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

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YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, FEBRUARY 15, 1990

MEMBERS PRESENT

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

ITEM 1: PRAYER

--Prayer

Speaker's Ruling

SPEAKER (Hon. Richard Nerysoo): I indicated to the Members of the House on a question of a challenge, that I would make my ruling at the beginning of today's session. I will now proceed with the ruling.

The question before the Chair is a result of a challenge to a ruling made by the chairman of the committee of the whole, the honourable Member for High Arctic. The motion proposed by the honourable Member for Deh Cho was ruled in order by the chairman of the committee of the whole and was subsequently challenged by the honourable Member for Yellowknife North.

In making my ruling I have reviewed many authorities including the Northwest Territories Act, the Legislative Assembly and Executive Council Act, various parliamentary authorities and the practices of other jurisdictions.

To remind Members, the motion the Chair has been asked to rule on reads, and I quote, "I move that the government not proceed with the development of a regional health board in the Deh Cho region, the region as defined in the Regional and Tribal Councils Act, till the Deh Cho region is satisfied that the establishment of regional health boards are in the best interests of the Deh Cho region."

In considering the question of whether this motion is in order I have reviewed many well-established and very old parliamentary traditions. I have wrestled with this ruling and would like to provide, to the House, some of the points I have taken into consideration. The common law of parliament that governs in Canada is a system of rules and conventions derived directly from the ancient and elaborate system of the Parliament of Great Britain. The underlying objectives of parliamentary procedure are to establish and maintain conditions which will permit a free and fair interchange of viewpoints on issues regularly brought before Members. As Members represent different local interests, possess different cultural backgrounds and personal characteristics, it is imperative that the rules be precise and equitable and that they be evenly applied with impartiality and understanding so their intent is beyond dispute.

The Member, in moving the motion, may not have been aware of the implications of the wording of his motion. However, the Chair is cognizant of the implications of the ruling that I have to make. The Parliament of Canada, the traditional model for all legislative assemblies in Canada, should be, in the words of Winston Churchill, "a strong, easy, flexible instrument of free debate". It attains this status by the willing observance of sensible rules which provide for the orderly consideration of the questions before it, leading to an expression of the collective will or opinion. Unanimity cannot always be reached, but freedom of speech must be permitted and protected, and one method of expressing this freedom is by motions being either adopted or defeated.

Our Rules and precedents are based on usages of this House and their function is to ensure that proper opportunity is afforded to all Members for the expression of opinions, that the rights of all Members are protected and that clear decisions or conclusions are reached on the issues raised on the basis of a majority vote.

In providing this lengthy ruling, which serves to illustrate the significance and importance the Chair is placing on it, I have of course reviewed the matter in respect to the inherent power of the Legislative Assembly, which is contained in law. Section 2(2) of the Legislative Assembly and Executive Council Act states that, "Nothing in this act affects the inherent power of the Legislative Assembly to control its own proceedings, privileges or prerogatives, unless expressly provided otherwise."

The Legislative Assembly and Executive Council Act also provides for the appointment and powers of the Executive Council. There are three sections I feel must be considered. Section 55(1) provides that, "There shall be an Executive Council of the Northwest Territories composed of persons, appointed by the Commissioner, whom the Legislative Assembly recommends to the Commissioner for appointment to the Executive Council." Section 54(2) states, "This part shall not be construed to be exhaustive of the privileges, capacities, rights, functions, powers and duties of the executive government." Further, section 56 of the act also provides for the responsibilities of the Executive Council and I quote, "The Executive Council shall be responsible for the overall management and direction of the executive government of the Northwest Territories, including matters of policy."

The motion before me poses a question as to the appropriateness of directing the government to take a particular action and begs a further question, if the Legislative Assembly has the authority to direct the Executive Council. It is evident by my ruling of February 9, 1990, that the Legislative Assembly cannot pass any motion that has financial implications as this relates to a long established rule of procedure. Can this same prerogative be applied when the motion before the House does not have financial implications?

Beauchesne's Parliamentary Rules and Forms, Sixth Edition, citation 552(1), "Every matter is determined in the House of Commons upon a question put by the Speaker, on a proposition submitted by a Member, and resolved either in the affirmative or negative as the case may be. This proposition, called a motion, is a proposal moved by one Member, in accordance with certain well-established rules, that the House do something, or order something to be done or express an opinion with regard to some matter."

I would like to further quote from Beauchesne, citation 553(1): "The question is the subject matter of the motion, and on the merits of that subject matter the House has to give a decision either unanimously or by the majority of the Members present. Every question when agreed to assumes the form either of an order or a resolution of the House. By its orders the House directs its committees, its Members, its officers, the order of its own proceedings and the acts of all persons they concern; by its resolutions the House declares its own opinions and

purposes."

Subsection (2) of the same citation goes on to state: "When a motion is adopted, it becomes the resolution or order of the House. Therefore, its form must consequently be so framed, and its language so expressed that, if it meets the approbation of the House, it may at once become the resolution or order of the House which it purports to be."

The Chair is faced with a further dilemma; does, in fact, the Legislature have supremacy? The Executive Council has the responsibility to manage the affairs of the Northwest Territories under direction of and accountable to the House. Accountability in parliamentary tradition is through the House's scrutiny of bills proposed by the government, estimates, questions, motions and public accounts. The ultimate authority is the passage and assent of bills which requires the Commissioner of the Northwest Territories by and with the advice and consent of the Legislative Assembly.

I have also taken into consideration the practices of other jurisdictions in Canada. The fact that they operate under a different system is something I do not have to remind Members of. In party systems, motions have been made to have the government not proceed with a specific measure until certain matters be examined or undertaken. The case also exists that motions can only request or recommend. In making this determination, each motion presented to Chair has to be judged on its own acceptability. The system of government may be different in other jurisdictions but the rules and precedents have to be applied equally and any differences between jurisdictions is a determination to be made by each House.

The motion could well be viewed as being vague and, therefore, provides some difficulty in terms of the implementation of the motion by the Executive. However, parliamentary authorities are clear that vagueness alone is not sufficient grounds to rule a motion out of order.

In summation, I am of the opinion that the motion as presented does not have financial implication and is of a nature that is acceptable to be put to the House for its determination. Therefore, I uphold the decision of the chairman of the committee of the whole and rule the motion made by the honourable Member for Deh Cho to be in order.

I thank you for your indulgence in permitting me such a lengthy ruling.

MR. LEWIS: Point of privilege.

MR. SPEAKER: Point of privilege. Member for Yellowknife Centre.

MR. LEWIS: Thank you, Mr. Speaker. I have had a chance to look at Hansard and in examining the Member's statement that I made yesterday, on Valentine's Day, when I was nice to some people, I find that the translation did not capture what I tried to say in my very, very rusty old man's Inuktitut. What I wanted to say, Mr. Speaker, in order to make it clear for the record, is that...

MR. SPEAKER: Excuse me. The issue is not a point of privilege or a point of order. The honourable Member has the opportunity to correct the record properly upon his advice. Also, just for a matter of process, the honourable Member can rise during Members' statements and clarify his position or the issue.

I just want to bring to the attention of Members, the presence of the First Yellowknife Guide Company, who are here in attendance today.

--Applause

Item 2, Ministers' statements. The honourable Member for Amittuq.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 6-90(1): Inuit Art Collection

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I wish to provide Members with some further information concerning the Inuit art collection. Members may recall that the return of this collection to the NWT was unanimously endorsed by the 11th Legislative Assembly.

In 1989, an agreement was signed with the Minister of Indian and Northern Affairs, the Hon. Pierre Cadieux, arranging for the transfer of a substantial part of this collection to the Inuit Cultural Institute and the Inuit heritage committee. I am pleased to announce that the bulk of this collection will arrive in April of this year at the Prince of Wales Northern Heritage Centre, where it will be documented and conserved. There are over 1600 items.

The Northern Heritage Centre has developed a display of several objects from this important historic collection which can be seen in the foyer outside of the Assembly chamber.

The transfer of this historic collection is part of the ongoing commitment of our government's stated objective of facilitating the repatriation of our people's artifacts. Thank you.

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On 25th Anniversary Of Canadian Flag

MR. LEWIS: (Translation) Mr. Speaker, on February 15, 1990, our regular Members would like to join all Canadians to celebrate the 25th anniversary of the Canadian flag. The flag is a symbol of our national unity, for it represents, without doubt, all citizens of Canada, without racial, language, belief or opinion distinctions. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. Members' statements. The honourable Member for Baffin South.

Member's Statement On Government Support To Small Communities

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I am also happy that it is the anniversary of the Canadian flag.

There is something that I would like to say to the Members of the Legislative Assembly that I am not happy about. This is just hearsay; I do not have any letters to bring here today about it. I heard that the small communities in the NWT will no longer be represented properly by the Members of the Legislative Assembly. This is just hearsay but I hear that the government will no longer be helping them out because it is too expensive to operate them. The concern that I have is that I come from a small community myself and it is not the only one in the Baffin Region. In the Baffin Region there are quite a few small communities, such as Grise Fiord and Hall Beach. So I am very concerned about the smaller communities that will not be assisted by the GNWT and I am not very happy at this time. I think we are elected to represent all the people of the NWT. This is just hearsay that I am talking about today and I am very concerned about it.

Thank you.

MR. SPEAKER: Thank you. Members' statements. The honourable Member for Natilikmiot.

Member's Statement On Government Hiring Practices

MR. NINGARK: Thank you, Mr. Speaker. I stand before this House to clear the air of various speculations that I contradicted my stand on the hiring practices of this government. In my first statement on the issue I indicated to the House that if, in fact, there were unfair hiring practices being practised by this government then I would sway toward some of the Members who have a very strong concern about the matter.

Yesterday in my statement I suggested a solution. If there were any unfair hiring practices being done by this government, in my statement I suggested, and I quote from my statement, "I would like, therefore, Mr. Speaker, to make a recommendation to improve the system, if I may be allowed by this House: strict hiring guidelines and procedures be initiated by this government; the general public be informed on what grounds the applicant was hired for the particular position; research be initiated to pinpoint, Mr. Speaker, the major source of unfair hiring practices at any level of government. I am not asking for a miracle cure, what I am recommending is for a practical solution to this particular matter."

Secondly, I would like to make a report, a report which I had requested and which was handed to me by my honourable colleague from Kitikmeot West. It is a report on the number of native people, non-native people and women working for the government in the Kitikmeot Region. Category one, native, total number of native people, 146.5...

MR. SPEAKER: Sorry. The honourable Member for Natilikmiot. Order. Your time has expired. Members' statements. Honourable Member for Aiviliik.

Member's Statement On Legislative Changes Regarding Sexual Assault

MR. ERNERK: Thank you, Mr. Speaker. I rise today to address a very serious matter which requires this Assembly's attention and consideration. I believe that a misconception of our appreciation for the serious nature of this issue has arisen. Mr. Speaker, let no one underestimate the seriousness of our concern about the effects of sexual assault on the victims of sexual assault; let no one get the impression that we do not believe this issue requires our attention. Sexual assault, no matter what degree, offends me, and offends many of my colleagues. There is a dire need for changes and improvements to occur in the Criminal Code of Canada to address the seriousness of sexual assault.

I would suggest we consider a debate on this issue during this session, not on personalities or the judiciary, but on clarifying our positions and recommending methods that can ensure changes to policy and legislation in the North and in Canada on sexual assault. I would also recommend that the Minister of Justice consider recommendations for changes to the Criminal Code in the areas regarding sexual assault. While I realize that he may not be personally responsible for making changes to the Criminal Code, he is in a position to initiate discussions with the federal, provincial, territorial counterparts. While everyone deserves the protection of our laws, no one should live their lives without consideration for their physical and mental well-being. Mr. Speaker, no one deserves to be sexually assaulted; no one.

MR. SPEAKER: Thank you. Members' statements. The

honourable Member for Deh Cho.

Member's Statement On Donald Marshall Case And Native Justice System

MR. GARGAN: (Translation) Thank you, Mr. Speaker. Lately we have been hearing a lot about the Donald Marshall case in Nova Scotia and the unfair way the native people are treated in our justice system. In 1971 Marshall was convicted of a murder he did not commit. Eleven years later, after an appeal, his conviction was overturned and he was released. Now, almost 20 years after his conviction a royal commission says that not only was Mr. Marshall not to blame for his conviction, but that it might not have happened at all if he had not been native. The commission's report says, "The fact that Marshall was a native is one reason that Mr. MacIntyre, the investigating detective, singled him out so quickly as the prime suspect. We are convinced that if Mr. Marshall had been white the investigation would have taken a different course."

The Marshall case is not an isolated example of the miscarriage of justice for just one man. It has brought to the attention of all of us that if you are a native person in Canada, you have a much higher chance of ending up in jail than if you are a non-native. From figures given to me by our own Department of Social Services, right now in the NWT, 77 per cent of the inmates are native people. But native people represent only 61 per cent of our population as a whole. That is a 16 per cent higher chance of going to jail, if you are native than if you are not. In the Eastern Arctic it is even worse. Inmate populations there average between 95 and 99 per cent native.

What this tells me is that this government urgently needs to develop a native justice system. I have a lot of information on native justice systems that are operating in other places and I am willing to share this information with other Members. We have an ideal chance in the NWT to take a leading role in establishing a native justice system, and I urge all Members to work together to make it happen.

MR. SPEAKER: Members' statements. Mr. Kilabuk.

Member's Statement On Success Of Fishing Industry In Baffin Central

MR. KILABUK: (Translation) Thank you, Mr. Speaker. I am going to speak to the government on the other side. I am always against what they say. I am going to talk about the problem that we had in our community since I was a Member of the other Assembly. I wanted to have a study done in regard to fishing in my constituency. This is operating profitably now and I am very grateful to the government, especially to the Department of Economic Development and Tourism who was able to assist us in regard to fishing in my constituency.

I would like to mention my appreciation to the government and I would like to tell them that they should assist us in any endeavours that we want to start up. Thank you.

MR. SPEAKER: Thank you. Members' statements. Members' statements. Item 4, returns to oral questions. The honourable Member for Inuvik.

ITEM 4: RETURNS TO ORAL QUESTIONS

Further Return To Question O55-90(1): NWT Housing Corporation Loan

HON. TOM BUTTERS: Mr. Speaker, I have a response to the oral question asked by Mr. Pollard on February 13th. In the

event of default of the outstanding loans made by the NWT Housing Corporation, the Government of the Northwest Territories will be responsible for the outstanding loans. Historically, the loans made from CMHC, Canada Mortgage and Housing Corporation, were approved each year by the Financial Management Board. The loans were included in the GNWT's Borrowing Ordinance approved by the Legislative Assembly. No new loans have been made since 1984.

At this moment I would like to correct the response I made on Tuesday, regarding the extent of the corporation's indebtedness for the loans outstanding. The amount of long-term liability at March 31, 1989 was \$95,742,000, less the current loan principal due of \$329,000. There is an annual interest cost of \$13,323,000, of which, \$7,281,000 is recovered from our partners, Canada Mortgage and Housing Corporation.

MR. SPEAKER: Thank you. Returns to oral questions. The honourable Member for Amittuq.

Return To Question O28-90(1): Hunters And Trappers Insurance Program

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I have a return to an oral question asked by Mr. Arlooktoo on February 12, 1990, regarding hunters and trappers insurance program. Hunters or trappers who have lost equipment due to natural disasters, such as forest fires or severe storms, may apply to their local Renewable Resources officer for compensation. I have provided the honourable Member with a copy of the directive and criteria used to evaluate a claim.

As our disaster compensation program has limited funds and criteria are very restrictive, I would encourage hunters and trappers to determine alternate ways to obtain funds for lost equipment. One method to discuss with local and regional hunters and trappers organizations is obtaining a group insurance policy for hunting equipment from an insurance company. Thank you.

MR. SPEAKER: Thank you. Returns to oral questions. Returns to oral questions. Item 5, oral questions. Oral questions. The honourable Member for Natilikmiot.

ITEM 5: ORAL QUESTIONS

Question O82-90(1): Invitation To Minister To Visit Natilikmiot

MR. NINGARK: Thank you, Mr. Speaker. My question is directed to the Minister responsible for Transportation. We have been talking about the famous trip of the honourable Member to the exotic Canary Islands. I would like to ask the Minister responsible if he would accept my invitation to visit my constituency of Pelly Bay, Spence Bay and Gjoa Haven. I am talking about typical northern communities. Thank you.

MR. SPEAKER: Thank you. The honourable Member for Kivallivik.

Return To Question O82-90(1): Invitation To Minister To Visit Natilikmiot

HON. GORDON WRAY: Thank you. I am more than willing to visit constituencies. However, there are 23 other constituencies in the Northwest Territories and I have visited the Member's constituency twice. Unfortunately, the last time I visited I was unable to get into Spence Bay and Pelly Bay because of bad weather but I did go to Gjoa Haven. The time before that I got into Pelly Bay and Spence Bay but I could not get into Gjoa Haven because of bad weather. But I have been in the Member's constituency twice. Thank you.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Baffin South.

Question O83-90(1): Closure Of Small Communities

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I would like to direct my question to the Government Leader. The smaller communities are now being seen as less fortunate than the larger communities, financially. I was wondering if Cape Dorset will be assisted in that special program. Cape Dorset will be expanding in the future. Thank you.

MR. SPEAKER: Honourable Member for Iqaluit.

Return To Question O83-90(1): Closure Of Small Communities

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. If I understand the honourable Member's question, he wants to know whether this government will continue to support smaller communities. Mr. Speaker, I would like to state to the honourable Member and I think he will agree, that so far our government has provided, within the means available to us, quite good support to smaller communities. I want to make it clear to the Member in my response that there is no consideration being given to changing the government's present policy with respect to support to communities.

Mr. Speaker, I know that Mr. Wray will soon be presenting an economic strategy to this House and one of the issues that he will be addressing, I believe, in that economic strategy is the difficulties that smaller communities are having in the Territories economically. I think that Mr. Wray will be touching on the question of support to smaller communities and I do not want to steal any of his fire, as it were, Mr. Speaker, but I can say with confidence that I believe the honourable Member and other Members who represent smaller communities will be pleased with Mr. Wray's economic strategy in that regard. I would invite the Member to await Mr. Wray's presentation of the economic strategy shortly in this House. Thank you, Mr. Speaker.

MR. SPEAKER: Oral questions. Honourable Member for Baffin South, supplementary.

Supplementary To Question O83-90(1): Closure Of Small Communities

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. Killiniq was phased out by the government. The question I had was that I have heard that the government is preparing to phase out smaller communities. I am wondering if my community, Lake Harbour, is one of them.

MR. SPEAKER: Honourable Member for Iqaluit.

Further Return To Question O83-90(1): Closure Of Small Communities

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, there is a great deal of controversy of how Killiniq came to be closed. There is a great deal of controversy about the role of the territorial government in the closure of Killiniq. In fact there is a lawsuit that has now been abandoned on that same subject, on the closure of Killiniq. I have read the files relating to the closure of Killiniq and in my opinion there is a good argument that the Government of the NWT of the day was responding to at least a significant desire from the people of Killiniq to be moved, because of certain difficulties they were having with weather, with services from the federal government, at that time.

So putting that issue aside, Mr. Speaker, the Member asks if

any consideration is being given to phasing down or closing down Lake Harbour, I would clearly answer -- absolutely not. A definite, no. Thank you.

MR. SPEAKER: Oral questions. The honourable Member for Aivilik.

Question O84-90(1): Caribou Quota, Coral Harbour

MR. ERNERK: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Renewable Resources. Last fall when we met in Norman Wells, I directed a question to the Minister in regard to the concern of Coral Harbour, requesting an addition to the quota of caribou. Could the Minister give me a response on what he has done so far? Thank you, Mr. Speaker.

MR. SPEAKER: Honourable Member for Amittuq.

Return To Question O84-90(1): Caribou Quota, Coral Harbour

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. I wrote a letter to Mr. Ernerk in response to that question. They were given an additional 100 caribou on quota for Coral Harbour.

MR. SPEAKER: Honourable Member for Aivilik, supplementary.

Supplementary To Question O84-90(1): Caribou Quota, Coral Harbour

MR. ERNERK: (Translation) Thank you, Mr. Speaker. Thank you for that answer. At present, are they allowed that additional quota?

MR. SPEAKER: Honourable Member for Amittuq.

Further Return To Question O84-90(1): Caribou Quota, Coral Harbour

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. We have criteria for the regions. We have to follow the procedures and they will be allowed an extra 100 caribou on the quota in the near future.

MR. SPEAKER: Honourable Member for Baffin South.

Question O85-90(1): Beluga Whale Quotas

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister responsible for Renewable Resources. Last January I was informed that they will be eliminating quotas for beluga in my community. We were not given any letters in that regard, and I was wondering if you could give me some feedback on that. Are we not allowed to hunt beluga any more in my community? What are your plans on this matter?

MR. SPEAKER: Thank you. The honourable Member for Amittuq.

Return To Question O85-90(1): Beluga Whale Quotas

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. Just before our winter session I met with the federal Minister responsible for Renewable Resources. There was research done on the communities of Pangnirtung, Iqaluit and Cape Dorset, I believe, and after that study he was informed that there were not enough beluga whales in that area. As a result of the study, the Wildlife Federation met with the federal Minister and his officials, and myself, and a debate on the

beluga quotas took place. We have to follow the agreement that resulted from that debate, and I have not yet received a response from the federal Minister. As soon as I receive feedback from him I will get back to you. Thank you.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Baffin South, supplementary.

Supplementary To Question O85-90(1): Beluga Whale Quotas

MR. ARLOOKTOO: (Translation) Mr. Speaker, are we not allowed to hunt belugas now?

Further Return To Question O85-90(1): Beluga Whale Quotas

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. No, it has not been closed. If the federal Minister had told us anything it would have come into effect, but he has not.

MR. SPEAKER: Honourable Member for Rae-Lac la Martre.

Question O86-90(1): Water And Sewer Service Subsidy Program

MR. ZOE: Thank you, Mr. Speaker, my question is directed to the Minister of Municipal and Community Affairs. Mr. Speaker, a number of municipalities have expressed a concern about the changes MACA is proposing to the guidelines for the cost accounting for the water and sewer service subsidy program. I would like to ask the Minister why the department is proposing these changes now. Thank you.

MR. SPEAKER: Honourable Member for Inuvik.

Return To Question O86-90(1): Water And Sewer Service Subsidy Program

HON. TOM BUTTERS: I have not seen, Mr. Speaker, any letters or references from the municipalities with regard to the matter that the Member has raised. However, the department is making changes in the water and sewer policy. As I indicated, and when I respond to the honourable Member for Kitikmeot West next week, I will be advising what those changes are.

When the policy was originally put into place it was put into place with the understanding that it would shake down to a program which would be paid for on the basis of the actual cost of providing the service. It is very difficult to determine all the elements that go into ensuring that you get a cost effective service provided at the least possible cost. In some municipalities, surpluses were developed, and it has been necessary to deal with these surpluses. Where surpluses have been developed in communities, there has been a limitation on how they may be spent. There is a negotiation that I understand occurs in the subsequent year, between the department and the municipality, to change the rates and bring those rates into line so that the service will be provided at cost.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Yellowknife South.

Question O87-90(1): Labour Standards Board Representation

MR. WHITFORD: Thank you, Mr. Speaker. My question is directed to the Minister responsible for the Labour Standards Board. Yesterday, Mr. Speaker, I asked the question, and judging by the number of calls I have had on this subject

concerning board members comments in newspapers, it seems that I have touched a nerve of both government and the public. I wanted to ask the Minister, because he told us yesterday that he was going to keep this House informed on the results of meetings that were to take place subsequent to this incident, if he would advise this House so that the public can know what is going on as a result of the meetings, and his actions and intentions in this matter.

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

Return To Question O87-90(1): Labour Standards Board Representation

HON. STEPHEN KAKFWI: Mr. Speaker, I had a meeting, as I said earlier, with representatives from the unions on Tuesday, to alert them to the fact that there was some public concern and a concern on my part as Minister about their nominee to the labour standards review panel because the member is also a member of the Workers' Compensation Board. There was a concern about the integrity and the openness of activity, I guess, of the particular member serving on those public bodies. I sought their advice on what they thought I should do and I asked them if there was anything they could do themselves, and if they would make some recommendations to me. They said at the time that they wanted a couple of days to think about it and that they would meet with me today at noon.

Today I received some letters from these same people, from the Steelworkers, from the Canadian Association of Smelter and Allied Workers and from the Federation of Labour saying that they did not think it was necessary to meet; that they still supported their representative. Mr. Darm Crook from the Union of Northern Workers did come to the meeting. We had a discussion for a little over half an hour and at the very least I think Mr. Crook understands the situation that I find myself in; that something has to be done to address the concern that has been raised by a number of members of the public. How do we assure the public that the members we appoint as a government to bodies like this are open-minded, are not so closed and so biased as to really just put them in a trench, that they are open to considering other views and arguments that these bodies are set up to consider in the first place? I have yet to speak to the chairman of the labour standards review panel. I also have not discussed this with the members of the Workers' Compensation Board, and at least one member there had raised a concern. I think once I have met with these people, I will let the Members know what action I will take in this matter.

MR. SPEAKER: Thank you. Oral questions. Honourable Member for Yellowknife South, supplementary.

Supplementary To Question O87-90(1): Labour Standards Board Representation

MR. WHITFORD: Thank you, Mr. Speaker. You might rule me out of order on this but I will take a chance here. The issue seems to be confidentiality of board members. I wonder if the Minister could advise this House on what actions he takes prior to appointing people to a board, as to what they can say and cannot say and when they can say it and where they can say it. Does the Minister advise appointees to boards on what they can do when it comes to comments, like writing papers or making public statements?

MR. SPEAKER: Honourable Member for Sahtu.

Further Return To Question O87-90(1): Labour Standards Board Representation

HON. STEPHEN KAKFWI: Mr. Speaker, when the members

were appointed to the labour standards review panel, all of them understood and agreed that none of them would discuss publicly or make public statements about their work and their views regarding the work of that panel, except through the work of the chairperson. I think they have to respect the public function that they were undertaking, which is to take all presentations and opinions and views presented to them and as a panel discuss these and consider all sides of the arguments and presentations and together try to reach a consensus as to what they would recommend.

I think in this regard the newspaper article that was referred to earlier in the week says quite clearly the individual that we are talking about knew what he promised when he undertook this work and that public statements were not things he could make, but he went ahead and did that anyway. So I want to let you know that all the members of that panel knew that it was not in the interest of the panel or themselves as individuals to make premature statements, individual comments about their work, and that only the chairperson would make those comments. That was through the terms of reference as part of the work they agreed to undertake.

MR. SPEAKER: Oral questions. The honourable Member for Yellowknife South, supplementary.

MR. WHITFORD: Thank you, Mr. Speaker. This is a supplementary because it is dealing with the same set of circumstances. I want some assurance from the Minister that the incident he is dealing with, because the individual in question belongs to other boards, that we are dealing only with this particular issue and not membership on another board.

MR. SPEAKER: With great respect to the honourable Member, there is no question. It is a statement and the issue has to be related to the original question you asked. I did allow for some leniency in the second supplementary. I will remind the honourable Member that. Oral questions. The honourable Member for Aivilik.

Question O88-90(1): Whale Quotas

MR. ERNERK: (Translation) Thank you, Mr. Speaker. Regarding the question my colleague Joe Arlooktoo asked. I was wondering how they were doing the accounting of the whales, because they said the number was decreasing. Were they seeking help from the hunters when they were doing the accounting? I am thinking about in the Qamanirjuaq herd when the biologists said that in 1982 or so there were only 37,000 and after a few months they found out that the caribou population went up to 200,000, 300,000. I wonder if this is a similar situation with beluga studies.

MR. SPEAKER: Honourable Member for Amittuq.

Return To Question O88-90(1): Whale Quotas

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Chairman. The federal Department of Fisheries and Oceans suggested they did not want any belugas killed. We advised them that they should not do that. They are in the process of a study and after they complete the study we will be able to reveal their findings. That is why we have set 15 as a quota.

MR. SPEAKER: Honourable Member for Natilikmiot.

MR. NINGARK: (Translation) Thank you, Mr. Speaker. I have a question to the Government Leader. The territorial government will be getting less money from the federal government from now on and this will have an effect on the smaller communities. There are a lot of unemployed people in the communities. There are many who are unemployed,

especially the young people who have just finished school or who have never gone to school. Maybe money should be put together to hire a community employment officer. Some of them would be able to get jobs in the communities. If there is co-operation amongst people it would be easier to establish this. And if a person is educated, then they would be qualified. Apprentices in the community do not have anyone to get advice from. Thank you.

MR. SPEAKER: That was a good one.

---Laughter

I will just remind Members that the item is oral questions and statements can be made at the appropriate place. Oral questions. The honourable Member for Hay River.

Question O89-90(1): Freight Subsidy Program For NWT

MR. POLLARD: Thank you, Mr. Speaker. Mr. Speaker, my question concerns two departments. It is indeed fortunate, sir, that one Minister is responsible for two. My question to the Minister of Economic Development and Tourism is: Has the Minister done any work regarding a freight subsidy program for the Northwest Territories? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. The honourable Member for Kivallivik.

Return To Question O89-90(1): Freight Subsidy Program For NWT

HON. GORDON WRAY: Thank you, Mr. Speaker. Yes, indeed, that work is being done. It is not completed. It will form part of the transportation strategy inasmuch as we are looking at an overall transportation network, not only in the provision of infrastructure, but should we or should we not be looking at subsidizing transportation. There are several initiatives that have taken place across the country that we have discovered, that we are looking at. Obviously, some Members know about the fact that there are transportation subsidies, for example, on the St. Lawrence Seaway and in some Maritime areas, through the Canadian Coast Guard. Believe it or not, we have discovered that Conservative Alberta has a Crown corporation whose specific mandate is to provide freight subsidies into remote areas. So we are taking a look at that model, too. But within the transportation strategy we will examine various options and the anticipated costs of those options, just to see what is available and what potentially we could do. So, yes, we are doing the work. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Hay River, supplementary.

Supplementary Question O89-90(1): Freight Subsidy Program For NWT

MR. POLLARD: I could not help but notice the Minister's smile when he said "Conservative", Mr. Speaker. I cannot understand why.

---Laughter

Mr. Speaker, I am pleased that the Minister is investigating this very important matter. I wonder if the Minister could advise the House, are we looking at a long time before we get some results, or are we looking at a short time? How long will it be before we can get to the matter and perhaps make a decision? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. The honourable Member for Kivallivik.

Further Return To Question O89-90(1): Freight Subsidy Program For NWT

HON. GORDON WRAY: Thank you, Mr. Speaker. I have not seen the final draft of the strategy but it is coming close to completion. My hope is that, obviously, if we can get it completed and get it to cabinet for approval, that I would be able to table the transportation strategy before this House prorogues until the next session. Now that is my goal, to try and have it available before the end of the session and we are still shooting for that goal. However, the document does have to go to cabinet and has to go through all the various cabinet committees yet, as well as receive final writing. It may not be possible, but I am hoping to get it into the Legislature before the end of March. Then, Mr. Speaker, that document will hopefully become the basis of negotiations with the federal government on a number of issues. That is the goal of the strategy: to lay out what is needed; to lay out the options and the costs; then to start making some decisions on how we can achieve what it is we have to do, and who we will have to negotiate with. Thank you.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Hay River, supplementary.

Supplementary To Question O89-90(1): Freight Subsidy Program For NWT

MR. POLLARD: Thank you, Mr. Speaker. I wonder if the Minister could tell us if people outside of government, people who are involved in moving things around the Northwest Territories, have been consulted in this matter. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. The honourable Member for Kivallivik.

Further Return To Question O89-90(1): Freight Subsidy Program For NWT

HON. GORDON WRAY: Thank you, Mr. Speaker. Yes, indeed. The consultants visited nearly every community in the Northwest Territories. They visited and met with most of the major transportation carriers, marine, highway and air. They met with many private-sector businessmen, many community councils and just a whole host of people, so I am satisfied that there has been extensive consultation with people other than government.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Aivilik.

Question O90-90(1): Grizzly Bear Study In Repulse Bay

MR. ERNERK: (Translation) Thank you, Mr. Speaker. My question is for the Minister of Renewable Resources. During the fall session in Norman Wells, I asked the Minister about grizzly bears in Repulse Bay. They had requested to be able to kill grizzly bears in Repulse Bay. I would like to ask the Minister if he can tell this House what were the department's findings in those studies.

MR. SPEAKER: Thank you. The honourable Member for Amittuq.

Return To Question O90-90(1): Grizzly Bear Study In Repulse Bay

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I wrote some correspondence to the honourable Member for Aivilik. I have asked the Keewatin Hunters and Trappers Association to work with the Repulse Bay community to do a study and ask them for their recommendations. To date, I have not

received any reply.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Yellowknife Centre.

Question 091-90(1): Excursion Rates For Government Travel

MR. LEWIS: Thank you, Mr. Speaker. My question is to the Government Leader. There has been a lot of discussion about travel over the last while, Mr. Speaker. I would like to ask the Government Leader, in light of his comments that Ministers have full control over their budgets, is there any way in which the Government Leader has directed somehow that travel money could be a little bit better used? I am thinking now, Mr. Speaker, of the way in which people who are on travel status, if they book 14 days ahead of time, could make substantial savings in their travel.

For example, if you look at travel from Yellowknife to Edmonton, then it would cost you, normally, \$502. But if you take advantage of booking ahead by 14 days, you can travel for \$331. If you are travelling from Yellowknife to Ottawa, if you just go into the travel agency the day before you want to travel, it is \$1328; however, if you plan well 14 days ahead of time, you can go for \$863, Mr. Speaker. My question is to the Government Leader: Is there any way in which this government is directing Ministers to take advantage of these savings of taxpayers' money?

MR. SPEAKER: Thank you. The honourable Member for Iqaluit.

Return To Question 091-90(1): Excursion Rates For Government Travel

HON. DENNIS PATTERSON: Mr. Speaker, since Ministers do a great deal of travel, often at the encouragement of Members of this Assembly, I can assure the honourable Member that Ministers and their offices are well aware of the opportunities to achieve savings and that those opportunities are taken when they can be taken advantage of. However, in saying that, Mr. Speaker, I have to point out that, unfortunately, due to the nature of the job, it is often difficult to plan as much as two weeks in advance. Many trips come up with less than the required notice, or the precise travel dates are uncertain until just prior to leaving. Mr. Speaker, it is difficult to do this all the time. However, I can assure the honourable Member that our staff and, indeed, the Ministers, are urged to book ahead when they know plans will not change so that those savings can be realized. Thank you.

MR. SPEAKER: Thank you. Oral questions. The honourable Member for Yellowknife Centre, supplementary.

Supplementary To Question 091-90(1): Excursion Rates For Government Travel

MR. LEWIS: In light of what the Government Leader has said, Mr. Speaker, on the same subject of travel, is there not a government policy relating to commercial travel, charter travel, so that we can get the best value for the taxpayers' dollar in making out travel plans? Is there a policy at all in place?

MR. SPEAKER: Thank you. The honourable Member for Iqaluit.

HON. DENNIS PATTERSON: Mr. Speaker, I am going to have to take that question on notice, not because I am trying to evade it but because I am not sure whether the travel

procedures that we have in place are policy or guidelines or what. So I am going to take the question as notice. I think there are measures in place but I am not sure how to describe them and I suspect that they are not policies. Thank you.

MR. SPEAKER: Thank you. That question is taken as notice. Oral questions. Oral questions.

Item 6, written questions. Written questions.

Item 7, returns to written questions. Returns to written questions.

Item 8, replies to Opening Address. Replies to Opening Address.

Item 9, replies to Budget Address. Replies to Budget Address.

Item 10, petitions. Petitions.

Item 11, reports of standing and special committees. Reports of standing and special committees. Item 12, tabling of documents. Tabling of documents. The honourable Member for Aivilik.

ITEM 12: TABLING OF DOCUMENTS

MR. ERNERK: Thank you, Mr. Speaker. Mr. Speaker, I would like to table Tabled Document 4-90(1), two documents from the Keewatin Inuit Association annual general meeting, dated February 15, 1990, with regard to the proposed Kiggavik uranium mine.

MR. SPEAKER: Thank you. Tabling of documents. The honourable Member for Yellowknife Centre.

MR. LEWIS: Thank you, Mr. Speaker. Mr. Speaker, I would like to table Tabled Document 5-90(1), a schedule from one of the travel agencies that shows the government how they can save money on trips to Edmonton and to Ottawa.

MR. SPEAKER: Thank you. The honourable Member for High Arctic.

MR. PUDLUK: Mr. Speaker, I would like to table Tabled Document 6-90(1), four documents concerning the federal government's subsidy to Canada Post for the northern mail program. A letter from the speaker of the Baffin Regional Council, Mark Evaluarjuk; the motion passed in the Baffin Regional Council; the letter from Ken Harper about the food mail and other fourth class commercial mail. Thank you.

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

Item 13, notices of motion. Notices of motion.

Item 14, notices of motion for first reading of bills. Notices of motion for first reading of bills.

Item 15, motions. Motions.

Item 16, first reading of bills. First reading of bills.

Item 17, second reading of bills. Second reading of bills. Item 18, consideration in committee of the whole of bills and other matters: Committee Report 1-90(1), Report of the Standing Committee on Finance on the 1990-91 Main Estimates; Bill 9-90(1), Appropriation Act, 1990-91, with Mr. Zoe in the chair.

ITEM 18: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

Bill 9-90(1): Appropriation Act, 1990-91

Department Of Health

CHAIRMAN (Mr. Zoe): The committee will now come to order. We are dealing with the Department of Health, O and M. Madam Minister, would you be bringing in your witnesses? Does the committee agree that the witnesses for the Department of Health be brought into the ropes?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): We are on page 14.21, information item on regional health boards. There was a motion put forward by Mr. Gargan. The Speaker has ruled the motion in order, so the committee's first business would be to deal with the motion that was put forward. I will read the motion for the committee's benefit. It was moved by Mr. Gargan.

Motion To Delay Establishment Of Regional Health Board, Deh Cho Region, Restated

"I move that the government not proceed with the development of a regional health board in the Deh Cho region, the region as defined in the Regional and Tribal Councils Act, until the Deh Cho region is satisfied that the establishment of regional health boards are in the best interest of the Deh Cho region." The motion is in order. To the motion. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. Mr. Chairman, one of the reasons why I want to get the Members to support this motion is that this business of health care and health boards has evolved from as far back as when the Hon. Monique Begin was the Minister of Health and Welfare and, also, Jake Epp, who became the Minister of Health and Welfare. We came up with regional positions because of the difficulties that the regions were having with regard to the village hospital in Fort Simpson. Out of that came a position in which the region wanted to have a board of directors for the Fort Simpson hospital. It eventually expanded so that the region did want a regional health board, to be agreed upon with the Minister of Health and Welfare at that time, Jake Epp.

Also, one of the positions that the region has taken, and I will read from the regional health position which the Deh Cho region took: "The regional council is made up of the elected leadership of the region (i.e., Dene band chiefs and subchiefs, settlement council presidents, mayors, Metis local presidents) and thus is the body that must play a central role in controlling health care in the region. A proliferation of anonymous groups, boards and organizations governing activities occurring in Deh Cho will just confuse the situation and further stretch the human resources of the region." This was the position that was taken in 1986.

There have also been a number of studies which the region has been considering, and one of them is called, "Supportive Versus Oppressive Aspects of Community Development and Community Health Programs". This was a study done from the human care and human dignity subjective look at community-based health programs. Another one is "Community Support of Health Rebuilding, Total Health in Indian Communities" that was done by the First Nations. "Local Control of Health Among Indigenous People" is another study that was done by Peter Sarsfield, M.D., and "A Base Summary of Rights and Priorities of Indian Health Care", done

by the Assembly of First Nations. There was also health system developed by the Chippewa of Rama in Ontario, and the report that they did was called, "Ancient Ways Made New". Another report that was done by the National Indian Brotherhood back in 1979 was "Traditional Indian Health and Nutrition, Forgotten Keys to Survival in the 21st Century".

Mr. Speaker, those are the studies that the regional council has obtained and, based on those, the council has come up with a position, and the position is with regard to prevention rather than intervention. The government to date has ignored the regional councils as a body to be reckoned with with regard to health or the development of divisional health boards. So we run into a situation where this government has gone to communities to support the concept of divisional boards and in most cases they have received the support at the community level. But the government must not mislead the general public and say that the region is supporting such a health board; rather they have to make statements like, "The communities in the region support that concept."

There were negotiations going on as far back as 1984 with Monique Begin, first of all, and then Jake Epp, to come up with an agreement for the takeover of health services, facilities and personnel. This never materialized and eventually, since the transfer occurred, the region's position for the control of health care in the region has been ignored, and no longer is the region's position a consideration; but rather the government is going to the community and saying that taking over the administration of health services in an area is to their benefit. As long as the government does not take a position that the region cannot develop their own health programs in the area of prevention, whether it is traditional health or through the modern way, that also has to be considered. Just taking over does not make it that much more self-reliant; it is just a different way of making it seem that there is control there, when in fact there is not.

Support Of Regional And Tribal Councils For Health Boards Necessary

This is why, Mr. Chairman, I came up with this motion. Specifically, I have mentioned the regional and tribal councils as defined under the act mainly so that if this government wants to implement regional health boards, then they have to satisfy the regional and tribal councils. They have to get the support from that body because if you do not, all you have created is a fragmented program for which, although the region is in support of divisional health boards, I do not know how, in fact, they will get together with the limited resources at the regional level. So you establish a program which is not, I guess, collectively supported. Naturally you come up with a situation where, depending on the population, depending on the facilities and personnel in the community, the role of the regional councils will differ from community to community.

For example, Fort Simpson will have a village hospital, clinics and dentists; and this would differ from what Fort Providence would have, which is a nursing station. So all you actually are doing is just taking control of nursing stations and administering those; but when there are restrictions on the amount of dollars we spend, it would be very difficult for the government to give total control to a region to come up with new initiatives, mainly because the dollars are just not there. So you just transfer the dollars that will keep you serving health at a different level.

Mr. Chairman, that was the reason why I presented this motion, and I would like the Members of the committee to consider and support my motion. Thank you.

CHAIRMAN (Mr. Zoe): Mahsi cho. To the motion. Ms

Cournoyea.

HON. NELLIE COURNOYEA: Mr. Chairman, first of all, I do not have any problem with the motion at all. Some of the issues that the honourable Member has brought up are a difference in philosophy and these kinds of philosophical ideas can be presented through a regional health board. However, it is all a matter of, as the honourable Member says, how much money do we have to change around systems and what is acceptable at the community level and how the direction of health delivery should go. Not speaking against the motion, but just to put on record where we are today with the whole discussion of this particular area — the establishment of the health boards has now occurred in all regions, except for the Mackenzie, and the primary reason no board has been established in the Mackenzie stems from the Dene Nation health conference of February 22 to 25, 1988 in Fort Simpson. This is where the view was expressed that there were a considerable number of unknowns about the boards' roles and responsibilities and that much more consultation should occur at the local community level before a board should be considered.

In order to continue handling the day-to-day administration of the existing health and welfare services that were transferred, the Mackenzie Regional Health Services was established. At this time a public administrator was appointed to serve until such time as the matter of appointment of delegates to the board is decided. But at the present time there are funds committed in the Mackenzie budget for one board administration infrastructure concept, and no funds were received at the time of transfer for the establishment of more boards for the area.

Now, to meet the needs it was felt we should establish one regional health board with a formal subcommittee structure. This is just a proposal; it is not something that we have determined, but it is from the thoughts of people. Totally, we are looking at the overall board and the communities that should comprise this board. They are Fort Liard, Fort Providence, Fort Resolution, Fort Simpson, Jean Marie River, Lac la Martre, Nahanni Butte, Rae-Edzo, Rae Lakes, Snare Lake, Snowdrift, Trout Lake, Wrigley and Dettah.

Now to ensure that the area concerns can be dealt with, the board could have a formally established executive committee of three area committees which could be comprised of the following ones. These are just suggestions that have come out of discussions to date: In the Deh Cho communities we would have this one group of people which could be represented at one forum or another: Fort Liard, Fort Simpson, Jean Marie River, Nahanni Butte, Trout Lake, Wrigley and Fort Providence. In the North Slave area, communities that could be considered as a grouping together are: Lac la Martre, Rae-Edzo, Rae Lakes, Snare Lake and Dettah. Now when we are talking about what could be considered as the third area under this one administrator, they are Hay River, Fort Smith, Fort Resolution and Snowdrift.

The idea was that these area committees would meet to discuss area concerns and propose actions to the full board. One trustee from each area would be appointed to the executive committee of the board to ensure an equal voice at that level. I believe that the health board concept right at this time, unless some better idea comes out, does meet the need for administering health operations in the Mackenzie region. By establishing that one regional health board, with a formal subcommittee structure, this probably will provide what has been brought to our attention as respecting the distinct recognition of area concerns and groupings of people.

To meet my commitment which I gave at Fort Simpson at the health conference, for more time for discussions and

community meetings on the subject, Mackenzie Regional Health Services has contacted Bertha Blondin, former director of the Dene Nation, health and social service department, to work with the executive director to facilitate community consultation with a view to establishing a board. Up to this time meetings have been held with the Deh Cho Regional Council in Fort Providence and the Dogrib Tribal Council in Fort Rae and discussions from the meeting indicated general support for the approach being taken. To date meetings have been held with local authorities in Fort Rae, Fort Providence, Wrigley and Snowdrift and the proposals have been all well received. As an indication of this, names of individuals for the proposed board have been put forward by Fort Providence, Wrigley and Snowdrift to date. Meetings with the balance of the communities in the region are being scheduled.

It is my preference to have the consultation process continue and I am prepared to make a full report for the fall sitting of the Legislative Assembly.

As I have said previously to the motion, I do not have a problem with it because it was our full intention to deal with the Deh Cho Regional Council for their input as well. So Mr. Chairman, I see no sense in constructing a board for one distinct region without their concurrence. I have no problem with that as long as this motion does not mean that it will stop the other people from moving forward in their initiatives. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. Mr. Zoe.

MR. ZOE: Thank you, Mr. Speaker. I realize that the Minister is put in a bind. The reason I say that is because the previous government, when they were negotiating the devolution of health services to our government, they did not consider creating more boards than were in existence, for instance the Mackenzie region. I questioned the Minister in 1987 in regard to a separate health board for our region. The government approached Mr. Epp to see if we could get additional money to set up this new board. Unfortunately the feds were unwilling to give us more money.

So those are the reasons I think the Minister is trying to wrestle with the board for the Mackenzie region, trying to establish only one, because that is all the money we have available to us. The ideal situation just cannot come about because we are in a time of restraint. I realize that but for now I would go along with what the government is proposing, to create this new proposal they brought forward and get a board in place so that the communities can be heard. But maybe in the future things could be changed. But in terms of the motion, I am in support of the motion. Thank you.

CHAIRMAN (Mr. Pudluk): To the motion. Mr. Gargan.

Native Self-Determination Essential

MR. GARGAN: Mr. Chairman, I question the notion behind rushing to create all these new boards. Certainly the government's position is to establish a prime body concept in the regions and communities. I must warn the communities, at least in my region, that we do have a land claims process by which we might be able to achieve control through a different avenue. We also have a question about what kind of control you have on aboriginal lands, lands that are being selected by native people, lands that they will control and what kind of control they have in those areas. So that is another area I have some concerns.

In the Yukon they have negotiated through their land claims process, Indian self-government, and through that process they have been able to gain control over programs. So we

have those examples. In Kenora, for example, Mr. Speaker, the native people in that area have been able to develop a program in which Indian medicine is used in the hospitals. Then you also have the Grassy Narrows Reserve, I think it is in Ontario, I am not too sure where. There too, they have taken over absolutely all control of health. They are administering everything and they get their budgets and they also have people; they use elders as physicians and psychiatrists and that sort of thing. There are a lot of good avenues that are created that are positive to the native self-reliance or self-determination.

Those are the areas that I wish the government would focus on and eventually realize that the native people do have something to offer; perhaps more than the white doctors or the white medicine people have. If we are to control our health then we have to also look beyond what is known for the medical profession. We have to look beyond that. Mr. Chairman, an ounce of prevention is worth a pound of cure. I believe in that and I think that is the direction that the Deh Cho region would like to go, rather than this business of having more on intervention than on prevention. So I request the Members to support me. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion.

AN HON. MEMBER: Question.

Motion To Delay Establishment Of Regional Health Board, Deh Cho Region, Carried

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour, please raise your hands. Opposed? The motion is carried.

---Carried

Is there anything further on page 14.21, regional health boards? Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Mr. Chairman, there was a debate at the very end of last night and this morning I have talked with Members and I have talked with the chairman of the ordinary Members committee. Members have expressed the concern that they would like a little bit more time to look at the Department of Health O and M budget. The government will be quite accommodating, I think, and if it is the wish of this committee not to finalize the O and M budget now and come back to it at a later point, we will support that. That will not be a problem.

CHAIRMAN (Mr. Pudluk): What does the committee wish now? Is this department deferred? Madam Minister.

HON. NELLIE COURNOYEA: Mr. Chairman, I believe that the suggestion is that we conclude the remarks on O and M and capital and then if you wish for us to come back at the end of the session, or close to the end, that is fine with us but we should conclude the comments. My understanding is that we conclude all the discussion on the other page on Health and then go to capital and conclude that. If you want us to come back at the end of the session before you approve the final, then we will. I think the suggestion is to go through the whole process here.

CHAIRMAN (Mr. Pudluk): Thank you. The committee will agree with that.

Detail Of Work Performed On Behalf Of Third Parties, Agreed

Page 14.22, detail of work performed on behalf of third parties. Does anybody have any questions? The amount of

\$192,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Department Of Health, O And M, Deferred

CHAIRMAN (Mr. Pudluk): Now the O and M will be deferred.

Detail Of Capital

Now we will go to capital. Page 14.12. Mr. Gargan.

MR. GARGAN: Mr. Chairman, just with regard to a clarification I was just hoping we could go back to O and M.

CHAIRMAN (Mr. Pudluk): We will come back to it before the end of the session.

Territorial Hospital Insurance Services

Buildings And Works, Headquarters, Total Capital

Page 14.12, capital, Territorial Hospital Insurance Services, buildings and works, headquarters, \$2,372,000. Mr. Zoe.

MR. ZOE: Mr. Chairman, if I could ask the Minister, there are a lot of various minor renovations, various health facilities. Could the Minister indicate where these various facilities are going to be upgraded?

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

HON. NELLIE COURNOYEA: On various minor renovations, hospitals, for \$635,000. These are funds planned for minor renovations to hospital and health facilities. Mr. Chairman, there are minor renovations and I do not have a list on that one because they are spread out in various areas. I probably could provide some explanations here. For example, proposed projects could include the expansion of a parking lot at the Fort Smith Health Centre; additional renovations to patient areas at the Inuvik General Hospital; functional renovations to health centres in Baffin, Keewatin and Kitikmeot. So there are odds and ends of renovations, but these are the three major ones.

The section on facilities, various; on the deficiencies upgrade for one million dollars: the projects scheduled are stabilization of the Sanikiluaq Health Centre; the complete fire safety upgrade of the Repulse Bay Health Centre and Baker Lake residence; a completion to the Cambridge Bay Health Centre roof retrofit; to complete the Inuvik General Hospital roof retrofit; the fire safety system upgrade for the Fort Smith Health Centre; and the code upgrades in the various Inuvik regional health facilities.

In the matter of upgrade staff residence, Yellowknife, for \$537,000, that is to complete the design and renovation of the residence. The work is scheduled for completion by early October, 1990 and upon completion of the work, the residence will have a separate heating and utility system from the old hospital and the building will be rated as meeting the current fire safety code. There will be accommodation for 22 Stanton Yellowknife Hospital staff in that building.

In the \$100,000 to retrofit external access -- residences, that should not have Yellowknife there. The reason Yellowknife is there is from general funding. But what that is for is the initial identification and predesign for the retrofitting of direct external accesses to accommodation units which are an integral part of health centres. The program was initiated to enable

accommodation built as part of the health centre to be used by other than health centre staff. This is to address the fact that in some of our health centres and various areas in the NWT, because we sometimes have married staff and such, that we could be pooling our resources with other government buildings to accommodate the type of family make-up that we have working in the residences.

In the \$100,000 for dental spaces; it is planned to renovate existing schools in the Kitikmeot Region to provide designated in-school dental space. The Kitikmeot Health Board has identified a school in Coppermine and at Holman Island for the renovation.

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

MR. ZOE: Thank you, Mr. Speaker. During our budget review there was another item under headquarters, capital, I think it referred to hospital equipment. I do not see it in the new book. One of the suggestions made by our finance committee was that the department look into purchasing a CAT scanner for the use of Northerners. I figure that hospital equipment would be in here. It was in the preliminary book. Is it in the capital somewhere else?

CHAIRMAN (Mr. Pudluk): Madam Minister.

HON. NELLIE COURNOYEA: Mr. Speaker, it is on the bottom of page 14.13, headquarters, hospital equipment, various, and we can give you a list of the items we have. The amount is \$1,050,000.

CHAIRMAN (Mr. Pudluk): The committee will recess for 15 minutes for coffee.

---SHORT RECESS

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

Buildings And Works, Headquarters, Total Capital, Agreed

We are on the details of capital for the Department of Health, Territorial Hospital Insurance Services, building and works, headquarters. Total headquarters, \$2,372,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Buildings And Works, Fort Smith, Total Capital, Agreed

CHAIRMAN (Mr. Gargan): Fort Smith. Total Fort Smith, \$997,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Buildings And Works, Inuvik, Total Capital Agreed

CHAIRMAN (Mr. Gargan): Inuvik. Total Inuvik, \$1,930,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Buildings And Works, Baffin, Total Capital, Agreed

CHAIRMAN (Mr. Gargan): Baffin. Total Baffin, \$1,327,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Buildings And Works, Keewatin, Total Capital

CHAIRMAN (Mr. Gargan): Keewatin. Total Keewatin, \$3,631,000. Agreed? Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairperson. I really like the figures in this capital budget of \$3,631,000. I would like to move a motion and speak to it briefly.

Motion To Undertake Feasibility Study Re Establishment Of Health Centre In Keewatin, Carried

I move that this committee request the Government of the NWT, Department of Health, to undertake a feasibility study regarding a regional health centre in the Keewatin Region, and report on its actions during the winter session of 1991.

CHAIRMAN (Mr. Gargan): Thank you. Your motion is in order. To the motion.

MR. ERNERK: Thank you, Mr. Speaker. Ludy Pudluk fully agrees with the motion and I have been thinking about this for many years now. Going back in history there was a decision by way of a recommendation between 1975 and 1979 by the Department of Health. There were also some studies undertaken by the Department of Health with regard to all areas of health matters including manpower and equipment facilities across the NWT. In that report there was a recommendation to the Government of the NWT, I believe when Dave Nickerson was the Minister of Health, that there should be some kind of a hospital in the Keewatin Region. I do not want to speak of the needs and all these other good things that come with the hospital. What I am merely asking the government to do is a feasibility study with regard to a regional health centre in the Keewatin Region. They can provide this House with information by the time we meet in 1991. Thank you.

CHAIRMAN (Mr. Gargan): Thank you. To the motion. Are there any comments? Question is being called. There is no quorum. Ring the bells please. I will read the motion again for those who were not in the House: I move that this committee request the Government of the NWT, Department of Health to undertake a feasibility study regarding a regional health centre in the Keewatin Region and report on its actions during the winter session of 1991. Question is being called. All those in favour? Opposed if any? This motion is carried.

---Carried

Buildings And Works, Keewatin, Total Capital, Agreed

We are on page 14.13. Keewatin. Total Keewatin, \$3,631,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Buildings And Works, Kitikmeot, Total Capital, Agreed

CHAIRMAN (Mr. Gargan): Kitikmeot. Total Kitikmeot, \$530,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Buildings And Works, Total Capital, Agreed

CHAIRMAN (Mr. Gargan): Total buildings and works, \$10,787,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Equipment Acquisition, Headquarters, Total Capital, Agreed

CHAIRMAN (Mr. Gargan): Equipment acquisition, headquarters. Total equipment acquisition, \$1,050,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Territorial Hospital Insurance Services, Total Capital, Agreed

CHAIRMAN (Mr. Gargan): Total Territorial Hospital Insurance Services, \$11,837,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total Capital, Agreed

CHAIRMAN (Mr. Gargan): Page 14.10. Total capital expenditure, \$11,837,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): This concludes the capital. The O and M is deferred. I would like to thank Madam Minister and the witness, Ms Elaine Berthelet. Mr. Ballantyne, what is your wish?

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. We would like to proceed with the Department of Justice now, if we can.

CHAIRMAN (Mr. Gargan): The Government House Leader is requesting that we proceed with the Department of Justice. Are we agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Department Of Justice

CHAIRMAN (Mr. Gargan): Thank you. For the Members' benefit, the Department of Justice starts on page 7.03. Mr. Ballantyne, Minister of Justice, you could proceed with your opening statement.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Mr. Chairman, today I am presenting for the fifth time for myself, personally, the budget of the Department of Justice for the consideration of the Assembly. A major concern in preparing the budget has been to make efficient use of funding at a time of fiscal restraint while still seeking innovative ways of providing the citizens of the Northwest Territories with a justice system that is sensitive to cultural traditions. The following points are ones that I

believe will be of particular interest to you in reviewing the Department of Justice budget.

Family Law Review

The initial phase of the family law review project is to be completed soon, and in the coming year the focus will shift to the development of legislation based on the recommendations of the working group. The aim is to give the Northwest Territories a system of family law as modern as that found anywhere in Canada while respecting and incorporating the traditional values and customs of the aboriginal people. I do not want to raise expectations as this is a very difficult task and will take a long time to be completed properly. I am hopeful, however, that appropriate legislation can be drafted to meet the needs and concerns of all relevant groups in the NWT. The approach has been to achieve this by involving aboriginal representatives in the process. There will be an opportunity for the public to comment before a bill is introduced in the Legislative Assembly.

Justices Of The Peace

We have included in this budget an increase in funding for the justices of the peace program, based upon our commitment to implement the recommendations of the justices of the peace task force. A justice of the peace administrator will be appointed to serve as a resource to justices of the peace in the communities, and to co-ordinate an expanded training program for them.

We are also, Mr. Chairman, considering appointing panels to include elders to sit as justices of the peace in their communities. Alternatively, elders might sit on a panel with a judge of the territorial court. This would recognize the traditional role of elders in the aboriginal culture. It would be started on a pilot project basis in a couple of communities in order to assess the community acceptance of the approach.

Victims' Assistance

The request for a \$50,000 increase for victims' assistance reflects the need to match a contribution from the federal government in order to establish a victims' assistance program in the NWT. It has always been a special concern of mine that government pay attention to the victims of crime instead of being perceived as focussing solely upon offenders.

AN HON. MEMBER: Hear, hear!

HON. MICHAEL BALLANTYNE: The program will provide funding to groups which wish to establish programs for victims at the community level. The victims' assistance committee has targeted training for professionals and community representatives who work with victims of crime, with an emphasis on child sexual abuse, as the primary area for funding for the first half of the fiscal year. It is worth noting that most of the funding for this program can be provided out of the system of surcharges on offenders that is now in place. We are pleased to have Lawrence Norbert, a Dene originally from Arctic Red River, with strong experience in the justice system, working full-time as the victims co-ordinator.

Criminal Injuries Compensation

The increase in funding for criminal injuries compensation is necessitated by the changes to the governing statute that were approved last session. These are the first increases in the maximum awards since the legislation was enacted in 1974. The maximum lump sum payment available increases from \$15,000 to \$25,000, and the maximum periodic payment increases to \$600 per month from the former variable

calculation which worked out to less than \$500 per month.

Police Services Agreement

The emphasis in policing continues to be in the area of encouraging native people to become involved. This past summer the Departments of Education and Justice jointly funded a native summer student program which was administered by the RCMP. Sixteen native students participated in the program in various communities. We plan to continue this program in the upcoming fiscal year.

Presently there are approximately 25 native constable positions in the force. We are working with the RCMP to have native constables promoted to regular members. Last year, two were promoted and presently two more are in Regina taking the required training.

The increase under the police services agreement is required due to the increase in the GNWT share of RCMP costs mandated under the present agreement. The current agreement comes to an end at the conclusion of the 1990-91 fiscal year, and a new agreement is just in the beginning stages of negotiation. We are determined that the terms of any new agreement will be adequate to provide properly for the police services of the NWT given the unique needs of this jurisdiction.

No amount for inflation has been added to the base of the RCMP budget. Although it has been strongly emphasized to the RCMP that they should attempt to keep within the amount budgeted, I will likely need to come back to this Assembly in the new year to seek support for supplementary funding. This method has been used in the past and in my opinion has worked well to keep down costs as much as possible.

Legal Aid

Additional funding is required to support the full service clinic being established in the Keewatin. This clinic operates under the direction of a local board. The Legal Services Board is presently working with the people of Kitikmeot toward enhancing legal aid services in that region. Presently courtworker services are provided by the Mackenzie courtworker services. In the budget we have requested additional resources through Mackenzie Courtworkers for the region. However, in the new year, services for the Kitikmeot will likely be administered independently. My understanding is that a representative of the Legal Services Board is at this time meeting with the Kitikmeot Regional Council in order to work out a game plan.

Maintenance Enforcement

An increase in funding is being requested to meet the operational requirements of the maintenance enforcement system. The maintenance enforcement officer works to ensure that persons who owe money under the terms of maintenance orders in family law matters make their payments. The program is of great benefit to the spouses and children who depend on these support payments.

Territorial Court

One new person year and \$75,000 are requested for staffing the new Inuvik court registry. Three positions, including a judge and supporting funding, have also been transferred to Inuvik from Yellowknife. So the interim arrangement we had with Judge Slaven acting as a part-time resident judge has been formalized and there will be a judge living and working out of Inuvik from this time forward. This is part of our efforts to regionalize the courts so that where case loads warrant the

people of a region can have more direct access to the courts and the judge can become more familiar with the people of that particular region. Members may be aware that two new judges have been recently appointed to the bench in territorial court; Judge Bruser in Inuvik and Judge Browne in Iqaluit.

My department is working as much as possible with court staff to keep costs down. However, due to increased numbers of circuits and significant increases in transportation costs there is a great deal of pressure on the court services budget. This is, I think, in response to concerns expressed in this Assembly as to the long time between court parties coming into communities and, in fact, I think they have increased their efficiency very much but there is a cost for that. That cost is reflected year by year in our budget.

Again, as I did with the RCMP, I have not tried to anticipate the court costs because it is difficult to anticipate at the beginning of the year. I have had my officials express to court officials the new fiscal regime that we are entering into and although the courts are independent I am sure they will have respect for some of the real financial problems that we, as a government, face, and will co-operate as much as possible to be as efficient as possible.

The successful completion of the process with the revision of legislation -- as you know there was a very comprehensive project and we had all our acts revised over the last two and a half years and we are quite pleased with the result of it. I am sure it will mean that for lawyers, people working in the field, the tool will be much more relevant and accessible. The laws, as I said, have been revised and they will also be translated into French. It has been a long but, I think, successful undertaking by our government.

With that, Mr. Speaker, I invite Members of this committee to examine the details of our 1990-91 budget. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. I would like to go to Mr. Lewis who is the acting chairman of finance. Mr. Lewis.

Comments From Standing Committee On Finance

MR. LEWIS: Thank you, Mr. Chairman. In the standing committee on finance's review of this department we just had two recommendations. Small claims court, recommendation 11; the upper limit for small claims court should be increased to reflect inflation. Family law review; the committee supports the family law review but sees difficulties in the incorporation of traditional laws into modern law. Serving hard time; there are many projects that would benefit the residents of the NWT which could be labour-intensive, such as forestry work and road construction in remote areas.

Recommendation 12 is that the committee recommends that the Department of Justice explore the legal implications of offering reduced sentences to inmates in exchange for a period of hard labour, such as road building or forestry work, which would be of benefit to the general population. That is all we have in the standing committee on finance report, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Lewis. Does the Minister wish to bring in his witnesses?

HON. MICHAEL BALLANTYNE: Yes, if I could, please, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Would the Sergeant-at-Arms escort in the witnesses, please? I would like to welcome the witnesses into the committee. For the record, Mr. Ballantyne,

would you please introduce your witnesses?

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I have with me my deputy minister of Justice, Mr. Geoffrey Bickert and the director of finance and administration, Louise Dundas Matthews.

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

MR. LEWIS: Mr. Chairman, the whole issue of justice has been in the news a tremendous amount over the past year. I believe, Mr. Chairman, that you have made some statements about this as it relates to aboriginal justice and some speculation as to how well the justice system is doing its work in Canada.

My own feeling, Mr. Chairman, although I am not an expert in this area, is that the law and the respect for the law is basic for every civilization. You cannot just change it on the whim of an individual and whatever you want to do is whatever you feel like doing in any one day. So I think that the idea for respect for the law is something that we all recognize, but what seems to be happening today is people are questioning whether laws are the kinds of laws that we should have.

As I listen to people talking about this subject, about the justice system and so on, it seems to me that they are not talking about how good the law is, the common law or whether their system is good or bad, but how well we use it; whether it is working or not and how we implement it. Are we, in fact, implementing this rule of law as well as we could? It seems to me that is where everything falls down. It is how well we manage this justice system. It is within our control, I suppose, as people, to make sure that the respect for law continues and that we are a little bit more sensitive, you know, to how well we handle such a very important instrument for the conduct of any society.

So that is a major concern that I have, Mr. Chairman. People confuse the idea of respect for law with the administration of it and how we handle it because if we do not do that, if we do not recognize how important it is that we do have a lawful society, with laws that everybody understands, then we are going to have problems.

Incorporation Of Tradition Into Law

I will just briefly show some examples of how, perhaps, people like myself who come from another culture, another language, different experience, make all kinds of assumptions about what is right and what is wrong; what is lawful and what is not lawful.

When I first went to Baffin, as many people know, I was a school teacher. We used to take kids out -- especially before the snow began to fly -- you take a bunch of meat and start a fire or something and I said, "Well, this is a lot of fun." I was newly married and I had no kids and one weekend I said, "That was a lot of fun. I took the kids out the other day and we had some meat and so on and it was great. Why do we not go over the hill there and just do the same thing." So I did that and thought that I was doing nothing wrong. This was a wonderful thing and it was a great time until the following day somebody knocked on my door and said, "You had a big fire over on the beach the other day and you made yourself a very nice fire but those pieces of wood that you used to light your fire, I use those for my tent every time I go out in the summertime." It did not look to me that it was anything more than just a piece of wood. Many times you see things lying around and if you are a white man you think that is just a pile of junk and why can you not just use this or that. So we have different ideas about property, for example.

Very often, in a community, people own something and it does not look as if it belongs to anybody because it does not seem to be protected or locked away. So I began to realize

that people have a different idea of what property is. Something may be lying against a rock, a long, long way away from some place but that still belongs to the person that left it there. It was not just something that someone had thrown away or discarded and it was respected as a piece of property that belonged to somebody.

I wonder very often in our understanding of the law, when we examine the things that people do in small communities, whether we recognize that maybe there are some different laws, that people have a different idea of what the law is. I just used that as an example -- because we did bring it up in doing our review -- of the difficulties sometimes of incorporating into law, as we know it, some traditional ideas of what people mean by the law. I just wanted to make those couple of comments, Mr. Chairman.

Work As An Option To Imprisonment

One final thing is this. Once we have found somebody who has broken the law and we decide to lock him up and put him away, it is a tremendous expense for the taxpayer. We are locking people up -- I do not know the exact cost, it seems to vary from province to province. Look at the cost of putting an able-bodied young man into a place where all he is going to do is just wait; in most cases I do not see any rehabilitation taking place. All you are doing is protecting society from a person who may do more damage. The cost to the taxpayer is such that I have been wondering, over the last several years, why we do not develop this option somehow. Probably we have so many other conflicting human rights issues now that it may be difficult to do it. But it strikes me that any young man who is locked away for six years, if you could say to him, "Look, instead of going away for six years and being locked away there and becoming an unhappy person, why do you not take this option? We are offering it to you as an option and instead of going in for six years we will let you go out into the forest somewhere, where there has been a burn and we have trees that are growing so closely together they are never going to live unless we begin thinning them out." We could have gangs of people making sure that forests are going to grow because you have got people just thinning them out so they have room to grow.

We hear a lot about road construction, that we would like to have more roads. Why do we not do the same thing with that? We can just simply say, "Look, if you want to take this as an option, a hard labour option, instead of being there for six years you could be there for three years but during that time you could be building roads and doing something useful such as putting rocks down and building these roads that are going to cost us millions and millions and millions."

So those are just some ideas. Maybe they are not too practical but they are at least something to think about. Instead of having people locked up and doing nothing, not doing much to help themselves, maybe we could give them work that will instil some sense of pride. When they come out of the slammer they could say, "One of the great things I did for those three years, I helped to build that road from point A to point B. I was on that famous road gang", or whatever the project was. At least they did not just sit there doing absolutely nothing to rehabilitate themselves. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. MICHAEL BALLANTYNE: I think they were more in the way of comments than questions. I have listened to them and

taken note of them.

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

MR. NINGARK: Thank you, Mr. Chairperson. I would like to respond positively to the report presented by the honourable Minister of Justice. At least there is some attention being paid to the victims of crime. To me the victims of crime have been neglected long enough in this country and it is about time that some respect should be made to those people who have to face the consequences; not only at the time when the crime is committed but even afterwards. I thank the honourable Member for giving a very intelligent thought to this issue. Thank you.

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

MR. WHITFORD: Thank you, Mr. Chairman. The comments that I was going to make will be quite brief. I was looking through the transcripts of the committee prior to Christmas when we looked at each department individually. I think I had to leave before the session was over, before we finished with Justice, so I was not able to put in some comments but Mr. Lewis has mentioned, already, an area that I have been interested in for a while and that was having people who are incarcerated given an option. Rather than see people while away time idly, that something constructive be done. That used to be the case in the old days, as the saying goes, and there is no reason why something like that cannot be reactivated.

As well, I have often had some concerns about the options program. I realize that it is not the Department of Justice's bailiwick, I think it has to do with Social Services, but the actual application of this comes under the Minister's jurisdiction; that is the judges and the justices of the peace that exercise that particular option as part of the sentencing formula. I have always questioned this fine options thing because in some cases I do not think it is workable in some of the communities and I am going to be asking the Minister, as we go through the details of the budget to see if, in fact, it is working.

Importance Of Maintenance Enforcement Program

I asked questions before and I have not had a chance to review the budget in total to see whether or not corrections have been made. The Minister, in his opening remarks, did clarify one of the issues that I was going to raise and that was of the maintenance enforcement program. I have had a couple of inquiries about it and concerns were expressed that it has been in a state of flux for a long time. There has not been anybody permanent in the position and I am glad to hear that there is going to be a permanent position there and a bit of resources. Right now it appears to be a program on the books but there is not enough manpower to do that job adequately. I realize the department is in the same financial bind and the same financial crunch as the other departments and are required to trim here and trim there. We need bodies to handle programs such as that, the maintenance programs. I think these are very important and they are certainly very important to the people who are the recipients of moneys that they are entitled to as a result of a court order.

In my years as a social worker I had the unpleasant experience of having to assist people whose spouse, for one reason or another, refused to pay maintenance for children and they were left almost destitute, looking to another department for help when the law should have stepped in and done something. Even if the law did step in to do something there was no follow-up on it. The judge's decision only goes

as far as the arm of enforcement, and I think this is an area that needs to be looked at to make sure that the section is being adequately staffed, not only with officers to review the cases and interview people, but also with the clerical staff that will be needed to do the paperwork that is required. I do not think it has to be a very large section, but certainly more than the half a person year that currently exists, or a person year but only on a part-time basis. There is certainly not a very big budget for it. I am glad to see that that is in there.

The other area, of course, that I asked about before is the public trustee's office. It does appear at least to take an awful long time before matters are settled, realizing of course that there is a lot of ground to cover or uncover, a lot of phone calls to make, a lot of people to interview to make sure that all the facts are arrived at before estates are settled. If the Minister places himself in the position of the people that are left behind to deal with these matters, he might appreciate a little bit more how traumatic some of these things can be. I realize that there are provisions that can be made on an interim basis, but nonetheless it is still worrisome and troublesome to people because of the long delays. I fully appreciate the fact, I guess, that other provinces face the same problem that we do, although on a much larger scale perhaps, but it is an area that I hope will be given serious consideration to make sure that there is sufficient staff to be able to bring these matters of estates to a speedy conclusion.

Careful Review Of Circuit Court Required

We are more aware now of the request by the Minister of Finance to tighten the government's belt, to curb unnecessary expenditures. It has been mentioned in the House during the last couple of days dealing with travel, and I think that is one of the largest chunks of money that is being spent by any department. Certainly in the Department of Justice it comes in the area of circuit courts. I know with the new judges that are placed now, that might cut that down quite a lot, and I certainly hope that, as we review this, this will be reflected. There has been some criticism, and although I do not fully support the people that criticize the Department of Justice for travelling, there seems to be no other way than to place judges in all of the communities so that the courts do not have to travel, which is an unrealistic expectation. Maybe a review should be made to see if in some cases that justice may not necessarily be handicapped by certain delays, rather than send courts into communities as frequently as is done in some cases. I do not want to criticize too much the circuit court because I realize that justice must be done expeditiously, because if you did not do it, next year I would be complaining about how long it takes; but there is an area there that must be reviewed very carefully to see how moneys can be cut from the budget, in particular this area of travel. I will be looking at that very closely, Mr. Chairman. I think that is all I want to say for the time being.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. Mr. Arlooktoo.

Police Force Problems In Baffin South

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I would like to raise this issue that has been brought up a number of times in the past with regard to the policemen in the regions. It seems that they are all non-aboriginal people. Looking at Cape Dorset as an example, the policemen in my community are all non-Inuit. We have been asking for an Inuit policeman for quite some time now. I am aware there is a student in training at present. I know there is tremendous work involved in learning such a profession. It would be better if we could communicate with the policeman in the community. That is a barrier in some cases, especially when the local policemen have to deal with the elders who are

unilingual.

Another concern I have is with regard to local people who receive warrants which are not translated. They also receive letters regarding jury duty which are not translated. These are the problems we encounter in the communities when we do not understand the literature coming from the Department of Justice. I wanted to express the concerns I have. We are not the only ones with these kinds of problems; perhaps the other regions have similar problems.

Another issue I would like to bring up is with regard to guards in the communities who have to guard individuals who are in the jail cells. In the communities the guards do not seem to get paid for a long time and it becomes a problem as well. We wondered if you could speed up the process for payment of the guards in the communities. Perhaps you could make some arrangements with the appropriate hamlet and perhaps the guards can be paid by the hamlet rather than directly from the Department of Justice. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. In response to the three concerns expressed by Mr. Arlooktoo. The first concern, about the fact that there are no Inuktitut speaking constables in Cape Dorset, is a problem not only in Cape Dorset. I think Mr. Arlooktoo is correct, that is a problem in other regions as well. Even though in the past few years I think we have had more success attracting people into our special constable program, it is still very difficult to attract people into the program. I would ask Mr. Arlooktoo as a leader in his community if he and the hamlet council could help us get recruits in the community who might be interested in taking the training. We have a much better arrangement now with the RCMP in Ottawa as to the flexibility that we have in training. If a person wants to become a special constable, now they can actually do some pre-training in their home community, in the detachment, before they go down to Regina; they do not go directly, with no experience, from the small community to police school in Regina.

The student program that we have is something that has been very useful in attracting young people. We are working on that problem. We know there is a problem but we really do need some community support to get people, young people especially, interested in the RCMP or a police career; and if we can find people who are interested, we will do our best to help them.

The second problem is that there is no one there at all and some things are not being translated. I will look into that because there definitely should be somebody available to interpret and make sure that documents are translated and what have you. So I will look at that for Mr. Arlooktoo and I will get back to him on that and I will see if we can do something about that particular problem.

The third one about guards, I think that is an issue that we have heard before. We have brought it to the attention of the RCMP. I thought it had been resolved but I will definitely look at that again, the time that it takes for guards to be paid, and I will see if we can speed that up. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. Mr. Kilabuk.

Problems With Judges In Baffin Central

MR. KILABUK: (Translation) Thank you, Mr. Chairman. I want to bring up what my constituency has told me which was a concern to the people that I represent. I know that we cannot do anything about the judges but I am sure that they

can do something about what they have heard verbally, or they can listen. We cannot do anything about their judgments and I realize that. But in some of my communities it was brought up that when the judges come to a community, why do they rush? This has been going on for a long, long time. This was also brought up to me again. Why do they delay the cases when the judges are in the community? The charges have been delayed so many times. I try to tell them about the differences of the cases. A lot of times they delay the court.

The second main concern was about the new judges that come to the communities from the southern places. Sometimes they do not know too much about the Inuit culture and way of life, so they could make a mistake. Perhaps the new judges could come to the communities with experienced judges that know the community and the way of life of the people. This was brought up to me because they said some of the judges do not know about the culture and the way of life of the Inuit.

My last question is according to what I was told. There is a new judge and even before he was sworn in he made a judgment, perhaps in Iqaluit, and before he was sworn in he was already in his seat. I am just wondering if this is true. I would like to get an answer to this question. We usually cannot do anything unless we are sworn in for an appointment. Is this what happened? I think it should follow the NWT Act. That is the question that I am asking, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Perhaps I could answer the last question first. He is referring to Judge Browne. She did, in fact, follow the procedures of the Territorial Court Act. She started as a deputy judge, because before she could be sworn in as a permanent judge she had to have taken up residence. As you probably are aware, we tried on at least three occasions to have the swearing in but because of the fact that people were not able to attend the swearing in it was delayed a couple of times. She had all of her authority as a deputy judge and it was just that she became a permanent judge after that swearing in. Deputy judges have full authority. To answer the first part of your question, I think things have improved since we have had a resident judge living in Iqaluit. A judge who lives in the region comes to learn of the customs of the people. I think during the last three years with Judge Troy, and I am sure you will find with Judge Browne, they understand the culture and the people much more because they are resident in Baffin. The practice now, more and more, is for judges not to use charters but to use scheduled flights and by doing that they are spending more and more time in communities. I know at Judge Browne's swearing-in ceremony she indicated to the people that she is very interested in trying to learn Inuktitut. She is not totally without experience in the North. In the mid 1970s, she articulated as a lawyer in Yellowknife and was on circuit as a lawyer for a couple of years. But she is very well-experienced and very well-regarded by everyone who has ever worked with her, from what I understand. After a short time in Baffin I have heard good reports. I think that if we give Judge Browne a chance I think all of us will be quite satisfied with her performance as a judge and I think that you will see that she wants very much to understand the culture and the language and the people. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. Mr. Kilabuk.

MR. KILABUK: (Translation) Thank you, Mr. Chairman. I am not trying to get this information for myself. I just want to state it here in the House because it was a concern of the

community. I have a knowledge of how it goes.

Also I am happy for the woman judge in the Baffin Region. I thought the correctional centres were part of Department of Social Services or Department of Justice because Social Services is usually involved with the Department of Justice. Is this the only way it is set up? I remember we were talking about this in the finance committee. Perhaps this is the best way to set it up. I just wanted to know why they are connected together. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: They are actually not connected. The Department of Social Services is separate from the Department of Justice and the correctional part is in the Department of Social Services. It is not in the Department of Justice. It is quite separate from the Department of Justice.

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

Navajo Reserve Justice System

MR. GARGAN: Mr. Chairman, during the last few days I have made some statements regarding the justice system and how a lot of cases regarding native people have been treated. The report by the Canadian Bar Association does recognize that there are sensitive areas which the justice system is not sensitive to.

The other thing is that in November I had an opportunity to travel to the Navajo Reserve with the Minister. The Navajo people have established their own system of justice. They have what is called the Navajo Tribal Council which is similar to maybe the NWT Legislative Assembly. They also have an executive branch of that which is maybe the ministers. They also have the judicial branch which is independent from the tribal and executive branch or equal to that. So they are not influenced by politicians with regard to their rulings and are not influenced by the ministers. For this reason this system is arranged that way.

They also make appointments of judges. In order to be eligible to become a judge you have to be a native person of the Navajo tribe. You also have to be over 30 years of age and you can only be removed or forced to retire after you are 70 years of age. They also have their own Navajo criminal code, or something to that effect, which governs the jurisdiction of the Navajo Reserve. They have their own police force which enforces the criminal codes of the Navajo Nation. Also they have jurisdiction only with their respective members. In other words a person that is a native person but not a member of the Navajo tribe, cannot be tried by them. Also they cannot try white people even if they commit crimes within the reserve.

So that is one of the difficulties that they deal with. Not only do they have jurisdiction over their own members, but they have a difficulty in which there is perhaps a second level, which is the state level of justice, and then you also have the federal level. But crimes committed on the reserve that are not handled at the state level could be handled at the federal level. So while there may be some jurisdictional difficulties, a crime committed is dealt with in the end. They also deal with crimes, all violations of the laws and code of the Navajo tribe by Indians. They also have cases for civil action in which the defendant is an Indian and is found within the territorial jurisdiction: domestic relations, descendants' estates, and miscellaneous.

In the cases of divorce or separation where the husband or wife dies, traditionally what the practice used to be is, say if the wife is alive and the husband dies, if there is a dispute

over his estate, for example, the mother of the husband wants some of the son's belongings, then through traditional practices the wife would receive everything within the household, the house and everything that is in it. In this case this judge was dealing with a tractor in which the mother of the husband that died wanted the tractor to continue harvesting and that sort of thing. Recognizing that, the judge, on custom law, awarded this tractor to the mother. Also within the jurisdiction they also have a tribunal that deals with domestic disputes. If two parties are disputing they try to resolve it through the tribunal courts, which is settling it out of court rather than taking a chance even within their own courts. So these are some of the examples that I have observed and have been told when we visited the Navajo Reserve in the United States.

Native Control Over Justice System In The NWT

Mr. Chairman, in the NWT we do have a unique situation in which the Minister of Justice could take a leading role, and that is to use some of those examples to create a system up here that perhaps might be just as good or better than the one they have on the Navajo Reserve. The Minister is also aware that eventually there will be land claims and that at the outcome of a final settlement aboriginal groups up here will own or have absolute control over certain areas. Unfortunately, although that is occurring, we still might be forced to deal with justice from the outside; in other words, we will still have to have travelling court circuits. This is an area where I would like to request the government actually consider -- because of the background that I have obtained and also some of the knowledge I am aware of within our own traditional laws -- Fort Providence as one of the designated areas to try out having elders act as judges.

I would also request the Minister to go beyond what the government's vision is of how we might be able to deliver justice to the aboriginal people in the North, and to see whether we might, through the Department of Justice, be able to train people at the local level as judges and train people to become lawyers for misdemeanour types of crime and actually act on behalf of their people at the local level. I do not know what the Minister's feelings are on that, but this is something that has to be addressed now before the eventual land claims settlement, and be able to tell the Dene and the Inuit that the government is willing to give them jurisdiction over laws of this type and that they have responsibility over those laws and they pass...

CHAIRMAN (Mr. Pudluk): Mr. Gargan, your time is up. Does the committee agree that he continue. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Proceed, Mr. Gargan.

MR. GARGAN: Thank you. Perhaps this is something that the government has been thinking about and would like to take, at least in Canada, the first step in achieving some kind of recognition that, yes, the native people do have a tradition which might be at odds with our jurisdiction and perhaps it is time we gave them some control to settle some laws within their own traditional ways. I would like to get the Minister's opinion, answers and direction with regard to my comments and whether or not that is a reasonable request.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Gargan's comments are very wide and cover a very important area. I will try to respond to what I think is the

general thrust of Mr. Gargan's comments. As Mr. Gargan knows, and as Members know, over the last four and a half years since I have been Minister of Justice I think we have made a lot of progress in the justice system here in the NWT. There has been a tremendous enhancement of legal aid right across the Territories with new clinics in many regions. There have been regional judges put into Inuvik and into Iqaluit. There have been the changes to the Jury Act where, for the first time, we have unilingual aboriginal jurors on a jury. We have had the first trial that actually utilized unilingual, aboriginal people on a jury. Our legal interpreter training program has been called by the experts out of Ottawa the first of its kind in North America. I know that at federal-provincial conferences of Ministers of Justice, in so many ways we are ahead of the rest of the country. Even at this point, even though we have not got into all the areas that Mr. Gargan has talked about, I do not think we need be ashamed of the steps we have taken.

Lessons To Be Learned From Navajo Justice System

Mr. Gargan is talking about taking further steps. I think this government has no disagreement. Maybe I could, for other Members' sake and Mr. Gargan's sake, outline some of the obstacles that we face and why our jurisdiction, for instance, is different from that of the Navajo Nation. Mr. Gargan was quite correct when he said that there are many things in the Navajo justice system that we can learn from, but there are also things from which we can learn what not to do. Mr. Gargan is correct about the hard way they learned the value of the independence of the judiciary. They had some major problems and the whole system almost came crashing down, but they were very fortunate that they had some very courageous and forceful judges who stood up to what we were told was fairly intense political pressure. The jurisdiction of Navajo judges was limited in some ways. It was limited in that they only could sit in judgment on other Navajos. They could only sit in judgment of misdemeanours with sentences of no more than a year, with no jurisdiction over what are called "felonies" in the United States.

Where I think there are lessons for us to learn is in the body of law they have accumulated since the system has been in place — which we will be getting copies of and will be making available to Mr. Gargan and to others. They are slowly and carefully incorporating a body of aboriginal custom law whereby actually in the decision-making process, elements of aboriginal custom law have become part of the decision-making process. A judge would consider relevant state laws, relevant federal laws, relevant tribal laws and also relevant custom law. It was very interesting and we are waiting to get that body of law. I was very impressed, as I think we all were, with the calibre of the judges. There are both lay judges and legally trained judges of exceptional calibre. I agree with Mr. Gargan, there are definitely things we can learn from that experience, both good and bad.

Problems With Separate System Of Justice In NWT

One of the difficulties we have that they do not have is that until land claims have been resolved, except for the Hay River Reserve there are no geographical limits within which you could have a different type of justice system. I am not saying the problem is insurmountable, but it makes it very difficult if you do not have a distinct geographical area. Very different people, aboriginal and non-aboriginal, are living in different groupings throughout a whole area, and your justice system becomes a checkerboard system and poses some difficulties. The other problem we have is that the Criminal Code of Canada is federal jurisdiction. I am not saying it is insurmountable, but I think we should all know some of the obstacles and then decide how we are going to deal with the obstacles.

What I have been proposing is an interim approach until we have resolved some fundamental issues, including the constitutional issues of division, land claims, self-government, of how aboriginal people are going to group themselves, and what government institutions will be in place. It becomes very difficult, in the absence of some of those decisions, to impose a separate system of justice.

The credibility of the system in southern Canada at the provincial level is breaking down for natives. I think the Canadian Bar Association and the Manitoba Inquiry, Nova Scotia Inquiry, have all indicated pretty conclusively that for native people there has been a breakdown of the justice system in southern Canada. When we are dealing with reservations, it is physically easier to contemplate a separate justice system because you have that separate distinct geographical boundary.

What I thought would be a way to approach it here is with the family law group, as Mr. Gargan has said, as a beginning; but it is the first time we have sat down to identify and see if we can incorporate custom aboriginal law into our body of law.

The second thing, and Mr. Gargan and I have talked about that, is using some of our existing institutions, for instance the JP system. Because in many ways JPs have as much, if not more, power than Navajo judges. They have the power over non-native people. They have almost an equivalent power as far as dealing with misdemeanours. I think with some imagination and definitely with Fort Providence in mind, I think if we developed our knowledge of custom aboriginal law, kept going with the family law project and started some pilot projects using elders as JPs, I think we could begin to sort out the way people want to go. It may well be if there is division, the Inuit may want to go a totally different way than the Dene. We do not know. I think that within the existing system there is enough flexibility to do some very innovative things which will put us by far in the vanguard of anywhere else in Canada. At the same time we can learn through that experience and, hopefully, once some of the other constitutional issues have resolved themselves, and once the Dene people have an idea of what is their own land, then with the lessons we will learn in the next few years, I think a good decision can be made by people if they want a separate system or if there are enough improvements in the existing system that it works. The existing system can be flexible enough at the community level. I think our government is pretty open to getting people more involved at the community level.

So I think there are all sorts of opportunities and I said we have come a long way and I am going to be asking for advice from the Members, especially the aboriginal Members, and from communities. I think, Mr. Gargan, as we get into some of these things other ideas will become more obvious. I think we can learn from some of our mistakes and aim toward Mr. Gargan's ultimate dream, a system of justice that reflects aboriginal people. I think we can move toward that dream but do it in a way that ensures that there is justice for everyone in the interim. Because what we do not want is to make such major mistakes that individuals get hurt in the transition period. But I do think we can incorporate what Mr. Gargan is saying, if we use some flexibility and imagination and in the interim do a lot of very interesting things. Thank you.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Minister. Any other comments? Mr. Gargan.

The North Should Take Leading Role In Native Justice System

MR. GARGAN: Thank you, Mr. Chairman. I agree with the

Minister that there have been some positive steps taken by this government which would make it seem that we are doing quite a bit. But a lot of things that the Minister is suggesting are also band-aid remedies. The Minister has to recognize now that something should be done. Based on the Donald Marshall case, for example, and in Ontario where a native person was struggling with an RCMP and got shot, based on in Saskatchewan where a native girl was raped and killed and that only came to surface in the last few years, there is a situation where the Canadian Bar Association recognizes that something should be done. I believe the Nova Scotia government recognizes that, the Ontario government also recognizes that. So there is some reception at the provincial level that there should be something done. But you have to remember that in those jurisdictions you have a white-dominated population. So it would be very difficult for those governments to try to implement a different kind of system unless it is geared toward the reserve.

Perhaps the Minister should go beyond what his plans are and take some daring positions and see what the response would be of the federal government and the bar association. I think the North has taken a first step in trying to change the system as it is. Now is the time to address it and now is the time to establish a position on doing more toward giving more responsibilities, based on the eventual land claim boundary in which the aboriginal groups might have some jurisdiction. I would like to ask the Minister whether or not this is a reasonable request, or is the Minister of the opinion that we should try to do more, rattle a few cages and see what the responses would be from other groups other than this government.

I think during the last few weeks, since we started, we have debated several issues that are sensitive not only to the aboriginal people but also to the French population. That has got national attention, too. Perhaps this is an opportune time to say, "Yes, the government will take its first step by starting to train judges and lawyers so that they can deal with certain cases. We will make them experts in those areas and we can certify them to serve the jurisdiction within the land claims boundary," or something like that. Perhaps this is something that the Minister should also consider. Mr. Chairman, could I get a response from the Minister on that?

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Minister.

Steps Taken By Government In Area Of Justice

HON. MICHAEL BALLANTYNE: Thank you. On some of the ideas put forward by Mr. Gargan, as far as going outside the Territories, some of the things that we are intending over the next year and a half is to have some fairly major conferences here. That has not been confirmed yet but I hope to have the federal/provincial Ministers of Justice and Attorney Generals conference here, a year from this summer. What we will have on the agenda will be the whole subject of aboriginal people and the justice systems. So that will be a pretty high profile sort of conference, where other jurisdictions will be discussing it.

I have also, in consultation with Chief Judge Halifax -- we really need the benefit of some other people's experience -- we are contemplating appointing, as deputy judges, some aboriginal judges from other places in Canada who have a wealth of experience that they could share with us. So we are not reinventing the wheel and I hope to have something more concrete on that in the next month, hopefully before we break, as an Assembly.

I am not disagreeing at all with Mr. Gargan. I think we have taken some very good preliminary steps but we are really hoping to do some things here which are going to be very

interesting and very, very unique. Once we get into the new year -- we have already had preliminary talks with the Dene Cultural Institute and they are going to be working with us too, to give us input into the whole area of custom law which is outside the family law review.

We have really tried hard to find aboriginal people who want to be trained in the law and since I have been Minister we have sponsored three or four, I think, as lawyers. Now, hopefully, out there the more we talk about the law as a profession, the more that aboriginal leaders talk about the importance of the law to their people, the more interest we are going to get from aboriginal people about making the law their profession. No matter how you look at it either way, whether or not ultimately the aboriginal people opt for a separate system or they opt for the same system with a combination for the aboriginal people, the only way it is going to work and the only way the aboriginal people are going to trust -- I think the same thing holds true for women -- is when the justice system reflects those numbers. At some point up here, I do not think it is wrong to look for a day when half of the major positions in the justice system are held by aboriginal people and half by women, also, I would say.

I absolutely agree with the Minister-to-be, someday, the Minister-in-waiting, that it should be and is a prime responsibility of our government. Also could I ask that Mr. Arlooktoo help us in identifying potential special constables, I will ask other Members to look to help identify potential lawyers. We are really open to try and get as many aboriginal lawyers through school. No matter what we do, ultimately they are going to provide part of the base and I remember at the meetings we had at Window Rock, is that the lay judges were the first to say that you could not have the system without lawyers, people that are legally trained. They said it was the combination of the traditional values and the legal knowledge that is important. So I do not have, I think, a lot that I differ with what the Member is saying. We are going to be plunging ahead in the new year with some fairly innovative approaches.

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

MR. GARGAN: Mr. Chairman, I would like to ask my deputy minister -- just kidding -- I would like to ask the Minister whether or not there are any intentions by this government to take its first step in revising some of its laws to reflect some of the aboriginal traditions? Let me see if I can use an example here: the All-Terrain Vehicles Act, for example. The Inuit people do depend on that to go hunting and trapping and that sort of stuff and if they are caught without using a helmet or something like that, I believe they get a fine for it and naturally the fine takes away from their income. That would be one example.

The other one is with regard to the Motor Vehicles Act; for example, under the Liquor Act, if a person is charged for impaired driving, then you get into an issue in which it is a pretty clear statement that you are fined or else you are fined and get a prison term, or both. In this situation, if a Dene person uses their vehicle for hunting and trapping and they are charged, there is a good example of insensitivity with the law. The law is here and this is the way it reads and that is what you have to apply. That might be one example.

Several years ago I brought this to the attention of the Minister: A couple of people have outpost camps and they go out and do their trapping beginning in September and ending in April. These two people committed an offence during the summer and the magistrate was not going to be in until September, after a two month break, so the people, before going out on the land again for three or four months, had to appear in court so they delayed their trip. But after

they appeared on their offenses they were given weekend jail terms and they tried to reason with the magistrate at that time and said, "Look, we have to be out there. We would like to serve our two weeks" -- or whatever they had -- "at this time, so that we could get it over with and go back on the land." The magistrate was not being reasonable. Those people who did have an opportunity to set their traps could only visit them once a month when, in fact, they should be visiting their traps maybe every two weeks.

Those types of situations are occurring, and I believe that in some cases the judges have been reasonable, but not in all cases. If a person is working, serving a weekend term is okay for them, but if you are trapping then you need a number of days to visit and return from your traplines. The situation is different in this case, but in other cases the judges, even though people are charged with impaired driving and they suspend their licence for six months or a year, they have given them the opportunity to drive during the working hours but not for leisure purposes. There is a person in my constituency that is under that arrangement. He is a grader operator. He is able to operate during working hours but not drive a vehicle.

I would like to ask the Minister if there is a movement -- I will just use the Motor Vehicles Act or Liquor Act as examples -- on the part of this government to review all laws that we pass here in this House and be able to say, this is too extreme or else it could be changed a bit so that at least it reflects what is out there rather than what is in the Criminal Code or what is in the territorial acts. Are there steps being taken in that area?

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Minister.

Incorporating Traditional Values In The Law

HON. MICHAEL BALLANTYNE: I think the Member was right before when he said that the family law project is an attempt to do that. One of the problems that the researchers found was that it is not as easy as one might think to be able to identify which, in fact, were aboriginal custom laws, by what tribe, and to try to incorporate something which might have been the custom for one group of people and decide whether or not that would be an appropriate way of dealing with another group. There is some difficulty, and we have asked the Dene Cultural Institute to do more work on that. We really have to get a better handle on what was the traditional way.

That base line data, I think, is very important. Once we have an adequate knowledge of that base line data, we will have to look at laws and we will have to look at them in a specific way. If we were going to contemplate making some laws more culturally acceptable, we would have to probably ensure that those certain laws are applied to certain people. For example, it might not be appropriate to impose the Slavey customary dispute resolution on an Inuk. A non-native may have some problem. I think there are some possibilities there, but I think we would have to proceed carefully.

I understand what the Member is saying. As far as decisions that are made in the system, I think the fact that we now have judges living in an area, where they are understanding the customs better, will help. Our government really supports what any officer of the court, including judges, does in the way of cross-cultural training. We cannot direct judges as to what training they take, but they know that we will very strongly support, or financially support, training. They have from time to time availed themselves of that sort of training. I think that some of the things you are talking about can be dealt with with more sensitivity by people in the justice system.

Some of the more fundamental things that you are talking about, when you are talking about actual changes to laws to reflect cultural values, I think there are some very good possibilities in that area, but it is going to take some work. What we are doing right now, Mr. Gargan, through you, Mr. Chairman, is we are starting that work. On top of the family law work, we are trying to work out something now with the Dene Cultural Institute and, hopefully, if there is interest also among the Inuit Members, to do something in the East -- look at ways of incorporating some of their values in the law. We are definitely taking some first steps in this area.

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

MR. GARGAN: Mr. Chairman, just one final statement. Mr. Ballantyne is responsible for all the acts that come into this House. They are reviewed by his department, they are scrutinized by his department, before being considered by the standing committee on legislation.

Another area where I doubt if we will ever make any progress, or if we do it would be a plus for this government, is with regard -- traditionally native people used to have what we called "medicine men". They were wise people that knew the arts of healing people through knowledge that has been passed on for centuries, and also the plants that they used for remedies for healing and that sort of thing; also the practice of midwifery. Those are all things that were done before, but because of the Medical Profession Act or the Drug Act or some other act, we are restricted from practising those because it is unprofessional. Just because professional people think that they know what is best for the native people, they think that what practices the native people have are unprofessional. I think this is an area, too, that has to be explored, where there is more than a certificate to say that you are a professional in that field but actually to recognize that there are people out there that have knowledge that they had developed before the coming of the Europeans; that was far developed and had more success than some of the stuff that came in from Europe but has never been accepted because it is either paganism or witchcraft or whatever term is used by non-native people to downgrade the professions of aboriginal people.

I thought I would also raise that matter, Mr. Chairman, because I think that is an area that we have to have further discussion on. I see a lot of weaknesses with this government in passing laws that do not have any kind of sensitivity with regard to what we as aboriginal people used to practise for many years. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. Mr. Ernerk.

Concerns Of The Member For Aivilik

MR. ERNERK: Thank you, Mr. Chairman. I would like to say how pleased I am with regard to some of the remarks of the Minister and his department, especially for more protection provided for the victims of crime. I think this is a very good move and will be accepted but it must be made to work in order to succeed.

A number of items have been mentioned that I wanted to touch upon, and for your information, Mr. Chairperson, I am not going to be very long in terms of making a presentation. But I would like to ask some questions later with regard to a number of major objectives of the Department of Justice.

I wish to agree with my honourable colleague, Mr. Gargan, with regard to the establishment and appointment of more native judges in the Northwest Territories. I also recognize

that this was one of the items that was discussed at the Tungavik Federation of Nunavut a number of years ago.

The Tungavik Federation of Nunavut talked about the establishment of Inuit justice councils in the communities where natives, the Inuit themselves, will be able to participate more fully with regard to the system, with regard to the delivery system of justice in the Nunavut region. I think this is also a very good positive move. I would encourage the Department of Justice to take a look at that very carefully and see if some sort of negotiations can be undertaken between the Government of the Northwest Territories, Department of Justice and the Tungavik Federation of Nunavut, which is a land claims organization for Nunavut.

I think it is very important that the department begin to take a look at – and they have, and I congratulate them for this – the issue of native culture. Native culture, as it applies to the issue of sexual assault that I often talk about. Within the Inuit culture itself it has never been, is not now and will not be a custom in the future to sexually assault women as well as sexually assault young children. I am extremely concerned about this issue, Mr. Chairperson, because it places so much hardship on the victims themselves. I would very much like to hear more about the issue of a situation with what sort of protection the department is looking at, especially for the victims of crime.

I am really concerned about a number of things here. First of all I would like to indicate to the Minister and the government that I fully support the idea of having unilingual, aboriginal people to participate in the jury system of the Government of the Northwest Territories. I think it was very good that we passed this Jury Act for the Northwest Territories, which allows individuals, unilingual Inuit or other aboriginal people from the Northwest Territories, to be part of the justice system. I think this is a very good, positive move. I do want to know from the Minister why there were some problems with regard to accepting this system after it has already been in place by – I believe it was a chief judge from the Northwest Territories. I think the situation happened in Iqaluit where the unilingual jury members were not accepted to act as unilingual jurors.

Other concerns that I have, Mr. Chairman, is in regard to the issue of custom adoption. Exactly a year ago the Minister and I, and Members of the Legislative Assembly, exchanged some views with regard to the issue of custom adoption. Custom adoption means exactly that, custom adoption; and this particular practice has been practised for many, many years by the native people and I had been led to believe that a working group or some civil service group within the government were going to be reviewing the custom adoption. What I would like to know, Mr. Chairperson, is in what way is a review being taken by the government and why and if, in fact, there is a certain amount of proof to the fact that there is going to be a review of custom adoption. I have a few other concerns here or a number of comments to make here, Mr. Chairperson, but would the Minister like to answer some of the questions that I have asked.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Minister.

Unilingual Jurors

HON. MICHAEL BALLANTYNE: I think one of the questions was that of unilingual jurors and I remember the case. At that time the judge, because at that time that would have been the first case that actually had a unilingual juror, because of the complexity of the case or the length of time the judge thought it would take, he wanted three trained interpreters and at that time there were not three trained interpreters. I think that problem has been resolved insofar as a couple of months

later there was a successful trial; the first successful trial with two unilingual jurors and I think it was held in Fort Simpson. Our training courses are continuing so we are putting out more interpreters every year.

I think everyone has to recognize that we are looking at, as we well know, seven aboriginal languages and it is going to take some time before we have enough trained interpreters in all seven languages to handle all possible trials. But we have come a long way. I was very pleased that soon after that we actually had the first successful trial. Though there may be some frustrations, there may be some problems with having unilingual jurors, the major hump is over and I think we are heading for a very successful era of unilingual jurors sitting on trials.

Native Custom Adoption

Native custom adoption. This is one that Mr. Gargan has also brought up a number of times, as well as Mr. Ernerk, over the years. The Family Law Review was started partly in response to some of the problems and perceived problems with custom adoption and we were quite careful, I think, to make sure that the group doing the reviewing was representative. So we asked all the major aboriginal groups to nominate representatives. We had aboriginal researchers who, over the summer and fall, did fairly extensive community research.

The committee right now is doing their first draft of the report. Because this whole issue is very difficult, very sensitive, potentially controversial, what I want is that once they have the first draft we will put it out to the public. I think we should deal with every aspect of it and not try to back away from any possible controversy. There is always going to be controversy when you do things that are new and innovative.

So I am quite content that the group who is doing the work is pretty well regionally and culturally based and that everybody here in the Assembly and outside will have a chance to review their work before we do anything final with it. There will be lots of opportunity for this House to look at it, to criticize it, to let me know their views. As I said, we are prepared, if there are good arguments made, that if the first draft needs revisions there will be no problem. We are quite open. I want this process to be very open and, for as much as possible, for everybody to participate. I think those were the main questions that I was asked by Mr. Ernerk.

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

Child Sexual Abuse

MR. ERNERK: Thank you, Mr. Chairperson. I think I also touched upon the issue of sexual assault. This is very much an issue in the Northwest Territories and certainly in the communities that I represent.

I have mentioned a requirement in terms of protection, a good protection for the victims of crime and I have seen quite a number of victims of crime in our region. I do not know why people do it because the people are very good and somehow we must help to stop it; we must help to make life better for people in the Northwest Territories.

What I do want to know, Mr. Chairperson, is this Criminal Code of Canada – having recognized the fact that we must protect our citizens, I would want to know how the Minister and, we, the Members of the Legislative Assembly, how we can provide more assistance to you and to the department, coming from the 23 constituencies so that you have more teeth, you have more power and influence when you begin to talk to your counterparts within the federal and provincial

governments. Can we help you?

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: The whole area of sexual abuse and especially child sexual abuse is an area that, across the country, is causing greater and greater concern. I think it is probably the opinion of experts that it is not that there is necessarily an increase in the number of sexual assaults or sexual assaults against children, but more and more of these cases are being reported.

I think the first thing I would like to say is that people should not look to the justice system to solve the problem. The justice system is one part of the solution. The penalties do, I am sure in a lot of cases, act as a deterrent. Longer penalties would keep people safely out of the way so they could not harm anybody for a longer period of time but if somebody, instead of getting a three year term gets a five year term, after five years they are back and you still have the same problem. So I think, as an Assembly and as a society, that this particular issue has to be dealt with in more of a holistic way. I think you have to look at a combination of education, so that children and parents are more aware of the dangers of abuse and can take steps to recognize the danger and to protect themselves from danger, and I think by having frank public discussion about the general problem; the more you discuss it, the harder it is for people to hide behind a veil of secrecy, which is often the case in cases of child sexual assault, secrecy which is being caused by fear or intimidation. So I think that public discussion and information sharing is very important.

I think that we must keep in mind, especially in the case of child sexual offenders, that 90 per cent of them — or some very high statistic — were at one time victims. So we have to keep in mind that there is a vicious cycle that is unfolding generation after generation.

They had here in Yellowknife, an extremely good forum with some very good experts from the NWT, actually, who were explaining to parents and teachers the dangers of child sexual abuse. Close to 500 people attended it. It was a tremendous eye-opener to a lot of people. There is a lot that we can do to protect our children from sexual abuse. So I think we have to look at this as a problem for all of society and it is going to take co-operation from many different agencies and disciplines to deal with it.

One aspect, when we are talking about the area that I am responsible for, is we are really encouraging the RCMP to take training in this area. At this meeting I know Mr. Avison, who is the director of the federal government prosecution office here, has instituted the same thing for his staff; training in this; awareness of how to deal with this situation. I know that Chief Judge Halifax is very supportive of training in these areas. I know that judges will be taking training in these areas over the next months and years. So I think it is something that we all should want to inform ourselves more about.

Secondly, we all should think of this as a larger problem than a problem of just the justice system or just the police or just the courts, and have a total community approach to dealing with it. It is only if the community works together on this one that there is going to be a solution.

As far as the issue of stronger penalties for offenders, that is a Criminal Code issue and as I said it has been discussed at federal/provincial conferences and the federal government now is going through a process where they are reviewing sentencing for many crimes, and those specific crimes of violence and crimes of sexual violence are part of those that are being reviewed. But I think, rather than think of it as a

way that, Mr. Ernerk, you can help me, what we as an Assembly should be thinking is of how can we help the communities and people generally, become more aware of what is happening in our society. I think ultimately all of us are going to have to reach out to people in our communities and get them looking at this and working together on it because it will not be enough, even if you doubled all the sentences and put people in jail longer. Those people still come out and they will still commit the crimes. It is left to all of us, myself included. It is a very honest reaction to want to put people away but that will not solve the problem. I think our goal, difficult though it is, should be to try to solve the problem. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairperson. I do want to thank the Minister for his answers. I move that you report progress.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Ernerk has made a motion to report progress. This motion is not debatable. All those in favour? Opposed, if any? The motion is carried.

---Carried

I will now rise and report progress.

ITEM 19: REPORT OF COMMITTEE OF THE WHOLE

MR. SPEAKER: I will call the House back to order. Item 19, report of committee of the whole. Mr. Gargan.

MR. GARGAN: Mr. Speaker, your committee has been considering CR 1-90(1) and Bill 9-90(1), and wishes to report progress with two motions being adopted.

MR. SPEAKER: Thank you. The House has heard the report of the chairman of the committee of the whole. Are you agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Thank you.

Item 20, third reading of bills. Third reading of bills. Item 21, Mr. Clerk, orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. There will be a meeting of ajuqtit at 9:00 a.m. tomorrow morning.

ITEM 21: ORDERS OF THE DAY

Orders of the day for Friday, February 16th.

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. Replies to Budget Address
10. Petitions
11. Reports of Standing and Special Committees
12. Tabling of Documents
13. Notices of Motion
14. Notices of Motion for First Reading of Bills
15. Motions
16. First Reading of Bills: Bills 2-90(1), 3-90(1), 4-90(1), 5-90(1), 6-90(1) and 7-90(1)
17. Second Reading of Bills: Bill 1-90(1)
18. Consideration in Committee of the Whole of Bills and Other Matters: CR 1-90(1) and Bill 9-90(1)
19. Report of Committee of the Whole
20. Third Reading of Bills
21. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Friday, February 16, 1990, at 10:00 a.m.

---ADJOURNMENT

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