people; they want their language, their culture and way of life to continue. That is why I feel we have to make aboriginal languages official, just like French and English.

This is why I ask the Government Leader if he would go to Ottawa and see if he could put the French back, three or four years back, so that we could work on promoting the native languages to the point where they will some day be recognized like French and English. Mahsi.

MR. SPEAKER: The honourable Member for Rae-Lac la Martre.

MR. ZOE: Mahsi cho, Mr. Speaker... (Speaks in Dogrib, no translation available.)

MR. PEDERSEN: Point of order, Mr. Speaker.

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

Point Of Order

MR. PEDERSEN: Thank you, Mr. Speaker. On a point of order, I am not getting translation on the Member's statement.

MR. SPEAKER: Thank you. The Chair is faced with a bit of a dilemma. I must say, though, I was prepared for this particular situation. The Member for Rae-Lac la Martre does have the right to speak and be understood in his own language, and the Rules in the Legislature that exist at this particular time recognize that. The House is unable to provide the necessary interpretation so that all Members may understand the Member for Rae-Lac la Martre. As I indicated, the Chair is faced with a dilemma as to how to proceed with this matter. The Chair upholds the Member's right to speak in his native language and apologizes that this service is not available at this time.

This does not alleviate the problem before us, and the Chair has two options. The first option would be to recess the House until such time as interpretation services in the Dogrib and all other languages are available to all Members. To be able to accomplish this, the House would have to recess until 1:00 p.m. tomorrow when I would endeavour to have all languages represented. My second option would be to beg the indulgence of the House, and that of all honourable Members, to permit us to continue the sitting today without the services of interpreters. I feel, however, that the Chair must uphold all Members' rights and does agree that the fundamental right of freedom of speech, no matter which language is spoken, is a Member's right.

---Applause

Unless the Member for Rae-Lac la Martre, and all other Members, will permit the Chair to rectify this unfortunate situation, I see no other alternative but to adjourn the House for the remainder of the sitting day. I therefore wish to consider this matter further before ruling on it. The House stands recessed until the call of the Chair.

---SHORT RECESS

Speaker's Ruling

MR. SPEAKER: I would like to call the House back to order. The matter before the Chair was raised by Mr. Pedersen on a point of order that the honourable Member did not have translation of the words spoken in the Dogrib language by the Member for Rae-Lac la Martre. I would first clear that matter. Mr. Pedersen does not have a point of order as it is not against the Rules of this House to speak and be understood in an aboriginal language.

The Member's privilege, and all Members' privilege, is at question in this matter. Freedom of speech is an unquestionable right of Members in any parliamentary and democratic system.

SOME HON. MEMBERS: Hear, hear!

MR. SPEAKER: Before providing my ruling on this matter, I wish to advise Members that the Official Languages Act, passed in June of 1984, outlines the law on this subject. Contained in that act is a section dealing with aboriginal languages. Section 5 of the act recognizes Chipewyan, Cree, Dogrib, Loucheux, North Slavey, South Slavey and Inuktitut, as the official aboriginal languages of the Territories. The act also permits that regulations may prescribe the use of aboriginal languages in the Territories.

A regulation was made on the 29th of June, 1984, concerning the matter of the use of aboriginal languages in the Legislative Assembly. Section 3 of the regulation reads: "Subject to these regulations, every Member and witness has the right to speak and receive oral translation in the Legislative Assembly and any committee of the Legislative Assembly in any official aboriginal language."

The regulation further provides as follows: Section 3(2) "Where a Member or a witness wishes to exercise his right to receive oral translation in the Legislative Assembly or a committee of the Legislative Assembly in an official language, he shall give notice thereof to the Clerk of the Legislative Assembly who shall, as soon as possible after receiving the notice, make the arrangements that are necessary to provide such translation."

Members will understand from this that this is the legal requirement under the act; however, custom has evolved that the Legislative Assembly has provided simultaneous interpretation to all Members without request while the House sat in Yellowknife. At this point, I would like to remind Members that my predecessor has greatly enhanced language services to Members of this Assembly and I am sure Members appreciate his commitment in this regard.

I would further like to quote from the regulations which in subsection (3) state: "Subsections (1) and (2) do not apply to a Member or a witness who wishes to exercise his right to speak or receive oral translation in the Legislative Assembly or any committee of the Legislative Assembly in Inuktitut." Members will see from this that we are meeting the requirements of the law in the Inuktitut language, but have been perhaps remiss in formalizing in the law the Dene languages, even though we have been providing this service in Yellowknife.

The Speaker's Office had no intention of slighting any Member by not providing the service to all Members while the House is sitting in Norman Wells and was based purely on logistical and financial needs.

I believe that a Member's privilege, the privilege of freedom of speech, has been infringed upon by not being able to speak or be understood in his or her own language. I do not wish, at this stage, to have my ruling on this matter set a precedent until such time as the law on this matter has been amended. The laws for us were made by this Legislative Assembly and must be upheld by this Assembly.

Some may question the method of achieving the concern of Members, or their approach. The simple fact is that the principle of protecting and enhancing our aboriginal language is inherent and must be the foundation of the concern raised here today. As Speaker I have already requested the appropriate language specialist to be provided to this House so we may continue with the business of this Assembly. Therefore, I adjourn the House until 10:00 a.m., Friday, October 27, 1989.

---ADJOURNMENT

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