



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

7th Session

11th Assembly

HANSARD

Official Report

DAY 3

FRIDAY, OCTOBER 12, 1990

Pages 30 - 50

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

Speaker

The Hon. Richard Nerysoo
Fort McPherson, N.W.T.
X0E 0J0
(403) 873-7629 (Office)
(403) 873-5788 (Home) (Yellowknife)
(403) 979-2668 (Home) (Inuvik)
(Mackenzie Delta)

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

Arlooktoo, Mr. Joe, M.L.A.
General Delivery
Lake Harbour, N.W.T.
X0A 0N0
(819) 939-2278 (Office)
(819) 939-2363 (Home)
(Baffin South)

Ballantyne, The Hon. Michael, M.L.A.
P.O. Box 1320
Yellowknife, N.W.T.
X1A 2L9
(403) 873-7658 (Office)
(403) 920-2963 (Home)
(Yellowknife North)
Government House Leader
Minister of Finance and Justice

Butters, The Hon. Tom, M.L.A.
P.O. Box 1069
Inuvik, N.W.T.
X0E 0T0
(403) 979-2373 (Office)
(403) 979-2373 (Home)
(Inuvik)
Minister of Municipal & Community
Affairs, Government Services and
NWT Housing Corporation

Cournoyeva, The Hon. Nellie, M.L.A.
P.O. Box 1184
Inuvik, N.W.T.
X0E 0T0
(403) 873-7128 (Office)
(403) 977-2405 (Tuktoyaktuk)
(403) 979-2737 (Inuvik)
(Nunakput)
Minister of Health, Energy, Mines &
Petroleum Resources, Public Works and
NWT Power Corporation

Crow, Mr. Charlie, M.L.A.
General Delivery
Sanikiluaq, N.W.T.
X0A 0W0
(819) 266-8940 (Home)
(Hudson Bay)

Emerk, Mr. Peter, M.L.A.
Box 182
Rankin Inlet, N.W.T.
X0C 0G0
(819) 645-2800
(819) 645-2500
(Aivilik)

Gargan, Mr. Samuel, M.L.A.
General Delivery
Fort Providence, N.W.T.
X0E 0L0
(403) 873-7999 (Office)
(403) 874-3230 (Hay River)
(403) 699-3171 (Home)
(Deh Cho)
Deputy Speaker and Chairman, Committee
of the Whole

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

Kilabuk, Mr. Ipeelee, M.L.A.
General Delivery
Pangnirtung, N.W.T.
X0A 0R0
(819) 437-8827 (Home)
(Baffin Central)

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

Marie-Jewell, The Hon. Jeannie, M.L.A.
P.O. Box 1051
Fort Smith, N.W.T.
X0E 0P0
(403) 873-7959 (Office)
(403) 872-2940 (Home)
(Slave River)
Minister of Social Services and Safety &
Public Services

McLaughlin, Mr. Bruce, M.L.A.
P.O. Box 1320
Yellowknife, N.W.T.
X1A 2L9
(403) 873-7999 (Office)
(403) 873-6220 (Home)
(403) 874-2884 (Hay River)

Morin, Mr. Don, M.L.A.
General Delivery
Fort Resolution, N.W.T.
X0E 0M0
(403) 394-3471
(Tu Nede)

Ningark, Mr. John, M.L.A.
General Delivery
Pelly Bay, N.W.T.
X0E 1K0
(403) 769-6703
(Natiliikmiot)

Patterson, The Hon. Dennis, M.L.A.
P.O. Box 310
Iqaluit, N.W.T.
X0A 0H0
(403) 873-7112 (Office)
(819) 979-5993 (Office)
(403) 873-2802 (Home)
(Iqaluit)
Government Leader,
Chairman of Executive Council,
Minister of Executive

Pedersen, Mr. Red, M.L.A.
General Delivery
Coppermine, N.W.T.
X0E 0E0
(403) 982-5788 (Coppermine)
(Kitikmeot West)

Pollard, Mr. John D., M.L.A.
Box 1095
Hay River, N.W.T.
X0E 0R0
(403) 874-2345 (Office)
(403) 874-2600 (Home)
(Hay River)

Pudluk, Mr. Ludy, M.L.A.
P.O. Box 240
Resolute Bay, N.W.T.
X0A 0V0
(819) 439-8898 (Arctic Bay)
(819) 252-3719 (Home)
(High Arctic)
Deputy Chairman,
Committee of the Whole

Sibbeston, Mr. Nick, M.L.A.
P.O. Box 560
Fort Simpson, N.W.T.
X0E 0N0
(403) 695-2452 (Fort Simpson)
(403) 873-6215 (Home)
(Nahendeh)

Whitford, Mr. Tony, M.L.A.
P.O. Box 2772
Yellowknife, N.W.T.
X1A 2R1
(403) 920-8010 (Office)
(403) 873-5328 (Home)
(Yellowknife South)

Wray, The Hon. Gordon, M.L.A.
Baker Lake, N.W.T.
X0C 0A0
(403) 873-7962 (Office)
(819) 793-2914 (Baker Lake)
(819) 793-2700 (Home)
(Kivallivik)
Minister of Transportation and Economic
Development & Tourism

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

Officers

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

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

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

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

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

TABLE OF CONTENTS
FRIDAY, OCTOBER 12, 1990

	<u>PAGE</u>
Prayer	30
Ministers' Statements	
- 5-90(2) The Conrad Inquiry	30
- 6-90(2) State of Dene/Metis Claim	30
- 7-90(2) Community Self-Government	31
- 8-90(2) Personnel Administration Strategy	32
Members' Statements	
- Mr. Pollard on CBC Report on Extra Constituency Seats for Yellowknife	33
- Mr. Sibbeston on Operation of Johnny Berens Ferry at Fort Simpson	33
- Mr. Whitford on Water Safety	33
Returns to Oral Questions	33
Oral Questions	34
Replies to Opening Address	
- Mr. Gargan's Reply	40
Reports of Standing and Special Committees	40
Tabling of Documents	42
Second Reading of Bills	
- Bill 1 Child Welfare Act	43
- Bill 2 Cities, Towns and Villages Act	43
- Bill 4 Dental Profession Act	42
- Bill 5 Environmental Protection Act	43
- Bill 7 Financial Agreement Act	42
- Bill 8 Labour Standards Act	43
- Bill 9 Petroleum Products Tax Act	42

TABLE OF CONTENTS, FRIDAY, OCTOBER 12, 1990, CONTINUED

	<u>PAGE</u>
Second Reading of Bills (continued)	
- Bill 11 Public Service Act	43
- Bill 12 Transportation of Dangerous Goods Act, 1990	43
Consideration in Committee of the Whole of:	
- Bill 2 Cities, Towns and Villages Act	44
- Bill 4 Dental Profession Act	46
- Bill 7 Financial Agreement Act	48
- Bill 9 Petroleum Products Tax Act	49
Report of Committee of the Whole	50
Orders of the Day	50

YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, OCTOBER 12, 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 Kakfwi, 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. Sibbeston, Mr. Whitford, Hon. Gordon Wray, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Orders of the day for Friday, October 12, 1990. Item 2, Ministers' statements. The honourable Member for Yellowknife North.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 5-90(2): The Conrad Inquiry

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, I wish to confirm that the Commissioner has received and accepted the report and recommendations made by Madam Justice Carole Conrad following a review of complaints involving His Honour Michel Bourassa. Justice Conrad recommends that in all of the circumstances no disciplinary action be taken against Judge Bourassa. In accepting that recommendation, the Commissioner has advised His Honour Chief Judge Halifax that the investigation and inquiry under the provisions of the Territorial Court Act are concluded. The chief judge had placed Judge Bourassa on administrative assignments out of court for an indefinite period pending the results of the inquiry.

Following a unanimous recommendation made by the judicial council in January, Madam Justice Conrad of the Court of Queen's Bench of Alberta was appointed by the Commissioner to hold an inquiry into complaints over certain alleged remarks made by Judge Bourassa to an Edmonton Journal reporter and published in that paper in December of last year.

Judge Conrad held extensive public hearings into the complaints. The total cost of the inquiry is expected to exceed \$550,000. The transcripts of the proceedings fill some 24 volumes. Her report includes an extensive review of the facts and the law which applies to this matter and it covers approximately 350 pages, excluding exhibits. Since the report includes a comprehensive 27 page summary setting out in detail the review and recommendations, I am tabling copies of that summary today. In addition, I am prepared to make copies of the full three volume report available upon request.

The report contains a frank discussion of the role of the media in this case. It also discusses my role as Minister of Justice with obligations both to the public and to maintaining a fair process for review of complaints against judges. The report will be examined carefully for future reference in this regard.

Mr. Speaker, this inquiry was made according to the requirements of the Territorial Court Act and the laws applicable to a specific complaint of misbehaviour. That process has concluded and I accept that conclusion. Nonetheless, I am mindful of the broader concerns within our society over the administration of justice and the treatment of women and aboriginal peoples by our system of justice. Broader consultation, review, examination and education is clearly necessary. The forms this must take are matters which I have been giving considerable thought to, pending Justice Conrad's report. Informal consultations have already begun

and now is the time to get on with the job of revitalizing society's faith in one of our fundamental institutions, the justice system. There are a number of initiatives which I hope to announce in this respect during this session and in the months to come. Thank you, Mr. Speaker.

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

HON. STEPHEN KAKFWI: Mr. Speaker, I missed the opportunity to make some statements as a Minister. Could I have unanimous consent to go back to that?

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to return to Item 2. Are there any nays? Proceed.

Ministers' Statement 6-90(2): State Of Dene/Metis Claim

HON. STEPHEN KAKFWI: Thank you. Mr. Speaker, today I will advise Members on the current state of the Dene/Metis comprehensive claim. Members will recall that on April 9, 1990, a final agreement was initialled here in Yellowknife, in Rainbow Valley, at a meeting of Dene/Metis leaders and the Hon. Tom Siddon, Minister of Indian Affairs and Northern Development. By initialling the final agreement, the parties were recommending the agreement for ratification after land selection had taken place and a few unfinished chapters had been completed. For the Dene/Metis, ratification was to be held by a vote of all eligible participants and a ratification committee was established to organize and oversee the vote and to ensure that participants were informed on the agreement prior to voting.

Agreeing to initial the final agreement had not been easy for the Dene/Metis. Opinion was divided on the merits of the agreement. Perhaps the most contentious section of the agreement requires the Dene/Metis to give up, or extinguish, certain aboriginal rights to land and to exchange some treaty rights for title and rights spelled out in the agreement.

In July 1990, the Dene and Metis held their annual assemblies and at a joint assembly in Dettah they passed a resolution stating that they would not accept a final agreement which extinguished any aboriginal or treaty rights. However, the vote on this resolution was not unanimous; one region left the joint assembly after the vote. In addition, the assembly identified other issues requiring attention, including the difficult matter of self-government.

Mr. Siddon regards the joint assembly resolution as a rejection of the agreement initialled on April 9, 1990, and has suspended negotiations until such time as he has had an opportunity to assess the situation and seek further direction from his cabinet colleagues. Until federal cabinet makes a decision, the Dene/Metis claim is at a pause with no negotiations taking place. The activities of the ratification committee and land selection negotiations have been suspended, and the Dene/Metis negotiations secretariat has laid off almost all of its staff.

In preparation to consulting the federal cabinet, the Minister visited Yellowknife this September to tell Dene and Metis leaders that the federal government was not prepared to renegotiate the final agreement. He also met with Delta Dene/Metis representatives in Inuvik and was presented with a proposal to settle a Delta regional claim based on the final agreement. The Minister appeared receptive to the idea.

However, activities are not at a standstill. The Sahtu region has also voted on September 29, 1990, to go ahead with a regional claim, and the North Slave region is also taking a serious look at the regional option.

Mr. Siddon has now prepared options for consideration by cabinet committees. He is proposing more than one option, but indications are that the approach which is likely to be favoured is to proceed with the final agreement on a regional basis. I understand that the earliest the cabinet committee on Indian and Northern Affairs can consider these options is October 23, 1990. After that, any recommendation of this committee will have to be approved by the priorities and planning committee of federal cabinet, which will take at least another week. So we will not know what the federal government's intentions are at least until the end of the month.

In conclusion, Mr. Speaker, the federal government will not renegotiate the final agreement extinguishment provisions but appears to be favouring settlement on a regional basis. At least two regions are prepared to proceed with regional claims based on the April 9, 1990 final agreement. I will keep Members advised as events unfold. Thank you.

MR. SPEAKER: Thank you. Ministers' statements. The honourable Member for Sahtu.

Ministers' Statement 7-90(2): Community Self-Government

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. I take this opportunity to give this House a status report on the government's community self-government initiative. As you know, our government has gone to some lengths in the past few years to encourage and assist communities to assume more responsibility. The prime public authority initiative was intended to meet two objectives identified by a number of communities: to make the community government the primary vehicle for self-government by allowing it to assume responsibility for services previously delivered by numerous publicly funded local boards or committees; and to facilitate the transfer of additional responsibilities from the GNWT to the community. To this end, the Legislative Assembly enacted the Charter Communities Act to enable a community to restructure its local governing institutions to reflect its unique character by allowing communities to develop their own constitutions.

The Government of the Northwest Territories has developed a policy which provides a vehicle for the transfer of responsibilities from individual departments to interested communities. In addition, a steering committee of deputy ministers has completed an internal review to identify all the programs and services which conceivably could be transferred to a community. A number of communities are keenly interested in finalizing options for structuring their community governments to suit their particular needs and for transferring additional powers and responsibilities to enable them to design, manage and deliver services to their residents.

Our government is responding to this interest in several ways. The Department of Social Services and the Inuvik regional office have been working with a self-government committee formed by the hamlet of Tuktoyaktuk to explore the options for transferring various social service programs to the community. A two day workshop involving these parties was held in

Tuktoyaktuk in mid-September at which the social service programs potentially available for transfer were described in detail. A second workshop is scheduled for November. The Government of the Northwest Territories is also co-operating with the Inuvialuit Regional Corporation in its efforts to assist Inuvialuit communities to clarify their aspirations for self-government.

Pilot Projects On Community Self-Government

With regard to Dene/Metis communities, our government will set up pilot projects on community self-government with the co-operation of at least two communities. Both Fort Good Hope and Fort Resolution have submitted proposals for phase one of a pilot project during which both communities would develop, in close consultation with interested residents, a model or models for self-government which they feel would most accurately reflect the aspirations of their community. We expect to finalize and approve both projects very shortly.

The Dene/Metis final agreement requires the Government of the Northwest Territories and the Government of Canada to enter into negotiations with the Dene/Metis with a view to concluding agreements on self-government. The first step is to conclude a framework agreement which will set out the principles, process, schedule and agenda items for negotiations. While discussions leading to a framework agreement are currently on hold pending clarification on the future of the Dene/Metis claim, I am certain that one way or another this initiative will return to our agenda.

Our government has also had some preliminary discussions with the Tungavik Federation of Nunavut and some Inuit community leaders regarding article four of the TFN agreement in principle and the implications it may have for the powers and authorities of community governments. Article four affirms the support of the Government of Canada, the Government of the Northwest Territories and the Tungavik Federation of Nunavut for the creation of a Nunavut territory and commits our government and the TFN to develop a process to give effect to this shared objective.

Aspirations For Aboriginal Self-Government Must Be Accommodated

The fundamental principle guiding the government's participation in self-government negotiations continues to be that aspirations for aboriginal self-government, including the explicit recognition of aboriginal institutions, must be accommodated within a public government framework. It is also accepted that self-government discussions will focus primarily on the community level. However, this government and other participants need to appreciate the many factors which bear upon self-government discussions including financial arrangements, the involvement of aboriginal organizations and the Government of Canada, the impact of claims and national initiatives related to aboriginal self-government driven by the principle that aboriginal people retain an inherent right to self-government.

In preparation for the second First Ministers' Conference on aboriginal rights in 1984, the 10th Legislative Assembly of the NWT formally endorsed the position recommended by the government, "that the Government of the Northwest Territories support the concept of entrenching the right of aboriginal self-government in the Constitution Act, 1982, with the scope, nature and powers of such governments to be negotiated in each jurisdiction with the appropriate provincial or territorial government, and that the Government of the Northwest Territories support the concept of according constitutional recognition to such aboriginal governments to protect them from overriding federal, provincial and territorial legislation." Similar recommendations for subsequent First Ministers'

Conferences in 1985 and 1987 were likewise endorsed by the 10th Assembly and our government stands by these principles.

It is critically important that the Government of the Northwest Territories develop and co-ordinate a consistent, comprehensive strategy which bears these factors in mind and which addresses both the short and longer term. To this end our government has created a community self-government working group, reporting to the political and constitutional development committee of cabinet, and has established a self-government adviser position within the government. The challenge is to develop and co-ordinate a longer-term strategy while encouraging and facilitating comprehensive self-government initiatives now. Thank you.

MR. SPEAKER: Thank you. Ministers' statements. The honourable Member for Sahtu.

Ministers' Statement 8-90(2): Personnel Administration Strategy

HON. STEPHEN KAKFWI: Mr. Speaker, thank you. In the fall, 1988 sitting of this Legislative Assembly, Motion 3-88(2) recommended the establishment of a public service commission. Today I will provide the Members with a statement outlining the government's strategy for addressing the issue of a more efficient and fair personnel administration. Public service commissions have been in place in Canada for many years. There are a variety of models, but the typical public service commission is headed by a commissioner reporting to a Minister. The commissions set policy for hiring, firing, labour relations and training. Their main job is to make sure that the rules are followed by departments and agencies who generally have the authority to do their own hiring. The commissions also hear competition appeals and ensure that applicants are fairly treated in the competition process. The public service commissioner administers the grievance process and is the final level in the grievance procedure. The commissioner has the authority to fire. Collective bargaining is often the responsibility of a Treasury Board.

In the Northwest Territories, the Department of Personnel, headed by a deputy minister, handles all these functions. The deputy minister reports to a cabinet Minister. For stronger control, the hiring responsibility is centralized and has not been delegated to departments. While the department administers the grievance process, the final level of appeal is the Minister. Only the Minister has the authority to fire. Staffing appeals are heard by an appeal board but are approved by the Minister.

A review was done to assess existing Public Service Commission models across the country, both at the administrative and political levels. It revealed that there is little consistency from one jurisdiction to another across Canada. Public service or civil service commissions are all established under legislation with varying organizational structures and degrees of authority.

A review of this government's existing personnel administration practices was also commissioned. I am satisfied that there are already many checks and balances in place in the Northwest Territories to protect the employee or prospective employee. Hiring is done by competition following well established procedures and guidelines. Firings can only take place for cause, based on legal precedents. The protection of individual rights is further guaranteed by the staffing appeals process, the grievance and arbitration process, the court system and human rights legislation.

May I continue?

I seek unanimous consent to continue my statement.

MR. SPEAKER: The honourable Member is seeking unanimous consent to proceed with the reading of his statement. Are there any nays? There are no nays. Proceed.

HON. STEPHEN KAKFWI: The protection of individual rights is further guaranteed by the staffing appeals process, the grievance and arbitration process, the court system and human rights legislation. We plan, however, to introduce even more measures for greater protection and to increase the efficiency of our operation.

Therefore, instead of falling into line with current practice in the rest of the country and proceeding to establish a public service commission, I believe we are in a position to introduce legislative changes that will solve the problems that have been identified by this House and by my review, while stopping short of handing over the reins of power to the bureaucrats as is the case in a public service commission.

Minister Will No Longer Have Veto Rights

Mr. Speaker, at this sitting of the Legislative Assembly I will be tabling amendments to legislation which will make the decisions of staffing appeals committees binding. This will mean that in competitions where an appeal under the public service appeal procedure regulations is instituted, the Minister of Personnel will no longer have veto rights in upholding or denying the decision of the appeal board.

---Applause

I have issued instructions for ongoing training of members of our appeal boards and selection panels. In addition, personnel officers, who are always part of the hiring process, must become more active in preparing selection panels before interviews take place. It is critical that our hiring procedures remain consistent and that the affirmative action policy is well understood and applied where necessary to improve the level of representation by Northerners in middle and upper management.

I am also amending the staffing appeals regulations to extend staffing appeal rights to non-employees who have applied for a government job and are eligible for priority consideration under the affirmative action policy. This provision, Mr. Speaker, will finally provide affirmative action target group members outside the public service with access to appeal rights in the same fashion as their counterparts who are employed in government. The Union of Northern Workers has been actively involved in this discussion and has agreed to participate in the expanded appeals process. The absence of this provision for fair hearings in the past has proven to be a barrier to employment for many Northerners and I am proud to be able to introduce the amendment to bring it into force.

Accountability For Administration Of Personnel Services To Increase

Finally, I will be tabling legislation in the spring, 1991 session which will increase the accountability for the administration of personnel services in two major ways. First, there will be a requirement for the filing of an annual report by the Minister of Personnel which will serve as a review mechanism for the Legislative Assembly on the personnel administration function. The report will show statistics on hiring, including the government's record in meeting affirmative action goals. It will also include information on the numbers of competition appeals and their results, the number of grievances and arbitrations and the means by which they were resolved. Second, the Financial Management Board will be given

responsibility for approving collective bargaining mandates and ratifying collective agreements. This will confirm that fiscal considerations are paramount. The existing checks and balances, combined with the changes that I am proposing to the Public Service Act, will ensure that there are clear rules in place which will direct everyone, including the Minister of Personnel.

In conclusion, Mr. Speaker, I am satisfied that the best interests of the Northwest Territories will be met by the Minister of Personnel and Executive Council retaining control rather than abdicating it to an arm's length public service commission. The checks and balances currently in place, combined with the ones I am proposing, will ensure that personnel services are administered in a fair and efficient way. Control must remain at the ministerial level so that human resource management decisions reflect the needs of a developing government and the people of the Northwest Territories. Thank you.

MR. SPEAKER: Thank you. Time period for Ministers' statements has expired. Item 3, Members' statements. The honourable Member for Hay River.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On CBC Report On Extra Constituency Seats For Yellowknife

MR. POLLARD: Thank you, Mr. Speaker. Mr. Speaker, this morning I listened to CBC at 10 minutes to eight and Mr. Dave Miller was reporting on Yellowknife's demands for extra seats in this Legislative Assembly. It was with some dismay that I listened to that broadcast, Mr. Speaker. I want to publicly state, Mr. Speaker, that I will support the move of the Pine Point seat to Yellowknife but I am not impressed when Yellowknife flexes its financial muscle. I will not be blackmailed with the threat of a court case for five, six or seven seats for Yellowknife.

Yellowknife is the largest community in the Northwest Territories, Mr. Speaker, and they must recognize that they are also part of the larger community of the Northwest Territories.

AN HON. MEMBER: Hear, hear!

MR. POLLARD: They must not be allowed to upset, drastically, the delicate balance of representation in the Northwest Territories today. Thank goodness, Mr. Speaker, that the three sitting Yellowknife MLAs have adopted a much more reasonable approach to the boundary commission report. Thank you, Mr. Speaker.

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

Member's Statement On Operation Of Johnny Berens Ferry At Fort Simpson

MR. SIBBESTON: Mr. Speaker, just a verbal statement regarding the ferry in Fort Simpson. I had occasion to use the Johnny Berens ferry in Fort Simpson on a number of occasions this fall. The service at the ferry at night is terrible. I have heard reports of drinking on the ferry. I have heard of the ferry closing early -- people arriving at the ferry early find that the ferry has already shut down for the night. And I have heard of many instances of people having to wait long periods of time before the ferry comes across to pick them up.

On the two occasions that I arrived at the ferry this fall I had to wait over half an hour before the ferry would come over to pick me up. It took three quarters of an hour before I was on my way again. So I just wanted to express my constituents'

concern about the poor operation of the Johnny Berens ferry in Fort Simpson.

MR. SPEAKER: Members' statements. The honourable Member for Yellowknife South.

Member's Statement On Water Safety

MR. WHITFORD: Thank you, Mr. Speaker. Mr. Speaker, each year in the Northwest Territories we needlessly lose two to three persons due to drowning. In July of this year, Mr. Speaker, on Great Bear Lake three adults lost their lives to drowning when they all apparently fell out of their motor boat into one of the coldest lakes in Canada. Mr. Speaker, neither of the men was wearing any kind of life-saving gear and I understand that there were only flotation cushions in the boat. It is my opinion and experience that this is a common practice here in the Northwest Territories, a deadly practice by most of our lodges and enterprises using our waterways.

I was at a fishing lodge this summer and I was disturbed to see that there was no effort made by the operators of this lodge to insist that they use life jackets. I realize that the individuals must be responsible for their own safety but in most cases of drowning or deaths on the water a life jacket could have made the difference between life and death. These individuals on Great Bear Lake chose not to wear any and they paid with their lives. There is always this foolish notion that a life jacket will not help in the cold water of our lakes. While this may be true in some cases, there still remains the case for the recovery of the bodies. Speaking as a former coroner, Mr. Speaker, I think that is very important to the families.

Mr. Speaker, not unlike the wearing of seat belts which can save lives, life jackets can, and do, save lives. While it may be true that being in the water for a long time will kill you, at least you stand a better chance of survival by removing one of these elements. Mr. Speaker, we do need more public education on water safety. As well, we need stricter regulations to make mandatory the wearing of flotation devices by tourists and by residents using our waterways. Thank you.

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

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question O29-90(2): Power Lines In Arctic Bay

HON. NELLIE COURNOYEA: Mr. Speaker, I have a return to an oral question asked by Mr. Pudluk on October 11th, concerning the electrification of a new subdivision in Arctic Bay. Mr. Speaker, normally the Power Corporation would complete the electrification project after construction of the subdivision was complete. Of course, in the past customers needed a temporary construction service. Adequate notice of such projects is needed so that the corporation can properly plan its material ordering and work scheduling. In this case the NWTPC was not notified of the subdivision until March of this year, after its own construction schedule was set. Given that late notice they attempted to delay the impending construction of the HAP houses and, in fact, thought all customers had agreed to hold off.

Since there has been some confusion between MACA, the Housing Corporation and the Power Corporation, that is creating a potential delay for two HAP clients, the Power Corporation is considering the supply of small generators to assist the HAP clients through the initial house construction phase. An approach is going to be made to the housing

association in Arctic Bay to seek their assistance in setting up such a plan. The final electrification of the new subdivision can be completed in July of next year. Thank you.

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

ITEM 5: ORAL QUESTIONS

Question O38-90(2): Cabinet Practice Regarding Proposed Legislation

MR. SIBBESTON: Mr. Speaker, I would like to ask the Government Leader whether it is a practice of government and cabinet to review all legislation before it is given to the legislation committee to deal with?

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

Return To Question O38-90(2): Cabinet Practice Regarding Proposed Legislation

HON. DENNIS PATTERSON: Yes, Mr. Speaker, it is the practice. Thank you.

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

Supplementary To Question O38-90(2): Cabinet Practice Regarding Proposed Legislation

MR. SIBBESTON: If that is the case then, Mr. Speaker, I would like to ask the Government Leader why it was that some of his Ministers, during the legislation committee meetings here in Yellowknife this fall, appeared to be ill-prepared. It appears as if one piece of legislation, the amendments to the Aboriginal Languages Act, was not considered. One of the Ministers confided that he had not seen that particular piece of legislation before that particular day. I want to just ask the Government Leader to state how it happened that at least one piece of legislation was not considered by cabinet before it was presented to our legislation committee?

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

Further Return To Question O38-90(2): Cabinet Practice Regarding Proposed Legislation

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I am aware, Mr. Speaker, that one piece of legislation which had not been reviewed by cabinet, nor approved by cabinet, was inadvertently sent over to the standing committee on legislation. That was an error and I think it was explained as such. I guess it shows that the system is not always perfect, but I think we were very candid with the committee that this was a mistake and that we regretted that it had occurred. Thank you.

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

Question O39-90(2): Increase In Social Assistance Rates

MR. KILABUK: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Social Services with regard to the clients of Social Services who are assisted with their food, power and rent. I feel that the amount they get is not up with inflation and I do not think that the amount has been raised for quite some time. In our region, when the

supply ships come in, the prices go up. For that reason it seems that they are going through harder times. A couple of bags is not sufficient for a couple of weeks, and I have seen this happen. Does the Minister have any plans or has she done any reviews to see if the amount that the people receive is up to date with inflation? Thank you.

MR. SPEAKER: The honourable Member for Slave River.

Return To Question O39-90(2): Increase In Social Assistance Rates

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, yes there have been reviews of the actual regulations for social assistance, and I have asked the department to implement changes to the regulations which are of no additional cost to this government. However, recognizing that the food cost increase will not come into effect, I ask the Member to certainly recognize that I fully understand. As I had indicated in the budget session last year, an increase in food costs would be in excess of three million dollars and it was not in my budget. I am certainly working to look at it for the future. Thank you.

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

Question O40-90(2): Gjoa Haven Radio Society's Bingo Licence

MR. NINGARK: (Translation) Thank you, Mr. Speaker. In Gjoa Haven the radio station has not received their licence to hold bingos and that is the only way they can raise money for their society. Maybe the Government Leader or one of his staff, if they are aware of this situation could help, because they have not had their licence for a long time. Thank you.

MR. SPEAKER: The honourable Member for Slave River.

HON. JEANNIE MARIE-JEWELL: I am sorry, Mr. Speaker, I did not quite understand what type of licence.

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

MR. NINGARK: Thank you, Mr. Speaker. My question is directed to the Minister of Government Services, is it? One of the Ministers anyway.

---Laughter

I had a meeting with the Gjoa Haven local radio society and they informed me during that meeting that their bingo licence and lottery licence were taken away from the society because there was mismanagement by the former group or by the former secretary. Since the local radio station provides entertainment, education and communications, and also retains the culture and the language in the community, it is a very important part of the community, I wonder if the Minister responsible would undertake to reinstate the licence. Thank you.

MR. SPEAKER: Thank you. The honourable Member for Slave River.

Return To Question O40-90(2): Gjoa Haven Radio Society's Bingo Licence

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. All licences under consumer and corporate affairs are issued in accordance with regulations. I can request clarification from the department on that particular issue as to why the licence was taken away and probably suggest to the community what

methods or other types of approach they have to take in order to get their licence back. However, I will not instruct the department to just renew their licence if the community did not adhere to regulations that were stipulated once they received the licence. However, I certainly will review the matter. Thank you.

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

Supplementary To Question O40-90(2): Gjoa Haven Radio Society's Bingo Licence

MR. NINGARK: Thank you, Mr. Speaker, supplementary. When I had the meeting with the group they were very concerned and they have selected a new group. They have also selected a chairperson and a new secretary. When I asked them if they would allow the auditor to audit the books toward the end of the year, they indicated to me that they would be willing to get their books audited every year. I know the group is very capable of looking after their books, and I ask the Minister to look into this problem very seriously. Thank you.

MR. SPEAKER: Thank you. The honourable Member for Slave River.

Further Return To Question O40-90(2): Gjoa Haven Radio Society's Bingo Licence

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, I can assure the Member that whenever issues are brought to my attention I do take them seriously and look into them. I will do this on this occasion.

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

Question O41-90(2): Enforcement Of Legislation Governing Four-Wheelers

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I hope my question will be clear, but I am not sure to which Minister I am going to direct it. I feel maybe the appropriate Minister would be the Minister of Justice. Last year legislation came into effect on four-wheelers, and during that time I thought that this would apply to everybody, but I see now that it seems to apply only to some people and to some communities. Is it up to the municipalities to enforce this legislation, or is it just some communities? Thank you.

MR. SPEAKER: The honourable Member for Kivallivik.

HON. GORDON WRAY: Thank you, Mr. Speaker. I will take the question as notice and perhaps I can get clarification of details from the Member afterwards, and then I can provide an answer in the House later. Thank you.

MR. SPEAKER: Thank you. The honourable Member is taking the question as notice. Oral questions. The honourable Member for Nahendeh.

Question O42-90(2): Operation Of Johnny Berens Ferry At Fort Simpson

MR. SIBBESTON: Mr. Speaker, I am following up with what I said in my statement regarding the ferry in Fort Simpson. I am wondering if the Minister responsible could check into the allegations and statements that I made with respect to tardy, poor service that the ferry on the Liard River is presently

providing to the residents. Would the Minister have his officials check the service and report back to us on that?

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

Return To Question O42-90(2): Operation Of Johnny Berens Ferry At Fort Simpson

HON. GORDON WRAY: Thank you, Mr. Speaker. I most certainly will. The allegations made by the Member in public are extremely serious allegations involving, among other things, drinking on the job, which is an offence under the law which could entail people losing their jobs and going to court. The lack of service is a serious allegation that has been made and most certainly it will be investigated. I guess what causes me even more concern, is that this is the end of the summer and this is the first time that I have ever heard of this problem. There has not been one letter. There has not been one phone call. There has been nothing said until today that there were problems with this ferry. I guess what causes me concern is that if these problems are so serious, and these allegations are so serious then why was nothing said before. I most certainly will be investigating these very serious charges. Thank you.

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

Question O43-90(2): Public Notification Of TFN Land Claims

MR. ERNERK: (Translation) Thank you, Mr. Speaker. I would like to turn my question to the Minister of Culture and Communications, Mr. Titus Allooooloo. I believe the Minister of Culture and Communications was one of the individuals who signed the AIP, agreement in principle, in regard to the TFN land claims. Mr. Speaker, it was a very historical event and my question is, Mr. Speaker, they were supposed to publish the details of the agreements, but to date we have not seen anything. I was wondering, Mr. Minister, if you can push them to perhaps give the public more information. Thank you.

Return To Question O43-90(2): Public Notification Of TFN Land Claims

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. After the TFN and the federal government made their agreement in principle, my department has been working on the translation of AIP documents to Inuktitut. They were only done in English and French at the time we signed it. They are already translated to Innuinaktun and Inuktitut and they will be published soon to the people. Next week the TFN board will be in Yellowknife and we have meetings set up with them later next week. I have also mentioned to TFN that our government will help them out in informing the public if that is required. Thank you.

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

Supplementary To Question O43-90(2): Public Notification Of TFN Land Claims

MR. ERNERK: (Translation) Thank you, Mr. Speaker. You only have 12 months to inform the public. Are you going to visit the communities to inform them of the AIP? I think it would be better if you visit the communities and give them the details of this AIP agreement.

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

Further Return To Question O43-90(2): Public Notification Of TFN Land Claims

HON. TITUS ALLOOLOO: (Translation) Yes, thank you. The GNWT is not responsible for informing the public in regard to this AIP. TFN is responsible for informing the people. What we informed the organization was that if they need any help in informing the public on the details of the AIP, we will be willing to help out. The responsibility lies with the organization. Thank you.

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

Question O44-90(2): Policy For Eliminating Local Housing Association Deficits

MR. PEDERSEN: Thank you, Mr. Speaker. My question is to the Minister responsible for the Housing Corporation. I have a short letter here that puzzles me. It is addressed to the housing manager of Coppermine and a few other housing association managers within my region, from the district controller of the Housing Corporation at the regional office in Cambridge Bay. It refers to a deficit that the housing association has had for the past year and wonders how they are going to pay that off and they have a suggestion in there, "I have presumed that you intend to raise this deficit by yourselves. I am sure that you would be able to rally the community to help with bingos and dances." It puzzles me a bit, and I would just like to ask the Minister, if this is indeed the latest Housing Corporation policy that we would be using bingos and dances to retire the deficits. Perhaps our entire government could use that philosophy.

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

Return To Question O44-90(2): Policy For Eliminating Local Housing Association Deficits

HON. TOM BUTTERS: Thank you, Mr. Speaker. No, I also have a copy of the letter provided to me courtesy of your colleague, Mr. Ningark, which he referred to in his question yesterday. Following his question, I did discuss his concern in general with the president and certainly the president is not aware of any move to raise money through bingos and dances. I will look into this matter and see that any misunderstanding is corrected.

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

Question O45-90(2): Buffalo Problem In Nahanni Butte

MR. SIBBESTON: Mr. Speaker, this being Friday, I think there should be possibly one light moment.

---Laughter

In this case, I did write to the Minister earlier on. It is concerning buffalo in Nahanni Butte. I wrote to the Minister last June saying that the buffalo that have been transferred or transplanted, I guess, to Nahanni Butte seem to be hanging around the community quite a bit. Some of the old ladies are scared of them. They cannot visit their rabbit snare lines any longer. One man woke up to his house shaking because a buffalo was rubbing his back on his house. Worst of all, the buffalo are just standing in the community, just staring at people. I am wondering if the Minister could do something about that?

---Laughter

MR. SPEAKER: The honourable Member for Amittuq.

Return To Question O45-90(2): Buffalo Problem In Nahanni Butte

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I am aware of the problem that the Member has outlined. I have received his letter. My department is working co-operatively with the community to rectify the problem.

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

MR. SIBBESTON: Mr. Speaker, I guess if the Minister could solve this little buffalo problem in Nahanni Butte then there would be some hope of resolving the bigger bison/buffalo problem in the North, so I would look forward to his response on whatever he can do. The buffalo do come and go. They were not there the last couple of weeks, but I am sure come winter they will remember that good hay...

MR. SPEAKER: Question? Oral questions. The honourable Member for Yellowknife South.

Question O46-90(2): Review Of Safety Measures Re Blasting

MR. WHITFORD: Thank you, Mr. Speaker. I have a question I would like to direct to the Minister responsible for Safety. Just a little point here, at 12:00 noon or about that time there is going to be a large blast taking place in a quarry just outside of town. I am just wondering if we should all wear hard hats before that happens.

Mr. Speaker, yesterday I had asked a question pertaining to blasting. My concerns were with the issue of flying rock as a result of excavation blasting, and the question I have deals with the safety to the public from excavating blasting; not so much the locations but blasting in towns or places that are inhabited. Just on the weekend past a rock hit a transformer near Fort Rae, putting the power out there for the day. I wonder if the Minister is going to have her department review the safety aspect of companies that are blasting in towns or in inhabited areas before we have somebody killed.

MR. SPEAKER: Thank you. The honourable Member for Slave River.

Return To Question O46-90(2): Review Of Safety Measures Re Blasting

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I have to remind the Member once again that the location for blasting, particularly in the Yellowknife area, is not the responsibility of the Department of Safety. The permission for these areas to be located is the responsibility of the City of Yellowknife. However, it is our responsibility as a department to ensure that what procedures are used are safely regulated. If there are procedures that are not adhered to according to the Mining Safety Act, then certainly our department will look at it. I would suggest to the Member that he possibly consider approaching the City of Yellowknife expressing his concern on the area where it may affect residents of the city. Thank you.

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

Supplementary To Question O46-90(2): Review Of Safety Measures Re Blasting

MR. WHITFORD: Thank you, Mr. Speaker. I heard what the Minister had said, and I know that it is the city's responsibility

to allocate where the blasting takes place. The point is that it is not a case of where, it is just a case of how these blasts take place. What I am concerned with, are there regulations governing the type of blasting which may take place in any particular area, safety mats, smaller blasts, something that her department is responsible for -- not issuing the location? We have to blast in cities and towns, but what happens there when they blast is the question. Is her department responsible for ensuring that the contractors know what they are doing, and the contractors taking every precaution possible to avoid any hazard to the public? That is what I am getting at. Is her department going to monitor closer or review the standards?

MR. SPEAKER: Thank you. The honourable Member for Slave River.

Further Return To Question O46-90(2): Review Of Safety Measures Re Blasting

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, naturally our department has the responsibility for ensuring that safety is adhered to, as I have indicated to the Member, and if they feel the regulations are not adhered to it is our responsibility as a department to ensure they are fulfilled. Whenever these blastings or any type of explosion devices are going to occur, through licence or through action, our department will review them.

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

Question O47-90(2): Allocation Of Housing Units In Iqaluit

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. This question is directed to the Minister responsible for the NWT Housing Corporation. This summer I heard on the radio that the allocation of housing in Iqaluit will be increased to 50 houses every year. The question I have is, if Iqaluit is going to get a housing increase would the other communities be given less of a housing allocation? Thank you.

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

Return To Question O47-90(2): Allocation Of Housing Units In Iqaluit

HON. TOM BUTTERS: Mr. Speaker, no, the needs survey that is developed in Iqaluit and the other communities remains the same with the same criteria in identifying housing needs. Iqaluit has experienced a very high growth situation and the corporation has sought to address needs both for the homeless and for the elderly. We are dealing with the specific needs that have been identified to us in accordance with the problems of growth, Mr. Speaker.

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

Question O48-90(2): Publication Of Upcoming Legislation

MR. POLLARD: Thank you, Mr. Speaker. About a year ago the ordinary Members asked the Government Leader if he would publish in newspapers in the NWT, a list of the legislation that was going to be discussed in any upcoming session. I would like to ask the Government Leader if that practice was followed this session. Thank you, Mr. Speaker.

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

Return To Question O48-90(2): Publication Of Upcoming Legislation

HON. DENNIS PATTERSON: Mr. Speaker, yes it was followed. Thank you.

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

Supplementary To Question O48-90(2): Publication Of Upcoming Legislation

MR. POLLARD: Mr. Speaker, I wonder if the Government Leader could advise us which publications that list was put in, please. Thank you.

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

HON. DENNIS PATTERSON: Mr. Speaker, I will have to take that question as notice.

MR. SPEAKER: Thank you. The honourable Member is taking the question as notice. Oral questions. Oral questions. The honourable Member for Yellowknife Centre.

Question O49-90(2): Proposal For Hiring Handicapped Persons

MR. LEWIS: Thank you, Mr. Speaker. I will not comment at length today on the statement made by the Minister responsible for Personnel on changes to the way in which Personnel would be administered, but since we are going to retain a system which has worked to a certain degree up to now, and although we have an affirmative action program in place, it has been brought to my attention by several of my constituents that those people that are handicapped do not seem to get employment by the Government of the Northwest Territories, even though they apply for jobs time and time again. Since we are an innovative government, I wonder whether the Minister of Personnel would consider not just simply dismissing people because they have abnormalities or difficulties or handicaps, but would he begin looking at jobs perhaps which we could create within our government by bringing different functions together and saying that is the kind of job which a handicapped person could do. It is an innovative suggestion, and would he consider that proposal, Mr. Speaker?

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

Return To Question O49-90(2): Proposal For Hiring Handicapped Persons

HON. STEPHEN KAKFWI: Mr. Speaker, I am not aware that there are any systemic barriers to hiring handicapped people in the government. If the Member has specific cases that he wants to bring forward I will be quite happy to deal with them. I am not at this time looking at creating jobs specifically for people in this category.

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

Question O50-90(2): Fort Resolution Siding Contract

MR. MORIN: Thank you, Mr. Speaker. My question is directed to the Minister responsible for the NWT Housing Corporation. Mr. Minister, this summer in Fort Resolution there was a contract for the siding of the power plant. It was quite a simple contract and I am wondering why an out-of-town contractor had to do it.

MR. SPEAKER: The honourable Member for Nunakput.

Return To Question O50-90(2): Fort Resolution Siding Contract

HON. NELLIE COURNOYEA: Mr. Speaker, with regard to the project in Fort Resolution, when that was put out to tender one bid was received. The band was also approached to see if they were interested in bidding but they did not want to because of their lack of manpower. The lone bid from Fort Resolution that we did receive withdrew. The only other bid that we received was from a Yellowknife firm and they were already working in the community so that was the reason why that particular job was done. But we did make every attempt to either get it done locally or through the band. So we were only able to entertain the one bid.

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

Question O51-90(2): Government Policy On Purchasing From Local Businesses

MR. POLLARD: Thank you, Mr. Speaker. To the Government Leader, Mr. Speaker. Last session this House passed a motion asking the government to come forward with a purchasing policy whereby they would only purchase from businesses resident in the Northwest Territories. There were certain deadlines attached to that motion, Mr. Speaker. To my knowledge they have not been met and I am wondering if the Government Leader could bring us up-to-date as to where the government is on that policy? Thank you, Mr. Speaker.

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

Return To Question O51-90(2): Government Policy On Purchasing From Local Businesses

HON. NELLIE COURNOYEA: Mr. Speaker, the Government Leader has assigned this ministry to co-ordinate the work that was requested from the Legislative Assembly. We will be able to proceed with the document before the end of the session.

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

Question O52-90(2): Power Plant Noise Level In Fort Simpson

MR. SIBBESTON: Mr. Speaker, a question to the Minister responsible for the Power Corporation. I actually meant to write to her but I never got around to it but it concerns the operation of the power house in Fort Simpson. Generally the staff in Simpson are doing a good job but one of the concerns that has been expressed to me a number of times is the noise level. A number of years ago I pointed this out to the Northern Canada Power Commission officials because my aunt's house is a short distance away and her dishes and her windows in the house used to rattle. Since then they have made modifications and have improved the level of noise but I still hear complaints that the level of noise is too loud. I wonder if the Minister could ask her staff if the noise level in Simpson could be reviewed with a view to seeing what could be done to further reduce the noise?

MR. SPEAKER: The honourable Member for Nunakput.

Return To Question O52-90(2): Power Plant Noise Level In Fort Simpson

HON. NELLIE COURNOYEA: Thank you, Mr. Speaker. There are several communities with that same situation and

the Power Corporation is indeed evaluating the situation to see what can be done to overcome the problems, not only in Fort Simpson but in other communities as well. I will endeavour to look further into it and provide a report to the Member, Mr. Speaker.

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

Supplementary To Question O52-90(2): Power Plant Noise Level In Fort Simpson

MR. SIBBESTON: Thank you, Mr. Speaker. I appreciate the Minister's response and I am just wondering if the long-term solution is to actually do away with the power house and get a power line from Hay River. That would be the quietest long-term solution. I wonder if the Minister would seriously consider reviewing that possibility of extending the power grid, as it were, from the South Mackenzie and extending it down north along the highway to Simpson and, perhaps, elsewhere as we have development in the North; perhaps even to the Arctic Coast.

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

Further Return To Question O52-90(2): Power Plant Noise Level In Fort Simpson

HON. NELLIE COURNOYEA: Certainly, Mr. Speaker, the Power Corporation is indeed evaluating at what stage in time that extension can be funded. At this time we are dealing with the Taltson hydro supply to Yellowknife around the lake but I understand that that particular proposal had been put forward, and yes, we are looking at it seriously. As I said, I will provide details of what some of the longer-term planning is within the Power Corporation. I certainly agree with the honourable Member that if and when we can afford it, that would be the best way to go. Thank you.

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

Question O53-90(2): Changes To Education Act

MR. LEWIS: Thank you, Mr. Speaker. I received recently, from the Minister of Education, a package indicating a way in which the Education Act would be written. I went through my archives last night and dug out a document dated 1972 in which the department had done something similar. They had spent a couple of years having meetings all of the time, sending out letters to people, and that led to the act of 1976-77. That act was pulled to pieces because of the way in which it was done.

The Minister is doing exactly the same thing as was done in 1972 by having an in-house type workshop in which the act will be written. My question to him is, is he aware that he is, in fact, repeating the mistakes of the past?

MR. SPEAKER: The honourable Member for Sahtu.

Return To Question O53-90(2): Changes To Education Act

HON. STEPHEN KAKFWI: Mr. Speaker, I am not in the business of repeating old mistakes but I think the intention is to take an old act that has been amended numerous times to the point where it no longer has any characteristics of its original form. Because we have turned over the responsibility of education to the people in the communities and regions and it is based on legislation that is old, the people in the communities and the regions have had no say in the way in which they are being asked or allowed to exercise their new-

found powers and responsibilities. I thought it was appropriate that we should give all people in the North in all the regions, at least for a year, a chance to exercise some management and fiscal responsibilities over education funds and programs. Having done that for a year, at least in the western regions and for much longer in the eastern Inuit regions, all of them will now be given a chance to tell us how the relationship should be changed if they are having difficulties with some of them. For instance, what kind of powers the Ministers should have, what kind of structures these divisional boards should have, whether they are well-designed now and meet the needs, whether the power should rest at the regional level, whether they should try to wrestle even more powers to the community level as opposed to leaving it all at the regional level, whether the powers given these regional boards in communities are sufficient, whether the way that they are structured meets the political aspirations of the communities. For example, the Inuvialuit communities may wish to restructure to allow for aboriginal representation as may the Metis councils and locals, the chiefs and band councils. These questions need to be asked because there have been for years, complaints about the lack of recognition that were given these bodies.

The proposed redraft to the Education Act also falls exactly in line with this government's proposal to negotiate self-government to the communities, that we have institutions and legislation in place now to allow communities and regions to exercise some responsibility for education. The question is, is it really the way that the communities and the regions want to exercise them? If there are changes to be made, I would be very happy to hear them. Hopefully, this will lead to an improvement over the present situation and it would go a long way toward meeting the needs and demands of the communities, the regions, and specifically the aboriginal people, who have been for many years asking for self-government. I do hope that it comes up with good things because I am not directing the operations and there are many, many interests to meet.

It is going to be an exercise that is going to pose a great task on the will of people to discuss the kind of relationships we want with each other; not only among aboriginal groups but also between aboriginal people and non-native people and between the different aboriginal people themselves. It is going to ask the question of the relationships that the communities are going to have within themselves; that is between band councils, municipal councils, education bodies. It is going to ask the question of how the responsibilities are going to be exercised between the local bodies and regional bodies. It is going to go further in asking the question about the relationship these many groups will have with the government, through the Minister of Education and the deputy minister. It is an awesome task and I think, if I just get it under way, I would feel I have undertaken some work to make sure that the next government will have to come to grips with finishing the job that all of us are taking part in getting under way. Thank you.

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

Supplementary To Question O53-90(2): Changes To Education Act

MR. LEWIS: Mr. Speaker, in 1972 a package went out all over the Territories indicating some questions and some issues. I have a list of the places that responded. There were 16 all together and on the basis of those 16 responses, we got an Education Act written in 1976-1977. My question to the Minister, is he going to do more than simply send out packages to people?

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

Further Return To Question O53-90(2): Changes To Education Act

HON. STEPHEN KAKFWI: Mr. Speaker, I take the view that I have to believe that people are going to take great interest and approach this task with great enthusiasm and that education is one issue of great interest and emotion at the community level and every level of our people in the North. I see that sometimes we do end up with a rather dead response. If the Member will recall, we tabled what I thought was a great document earlier in this Legislature to deal with political and constitutional development. There has not yet been any great rising interest on the part of the Members of the Legislature. There has been almost no discussion on it. For lack of some vision and some purpose on the part of the members of the Constitutional Alliance, the Member will recall that in October we finally put to bed, put to rest, the Constitutional Alliance because there is not any enthusiasm, any vision and any purpose to serve on these bodies any longer. I believe that the communities and the regions and the people tasked with representing their people at the community level will do a good job. We have slated at least a couple of years set aside to do the job. I think, particularly because of impending claims, because of implementation with the TFN and possibly with the Dene/Metis, at least in some of the regions, resolving and addressing the question of self-government for some of the communities is going to be very urgent. Because of that, all of us are going to be pushed to do our work and I think it will result in substantial presentations being made and dialogue in the communities. Thank you.

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

Supplementary To Question O53-90(2): Changes To Education Act

MR. LEWIS: Thank you. My second supplementary, Mr. Speaker, I would like to ask the Minister what does he intend to achieve then, over the next year in his mandate in order to get this work well on its way?

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

Further Return To Question O53-90(2): Changes To Education Act

HON. STEPHEN KAKFWI: Mr. Speaker, the divisional boards, at least some of the divisional boards in the Western Arctic, have already indicated to us some time ago, that they might not necessarily be happy with the bodies that they have been presented with. That is, they have already had some ideas previous to instituting these divisional boards, of how they want to restructure. They have all accepted the divisional boards as set out in the legislation with the promise I made to them that after a year or so, which is now, that they would all be given an opportunity to take part in redrafting the Education Act.

I think it is important to point out in light of the Member's previous comment, this is not 1972. We are beginning the 1990s and I think the political will and the attitude people take to drafting legislation, I hope, and to defining relationships is much more important, and all parts of our society and all our communities are much more interested and driven to address it, because it is what drove to the demise of Meech Lake. It is what drove the incident at Oka; it is what drives the need for claims negotiations. It is what drives the native aspirations

for forming new types of government. It is what drives the whole north because we know we are all forced to live together. We do not necessarily like it but all of us have some very specific ideas on how we can make improvements. None of us at this time are suggesting that we should segregate and go our own way. It is a task that I do not think any other government in Canada has given itself, the Government of the Northwest Territories and in this case, the Department of Education has decided to do this job. I am optimistic that even though we do not have a clear blueprint on how we are going to come out with a dazzling new Education Act, with the tremendous will we have to do something, it will result in good things.

For the remaining time of my term as the Minister I hope to see presentations continuing to be made, questions and solutions being posed by divisional boards, chiefs and councils, municipal bodies and all the other political and cultural groups in the NWT. We will put these together, put them in a format that can be shared with the public and with those people that will continue to be interested in it. We will help, I guess, to continue this dialogue going by the best way we can, and that is by sharing the information we get. We will be the conduit for all groups being aware of what they are all saying, and trying to put it in a way that can consolidate some of the things that are similar together. That should probably bring me to the end of my term. Thank you.

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

Supplementary To Question O53-90(2): Changes To Education Act

MR. LEWIS: Thank you, Mr. Speaker. I listened with great interest to that speech, Mr. Speaker. My question is short. The Minister has characterized this Assembly as apathetic and without vision. I wonder how he is going to generate this great enthusiasm for a redrafting of the Education Act among the general population of the NWT that we represent.

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

Further Return To Question O53-90(2): Changes To Education Act

HON. STEPHEN KAKFWI: Mr. Speaker, it has always been my view that the people in the communities have a very different perspective on what the priorities are and how things should be tackled than people at the territorial or regional level. I think it is important to recognize that for a number of years now there has not been any real process or system set up to allow the views of people at the community level to be shared. I do not intend to slight Members of this Legislature by saying that they are apathetic, but I do know that when we tabled the document because I am an avid advocate of political and constitutional change, I thought we would take great time to debate the issues. It has not happened. What that means -- it could mean many things -- but mostly it means that there is nothing to be said by the Members at this time about it.

I know that for me, and I have said it publicly before, that the reason that the Constitutional Alliance died -- which was the primary vehicle we had to bring us as different peoples of the Northwest Territories together to have a forum to share our views about how our relationships should be defined -- was because of a lack of vision on the part of the Dene/Metis leaders. We finally gave up and said, "Is there anything to be said?" Also because the boundary between the TFN and Dene/Metis was not able to be resolved we had really nothing substantial to talk about. That is why it fell apart.

My view is that there is great interest in the communities and regions in education, and that there are people in the communities who have some very detailed opinions about how the divisional boards are working, whether they are working, and how they should be changed. I think the chiefs have some very specific questions and comments to make in this regard. I take the view that the debate, the questions and the discussions that are needed to redraft the act are going to happen. That is going to start and it should be characterized by well-thought-out comments and presentations being made throughout its duration. Thank you.

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

Question O54-90(2): Whole Language Program

MR. GARGAN: Mr. Speaker, I would like to direct my question to the Minister of Education. One of the guiding principles with regard to the relationship between the schools and the community is with respect to the teacher and parent relationship. There was a new program started in January 1990, the "whole language program". Mr. Speaker, we had a public meeting about that program on September 26 at the school. A public meeting was called and this new program was explained to us. I would like to ask the Minister of Education why it took the schools that long for the parents to get involved or to be consulted about this new program.

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

HON. STEPHEN KAKFWI: Mr. Speaker, I am not sure what the question is. Is the Member asking why parents were never involved in schools before, or why the government never allowed parents to be involved in schools before?

MR. SPEAKER: Time has expired for question period. Item 6, written questions. The honourable Member for Deh Cho.

MR. GARGAN: Mr. Speaker, I would like to get unanimous consent to go to Item 3, Members' statements.

MR. SPEAKER: The honourable Member for Deh Cho is seeking unanimous consent to return to Item 3, Members' statements. Are there any nays? Unanimous consent is not given.

Item 6, written questions. Written questions.

Item 7, returns to written questions. Returns to written questions. Returns to written questions. Item 8, replies to Opening Address. The honourable Member for Deh Cho.

ITEM 8: REPLIES TO OPENING ADDRESS

Mr. Gargan's Reply

MR. GARGAN: Thank you, Mr. Speaker. I would like to touch on a number of issues which were made during the last two days. One was with regard to the Minister of Education's statement concerning self-government and the government's vision of what self-government is about, rather than what maybe Indian self-government should be like. It is based on the government legislation on chartered communities, in which a pilot project is now going to be made in his home community of Fort Good Hope and in the Tu Nede community of Fort Resolution. Both communities are under the Charter Communities Act, and this is the vision that the government has envisioned as self-government rather than Indian self-government. Also, further, their vision of that is with regard to prime body concepts, which is having little bodies of people all in the community governing on one topic, whether it is a

local education authority on education, the hamlet on municipalities or the hunters and trappers on wildlife. You have all these little bodies that are going to be the governments for certain interests. I believe that has not worked and I believe that it will never work.

One of the reasons why I say that is, again, before the conclusion of the question period the question I asked -- which was not answered -- was with regard to what is happening in my own community, for example, in which a new program was developed about a year ago, called the "whole language program". That program was initiated by the divisional board of education, which is representative of the Deh Cho board, which is representative of the different local education authorities. In this case there are nine communities that belong to that divisional board of education. So they are the ones that made that decision to initiate this new program without consulting the communities, nor asking the support of the appropriate authorities which, in this case, should have been the band council and the hamlet council.

Mr. Speaker, about two weeks ago in Fort Providence we had a public meeting, which was an informative meeting, to tell the parents and the community that the new program has been in place now for one full year. Whether we like it or not, it has been on now for one full year and supported by the divisional board which, in this case, even the Deh Cho Regional Council does not fully support. A motion was passed in this House several years ago with regard to requesting the Minister of Education to hold back on establishing divisional boards of education in the region until the Deh Cho Regional Council is satisfied that it is in the best interest of the region to establish such a body. Naturally, that was neglected and ignored and the Minister still went ahead and established those boards.

On the other issue, Mr. Speaker, with regard to the media this morning -- and that is why I was trying to get unanimous consent but I did not get it, so I will make that statement in my Members' reply. I have listened with some interest and a great deal of concern to the news item on CBC regarding a court challenge to the distribution of seats for the Legislative Assembly. I am even more concerned that a Member of the House has seen it necessary to threaten the Members of this House about how they should consider the report of an independent body which was established to review the electoral boundaries of the Northwest Territories.

Mr. Speaker, what surprised me more is that the challenge is coming from a Member who has no constituents in his present constituency and has had a very limited number of constituents for approximately three years. While I may question his role in this Legislature, I have never questioned his right to participate in discussions or debates. Mr. Speaker, what is more surprising is the change of heart of this Member since 1979 when he opposed the additional seat for Yellowknife.

To all of those reasonable people of Yellowknife who are listening to my statement, the present allocation of seats in the Legislative Assembly has served us well. The capital city of the Northwest Territories has not suffered from a lack of consideration by this Legislature. Yes, I have criticized Yellowknife for being prosperous in comparison to my constituency, but you would too if the unemployment rate was more than 50 per cent in your community. The most recent salary assessment of Yellowknife showed that this capital was the second highest in Canada. I asked both Mayor Pat McMahon and Jack Walker if they have gained from the location of the Legislative Assembly in the capital city. What positions have been taken by the Legislative Assembly that have not improved the quality of life in Yellowknife?

Mr. Speaker, maybe it is time we consider the options of

increasing the population in other regions. The population is the only basis that residents of Yellowknife are prepared to consider in seat distribution, rather than whether the present system of seat distribution has served us well. The independent commission was cognizant of the importance of rural seats and protecting how they could continue to influence public policy. This was done while they considered the practice of representation by population and I will quote the report when we introduce and debate this issue on electoral boundaries in this House.

Mr. Speaker, I will be guided by the principle of deciding on this issue by what I feel is fair and right for my constituents and not by threats of court proceedings. However, if Mayor Pat McMahon and Jack Walker wish to waste their personal moneys pursuing this threat, Mr. Speaker, I say to them, "Go for it." That is my Members' reply. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. Replies to Opening Address.

Item 9, petitions. Item 10, reports of standing and special committees. The honourable Member for Aivilik.

ITEM 10: REPORTS OF STANDING AND SPECIAL COMMITTEES

Report Of The Standing Committee On Legislation

MR. ERNERK: Thank you very much, Mr. Speaker. Mr. Speaker, your standing committee on legislation has the honour of presenting a report on its pre-session review of bills proposed for introduction at the seventh session of the 11th Assembly. Mr. Speaker, the standing committee on legislation, under the authority given to it by this House, has reviewed several bills proposed for introduction during the seventh session of the 11th Assembly. The standing committee met in Yellowknife on September 17, 18, 19, 20 and 21, 1990. We reviewed draft bills upon their referral from the chairperson, legislation and house planning committee. During this session every attempt will be made to table a standing committee report on certain bills at the earliest opportunity after second reading. Commentaries on each bill will still be provided by the standing committee chairperson during committee of the whole for consideration.

Mr. Speaker, during its September, 1990 meetings, the standing committee on legislation reviewed the following bills and agreed to refer them for consideration in this House: An Act to Amend the Child Welfare Act; An Act to Amend the Cities, Towns and Villages Act; An Act to Amend the Dental Profession Act; An Act to Amend the Environmental Protection Act; An Act to Amend the Financial Administration Act; An Act to Amend the Financial Agreement Act; An Act to Amend the Labour Standards Act; An Act to Amend the Petroleum Products Tax Act; An Act to Amend the Property Assessment and Taxation Act; An Act to Amend the Public Service Act; and the Transportation of Dangerous Goods Act, 1990. We have referred a number of bills to the standing committee on finance.

Mr. Speaker, these bills were considered ready for the House by the legislation committee but have also been referred to the finance committee for consideration. They include: An Act to Amend the Financial Administration Act; An Act to Amend the Financial Agreement Act; An Act to Amend the Petroleum Products Tax Act; and An Act to Amend the Property Assessment and Taxation Act.

Legislation deferred for further review, Mr. Speaker. Other draft bills forming part of the government's legislative programs for the seventh session were also considered by the standing committee. In several cases the standing committee on legislation was not prepared to refer draft legislation

proposed in the Throne Speech for consideration by the House. These bills have been deferred for consideration at future meetings of the standing committee on legislation and they include, Mr. Speaker: Adoption of French Version of Statutes and Statutory Instruments Act, Northwest Territories Building Society Loan Authorization Act, and the Security Occupations Act, as well as proposed amendments to the following legislation: Civil Emergency Measures Act, Elections Act, Local Authorities Elections Act, Official Languages Act, Statute Law Amendment (Official Languages) Act.

Mr. Speaker, the standing committee on legislation made special note of the ongoing difficulty that has been encountered with the tardy submission of draft bills for review. It has been convention for all proposed legislation to be in the hands of the standing committee on legislation six weeks prior to the first day of each upcoming session.

On several occasions over the course of the 11th Assembly, draft bills have been submitted for committee review after the six-week deadline. Draft bills for the seventh session were received several days after the submission date. This hindered distribution of the legislation to Members of the standing committee on legislation prior to the September meeting and limited both research and review. Also, late receipt of the Inuktitut translations made advance review of the draft bills impossible for some standing committee Members.

The standing committee held a constructive discussion of these problems with the chairperson of the legislation and house planning committee on September 20, 1990. The standing committee will continue to anticipate receiving draft legislation six weeks prior to the first day of the session and, in future, will generally decline to consider bills submitted after that deadline. Mr. Speaker, the next meeting of the standing committee on legislation is scheduled for Monday, October 15, 1990. Thank you very much.

MR. SPEAKER: Thank you. Reports of standing and special committees. Reports of standing and special committees.

Item 11, tabling of documents. Tabling of documents.

Item 12, notices of motion. Notices of motion. The honourable Member for Yellowknife North.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I have a tabled document.

MR. SPEAKER: The honourable Member is seeking unanimous consent to return to Item 11. Are there any nays? There are no nays. Proceed.

ITEM 11: TABLING OF DOCUMENTS

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I wish to table Tabled Document 4-90(2): Summary of Decision in the Matter of an Inquiry Pursuant to Section 13(2) of the Territorial Court Act S.N.W.T. 1978 (2), c. 16, and in the Matter of an Inquiry into the Conduct of Judge R.M. Bourassa. Thank you.

MR. SPEAKER: Thank you. Tabling of documents. Item 12, notices of motion. Notices of motion.

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

Item 14, motions. Motions.

Item 15, first reading of bills. First reading of bills. Item 16, second reading of bills. The honourable Member for Yellowknife North.

ITEM 16: SECOND READING OF BILLS

Second Reading Of Bill 7: Financial Agreement Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Iqaluit, that Bill 7, An Act to Amend the Financial Agreement Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to remove the requirement for the Commissioner to sign agreements under the Financial Agreement Act.

MR. SPEAKER: The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 7 has had second reading. Second reading of bills. The honourable Member for Yellowknife North.

Second Reading Of Bill 9: Petroleum Products Tax Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Sahtu, that Bill 9, An Act to Amend the Petroleum Products Tax Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Petroleum Products Tax Act to transfer responsibility for the conduct of the act from the Commissioner to the Minister; and to remove the subsection stating that no tax is payable by the Government of Canada.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 9 has had second reading. Second reading of bills. The honourable Member for Nunakput.

Second Reading Of Bill 4: Dental Profession Act

HON. NELLIE COURNOYEA: Mr. Speaker, I move, seconded by the honourable Member for Amittuq, that Bill 4, An Act to Amend the Dental Profession Act, S.N.W.T. 1989(2), c.5, be read for the second time. The purpose of the act, Mr. Speaker, is to amend the Dental Profession Act to allow a dentist registered under Part III to apply for an extension of one year to the three year period provided for completion of the requirements for registration in Part I or Part II of the Dental Register, and to establish a student register.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 4 has had second reading. Second reading of bills. The honourable Member for Sahtu.

Second Reading Of Bill 11: Public Service Act

HON. STEPHEN KAKFWI: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 11, An Act to Amend the Public Service Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Public Service Act to conform to the affirmative action policy and to require the Minister to revoke an appointment when an appeal is granted by the staffing appeals committee. Thank you.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 11 has had second reading. Second reading of bills. The honourable Member for Slave River.

Second Reading Of Bill 1: Child Welfare Act

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Inuvik, that Bill 1, An Act to Amend the Child Welfare Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to add the requirement of reasonable grounds for apprehension and to exempt authorized persons from liability; and to transfer the administration of the act to the Minister from the Commissioner and repealing the requirement for corroboration.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 1 has had second reading. Second reading of bills. The honourable Member for Slave River.

Second Reading Of Bill 8: Labour Standards Act

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 8, An Act to Amend the Labour Standards Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to permit the minimum hourly wage to be fixed by regulation. Thank you.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 8 has had second reading. Second reading of bills. The honourable Member for Amittuq.

Second Reading Of Bill 5: Environmental Protection Act

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Iqaluit, that Bill 5, An

Act to Amend the Environmental Protection Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Environmental Protection Act to make the act binding on the Government of the Northwest Territories; to have the chief environmental protection officer appointed by the Minister rather than the Commissioner; to clarify the provisions dealing with the discharge of contaminants; to add a requirement to report discharges of contaminants; to increase the maximum punishment for contravention of the act; to expand the kinds of orders that the court may make; to provide that directors of a corporation may be held personally liable for offences committed by the corporation; and to provide for a defence of due diligence. Thank you.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 5 has had second reading. Second reading of bills. The honourable Member for Kivallivik.

Second Reading Of Bill 12: Transportation Of Dangerous Goods Act, 1990

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Amittuq, that Bill 12, Transportation of Dangerous Goods Act, 1990, be read for the second time. The purpose of this bill, Mr. Speaker, is to regulate the transportation of dangerous goods; to appoint a director and inspectors who are responsible for the administration and enforcement of the act; to establish permits exempting any dangerous goods from the provisions of the act; to provide for the enforcement of the act, including provisions respecting arrest, inspection, search and seizure; to establish offences and penalties for a contravention of the act; to provide regulation-making powers; and to repeal the Transportation of Dangerous Goods Act. Thank you.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 12 has had second reading. Second reading of bills. The honourable Member for Inuvik.

Second Reading Of Bill 2: Cities, Towns And Villages Act

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Slave River, that Bill 2, An Act to Amend the Cities, Towns and Villages Act, be read for the second time. The purpose of these amendments, Mr. Speaker, is to increase the maximum fines for infraction of municipal by-laws.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill.

AN HON. MEMBER: Question.

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

--Carried

Bill 2 has had second reading. Second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Bills 1, 2, 4, 5, 7, 8, 9, 11, 12, with Mr. Zoe in the chair.

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

CHAIRMAN (Mr. Zoe): I would like to call the committee to order. Could the Chair request from the Government House Leader the order of bills they would like to proceed with in the committee of the whole today? Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. With the concurrence of the committee, the government would like to proceed with Bill 2, Bill 4, Bill 7 and Bill 9.

CHAIRMAN (Mr. Zoe): Does the committee agree that we proceed with the following bills: Bill 2, Bill 4, Bill 7 and Bill 9?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. The Chair will now recess for 15 minutes.

---SHORT RECESS

We are dealing with Bill 2, An Act to Amend the Cities, Towns and Villages Act. Mr. Minister, do you have any opening remarks?

Bill 2: Cities, Towns And Villages Act

Minister's Opening Remarks

HON. TOM BUTTERS: Yes, Mr. Chairman. The amendment I am proposing to the Cities, Towns and Villages Act would raise the minimum fines that may be levied for infractions of municipal by-laws on the act. The maximum fines would be increased from \$1000 to \$2000 for an individual and from \$5000 to \$10,000 for a corporation. I would emphasize that these are the maximum fines and are not inconsistent with maximum fines for such offenses allowable in other jurisdictions. In the Northwest Territories fines of up to \$5000 are already permissible under the Motor Vehicles Act.

A city, town or village might wish to levy a heavy fine in cases where the contravention of a by-law caused considerable problems and expenses in the areas of, for instance, abuse of municipal service systems, fire hazards, building and zoning, public health and the protection of heritage resources and the environment. The Northwest Territories Association of Municipalities has requested the amendment that is before you and on the understanding that these are the maximum fines only, I also endorse the amendment required.

CHAIRMAN (Mr. Zoe): Thank you. The honourable Member for Aivilik, as chairman of the legislation committee. Does the committee have any comments with regard to Bill 2? Mr. Ernerk.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairperson. This bill would amend sections of the Cities, Towns and Villages Act to increase maximum fines for infraction of municipal by-laws. The amendment would increase the maximum fine for the infraction of municipal by-laws from \$1000 to \$2000 for

individuals and would increase the maximum fine from \$5000 to \$10,000 in the case of corporations. Mr. Chairperson, municipal authority to levy fines for the purpose of by-law enforcements has already been established in the Cities, Towns and Villages Act. This amendment would represent a straightforward change in the ceiling for by-law penalties.

The standing committee on legislation reviewed this bill in detail on September 18, 1990. The Minister of Municipal and Community Affairs, the Hon. Tom Butters, appeared before the standing committee to present the bill and respond to Members' queries. The standing committee was advised, Mr. Chairperson, that this legislation has been developed in response to a resolution passed earlier this year by the Northwest Territories Association of Municipalities. Mr. Chairman, it is our understanding that one of the central benefits of the higher ceilings on fines for by-law infractions may lie in the potential to deter individuals and corporations who choose to pollute or damage our environment. At least some of the responsibility for environmental protection rests at the municipal level, particularly through the authority of cities, towns and villages to pass by-laws which regulate disposition of water, sewage and garbage.

Mr. Chairperson, amendments provided by this bill will provide municipalities with the tools to deal with environmental damage perpetrated by either corporations or individuals. They will allow local authorities to take a very strong punitive stance toward those who would damage our northern countryside. At the same time, Mr. Chairperson, the standing committee was aware that these figures represent the maximum fines allowable. The new ceilings would give a judge greater latitude in choosing a severe penalty for certain serious infractions.

The amendments before us, Mr. Chairman, would not mean that all penalties for infraction of municipal by-laws would increase. Fines for less severe transgressions would not necessarily go up even though there was a higher ceiling.

At our September meeting the standing committee on legislation agreed that this bill, An Act to Amend the Cities, Towns and Villages Act, should be referred to the House for consideration. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. General comments on Bill 2. Are there any comments? The Member for Deh Cho.

MR. GARGAN: With regard to the fines for individuals and corporations, these are for infractions of municipal by-laws. Am I correct?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. TOM BUTTERS: Yes, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Mr. Gargan.

MR. GARGAN: So this would be in places like Yellowknife, the town of Inuvik, the town of Fort Simpson. The fines are all similar regardless of whether they belong to those municipalities. The size does not matter but the fine applies equally, right?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, I thought the chairman of the standing committee on legislation explained that much better than I did in my opening remarks. The fines being proposed here are the maximum that would be set by the courts. What it gives to the tax-based municipalities is the potential to deter people who may wish to transgress the existing by-laws.

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

MR. GARGAN: Mr. Chairman, the laws and the severity of the fines is determined by -- for example, in Yellowknife there is a lot of people so you have to pretty well control the level of speed that they use. But in Fort Simpson, for example, there is hardly anyone on the streets but an infraction is still an infraction and it applies equally. I am trying to determine whether or not it is fair for a village like Fort Simpson to pay the same types of fines even though the situations are not always identical; the offenses are, but the situations are not always identical yet they impose quite a steep penalty from what I see there. If the maximum is \$2000 then what is the minimum? Is it from one dollar to \$2000?

CHAIRMAN (Mr. Zoe): Mr. Minister.

HON. TOM BUTTERS: I would expect that the courts would assess the damage in accordance with the evidence heard. It could be all the way from one dollar to \$2000.

CHAIRMAN (Mr. Zoe): Thank you. Are there any further general comments? The honourable Member for Deh Cho.

MR. GARGAN: Mr. Chairman, it explains in the amendment that it would increase the maximum fine of municipal by-laws from \$1000 to \$2000 and from \$5000 to \$10,000. In the Cities, Towns and Villages Act, is there also an explanatory note in this act that explains which by-laws are referred to? It would vary I would think. In Yellowknife there is more people and the speed limit is less perhaps. Would the infractions of the speed limits within school zones, stop signs -- are those the kind of infractions -- for example in the village of Fort Simpson for those infractions then you could pay a fine of up to \$2000 or \$10,000?

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

HON. TOM BUTTERS: Mr. Chairman, as I mentioned, the request for the increase to the maximum was put to me by the NWT Association of Municipalities and the need for such an increase was seen not so much in the areas of speeding by-laws but in those areas where some destructive action by a corporation or a resident of a community could affect ones neighbour, corporate or otherwise, and create a very expensive clean-up problem or action to correct the situation. The areas which have been identified where such an increase would most likely be necessary would be the abuse of municipal services systems where a water system was polluted and the community had to seek other water sources or where fire hazards had been created by a corporation or individual and they have refused to respond to the fire chief's request for clearing it up, and also in the areas of building and zoning where construction has occurred and is in contravention of the building and zoning by-laws, in public health and in environment, or heritage resources.

So I do not think that the request relates to any of the ordinary mundane by-laws required for the day-to-day operation of the towns. It's effect is in these other areas where an individual or a corporation could create an expensive hazard to the community residents and to the councils.

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

MR. GARGAN: Mr. Chairman, if I read the statement of purpose of this bill, the purpose of this amendment is to increase the maximum fines for the infraction of municipal by-laws. That is what I read and the message that I am getting is that the infractions are for municipal by-laws. Under the explanatory note, it says the same thing again. It repeats itself. What I am reading then, if speeding or not stopping at

a stop sign, that sort of stuff, if I am caught doing those things, then I am fined. That is the message I am getting by this. Should there be a change to the statement of purpose to explain that these infractions are only related to the environment, for the pollution purposes?

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

HON. TOM BUTTERS: Mr. Chairman, as I understand it, the maximum will refer to all by-laws, but I am just saying that this is at the discretion of the court. I cannot see the court acting tomorrow any differently than they would be today on these day-to-day infractions.

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

MR. GARGAN: Mr. Chairman, I would like to ask whether or not for the Cities, Towns and Villages Act, the government has also made accommodations for by-law officers and vehicles. Fort Simpson does not have by-law officers, the village of Fort Simpson. Who enforces it in cases where they do not have by-law officers?

CHAIRMAN (Mr. Zoe): I would like to advise all Members that their comments must pertain strictly to the bill that is being discussed at the moment. Mr. Gargan, I will let this one go at this time. Mr. Minister, do you want to respond to Mr. Gargan?

HON. TOM BUTTERS: As I have said, on two previous occasions, the request for the amendment was referred by the NWTAM. The request did not contain, to my knowledge, notice that additional funds would be required for by-law officers. I believe it is expected that the need will be satisfied within the current by-law provisions and capability.

CHAIRMAN (Mr. Zoe): Thank you. Maybe the Chair can give assistance. It is for Mr. Gargan. All by-laws are made under section 183(2), and currently under that section, the maximum fines are \$1000 for individuals and \$5000 for corporations. That was the maximum fine, but now they are upping the limit to \$2000 for individuals and \$10,000 for corporations. It does not matter what type of by-law. All by-laws are made under that section, under section 183(2) and also, I believe under section 187(a). All they are doing is increasing the maximum level. Mr. Gargan.

MR. GARGAN: What is section 181(3)?

(Inaudible, microphone not turned on)

CHAIRMAN (Mr. Zoe): Thank you. Mr. Gargan, any further comments to Bill 2, An Act to Amend the Cities, Towns and Villages Act? If there are no further comments, does the committee agree to go clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Zoe): Mr. Gargan.

MR. GARGAN: Mr. Butters, I would like to ask you if you have consulted with the other Members that are affected by this act and whether or not they have been able to get the support of their own constituents with regard to the new section. I cannot ask questions of the ordinary Members but perhaps I could ask the Minister whether or not the other Members have a problem with the increase in their own areas.

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

HON. TOM BUTTERS: Mr. Chairman, no, I did not consult with other Members whose constituencies might be affected by this legislation. When an organization such as the NWT

Association of Municipalities makes a recommendation I assume that it does have the full support of all of its members and that the MLAs would be supportive of the direction and requirement of the municipalities, but no, I did not consult.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. We are dealing with Bill 2, An Act to Amend the Cities, Towns and Villages Act. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Does the committee agree that Bill 2, An Act to Amend the Cities, Towns and Villages Act is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): That concludes Bill 2. We will move right along to Bill 4, An Act to Amend the Dental Profession Act, S.N.W.T. 1989(2),c.5. Madam Minister, do you have any opening remarks to Bill 4?

Bill 4: Dental Profession Act

Minister's Opening Remarks

HON. NELLIE COURNOYEA: Mr. Chairman, I am pleased to introduce a bill to amend the Dental Profession Act. The Dental Profession Act was passed at the fifth session of the 11th Legislative Assembly and before it could be brought into force a number of regulations needed to be developed. They are currently in the final stage of development and the act is expected to come into force during the seventh session of the Legislature.

Since passing the act it has been found necessary to propose an amendment relating to the licencing of foreign trained dentists. Foreign trained dentists can currently register in Part III of the NWT Dental Register and obtain a three year licence to practise dentistry in the Northwest Territories. In the past, this was considered sufficient time for them to demonstrate their ability to pass the written examination and a three part clinical examination, Parts A, B and C, conducted by the National Dental Examining Board of Canada. During the

past two years a large number of foreign trained dentists have been taking these examinations and the dentists who have failed one part of the examination have experienced delays in being accepted to repeat the examination within that three year period.

Mr. Chairman, the purpose of this amendment is to allow a dentist who is so registered in Part III of the NWT Dental Register to be granted, once only and for one year only, an extension to this licence providing all of the following provisions have been met: That he or she has passed Part A of the National Dental Examining Board of Canada's clinical examination and that he or she has taken but failed either Part B or Part C and that the third and final year of registration will expire before the next series of examinations is scheduled to take place.

Mr. Chairman, this amendment would assist dentists interested in practising in the Northwest Territories to obtain Canadian licensing. Also, Mr. Chairman, the department is proposing that a student register be established and the purpose of this register would be to register dental students who are in their final year and these students would work in the Northwest Territories under the direct supervision of a member of the university dental faculty. At this time I would be pleased to respond to any questions the Members may have.

CHAIRMAN (Mr. Zoe): Mahsi cho. Mr. Ernerk, does the chairman of the legislation committee have any comments on Bill 4?

MR. ERNERK: Thank you, Mr. Chairperson. Before I make my report to the House I would like to just indicate that I made a mention of the late receipt of the Inuktitut translations during my report to the House this afternoon on the activities for the standing committee on legislation. Just for the record, Mr. Chairman, this is not because of the translation bureau, it is because of the government's lateness in providing legislation papers to the translation bureau, as well as to the standing committee. I want to go on record on that very situation. Thank you.

Comments From The Standing Committee On Legislation

Thank you, Mr. Chairman. This bill would amend sections of the Dental Profession Act that deal with registering dentists to practise in the Northwest Territories. This would alleviate some of the shortages in professional resources. This would specifically provide, under certain circumstances and with ministerial approval, the period of time available for foreign dentists to pass the Canadian examinations and could be extended on a one-time-only basis for an additional year.

The standing committee recognized that this amendment would assist foreign trained dentists interested in practising in the Northwest Territories to obtain full Canadian licensing. This bill would also allow for some dental students in their final year of study to practise in the Northwest Territories under the supervision of a registered dentist.

The standing committee on legislation reviewed this bill at its meeting on September 19, 1990. The committee was grateful to the chairperson of the legislation and house planning committee, the Hon. Michael Ballantyne, for presenting the bill in the absence of the Minister of Health.

Mr. Chairperson, the standing committee was initially interested in ensuring that these amendments should in no way reduce the calibre of dental practice in our northern communities. When a foreign dentist applies to come to Canada the Canadian Dental Association reviews their credentials, where they went to school, the number of hours of course work, and so on. The association then makes a

decision as to whether the foreign training is equivalent to what a Canadian university might require of its own students. If it is equivalent, they are then granted permission to participate in the Canadian exams. They are permitted to practise in the Northwest Territories only if this permission has been granted. Extending the period in which certain dentists can complete the three parts of the Canadian examinations will ensure that these well-qualified applicants have ample time to complete national certification requirements.

Since it is sometimes difficult for dentists to complete all the examination procedures within the three year period, the proposed amendment would, in effect, be more fair to those professionals who have chosen to begin their Canadian career in the NWT. In fact, Mr. Chairperson, it would also reduce the likelihood that communities would lose the services of a favourite dentist to whom they had become accustomed simply because Canadian examination requirements could not be completed within the three year time frame.

During our discussions with Mr. Ballantyne and departmental officials, the standing committee expressed interest in learning the numbers of dentists presently in the three year qualification period. The numbers were not available at the time but we were assured that they could be obtained for us. I will be calling on the Minister of Health to summarize this information for the House during today's consideration of the bill in committee of the whole.

A brief comment, as well, Mr. Chairperson, about the provision in this bill that would establish a student registry. The standing committee understands that this bill would allow dental students in the third year of study at recognized Canadian educational institutions to work in northern communities. The standing committee understood that any work done by the students would be completed under the direct supervision of a dentist registered for practice in the NWT. Direct supervision in this case would mean that the registered dentist would accompany the student to the community and would be available to assist in any more advanced procedures such as taking impressions for dentures.

By the way, Mr. Chairman, I know that the wording in the bill before us makes reference to the student register. In the version presented to the standing committee this was referred to as an educational register. The difference is not substantive.

Mr. Chairperson, at our September meeting the standing committee on legislation agreed that this bill, An Act to Amend the Dental Profession Act, should be referred to the House for consideration. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Mahsi cho. General comments on Bill 4. Member for Yellowknife Centre.

MR. LEWIS: Thank you, Mr. Chairman. We found in the past whenever we were dealing with professionals, health professionals especially, that we had not consulted adequately enough with the people in the field that deal with health problems all the time and have an understanding of the problems that they have to get resolved. That would be a concern I have, whether in fact there has been a thorough consultation with people in the dental profession to make sure that this covers all the concerns that need to be met.

Two other things that I have thought about since going through this act. The first one relates to the issue of having students who can only be under the direct supervision of a licensee who is employed by a faculty of dentistry of a Canadian university. This seems to only take into consideration the fact that we have contracts with universities to provide services in specific areas of the Territories, but it

overlooks the larger issue of whether, in fact, this has to be under a faculty of dentistry.

For example, lawyers take a year articling. They come and work for a law firm; they are under the direction of professional lawyers who have been in the business a long time -- they are not teachers -- but they take on legal work during that time under supervision and direction, and so on. I wonder whether we are just simply looking at a specific case of having students who are attached to a faculty of a university and not looking at the broader issue, that maybe it would be possible for students who are in their third year to come and work with a practising dentist who has been in the business a long time, who knows all the practical problems of everyday dentistry and could in fact perform that function without having a university professor in the community sitting, perhaps doing absolutely nothing because he would not be called upon for any advice or assistance, or so on.

The second concern that I have is what we really mean by direct supervision. According to the comments made by the chairman of the committee, by direct supervision you simply mean that you would be in the community, that you would travel to the community and would be available for such advance procedures as dentures, anything that perhaps would be beyond what you normally expect a beginning dentist to tackle. I wonder really whether this is direct supervision. The clause itself has been defined well enough so that we know exactly what "direct supervision" means. Does it mean that when this person is handling tools, that the professor is there giving over-the-shoulder supervision to make sure that he puts every instrument in the right place and does everything right? Or is it, as has been suggested, that he is simply available? To me it is not direct supervision simply to be there as a consultant, you know, if the student wants help.

Those are some of the things that I thought about when looking at this particular act. First, whether we have had full professional consultation or whether we have just simply looked at one particular aspect of our medical profession, which is in our relationship to the universities; and whether in fact the same thing would be achieved by having a student simply work in a dentist's office with professional people that have done the business for a long time; and whether some consideration had been given to expanding this, not only to having university people doing the supervision but our own established dentists doing the same thing. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Madam Minister, any comments?

HON. NELLIE COURNOYEA: Yes, Mr. Speaker. In regard to consultation with the people affected in the dental profession, the request had come directly from them to try to overcome this problem through the dentists that are presently in the Northwest Territories. In terms of the registration for foreign dentists, this was brought to our attention by the professionals. We have been in consultation with all of them in a very extensive way.

The question on limiting the student element is actually what had been worked out as being adequate to cover the concerns that were raised by the dental professionals and people who are using students and health boards who are utilizing universities for their dental delivery system. Certainly, we felt that this was the only issue that was raised to us and we were trying to cover off that particular circumstance and we did not explore the broader issue.

In terms of the detail on supervision, it is my understanding that the supervision of a student would be handled where the person who is hiring the student would be legally responsible

for actions that may occur by using that student. I believe that in terms of the student, the student would see the patient. This is what is anticipated with this supervisory role. The student would see the patient, but the dentist may or may not be standing there, but would review findings prior to any treatment. That is the intention of the supervisory role.

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

MR. LEWIS: Just so I have it clear in my head, does this mean, then, that before a student works on any patient at all, that the supervising dentist would look at every case and determine every case and exactly what the student would be allowed to do and not be allowed to do? Is that the correct interpretation of that?

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

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

CHAIRMAN (Mr. Zoe): General comments. Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairperson. During my report to the House I indicated the standing committee expressed some interest in learning about the numbers of dentists presently in the three-year qualification period. I am wondering, Mr. Chairman, if the Minister is ready to summarize that information for the House. Thank you.

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

HON. NELLIE COURNOYEA: Yes, Mr. Chairman. On the foreign graduates on the three-year permit, in Yellowknife there are 11, in Hay River there are two, in Inuvik there are six, Iqaluit two and in Rankin Inlet there is one.

CHAIRMAN (Mr. Zoe): Thank you. General comments on Bill 4. Are there any further general comments on Bill 4? Does the committee agree that we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 3. Madam Minister.

Motion To Amend Clause 3, Bill 4, Carried

HON. NELLIE COURNOYEA: Mr. Chairman, the standing committee on legislation suggested a wording change, so I would like, at this point in time, to move that clause 3 of Bill 4 be amended by striking out "educational" and substituting "student", where it appears in section 30.1.

CHAIRMAN (Mr. Zoe): Thank you. Your motion is in order. To the motion. Question is being called. All those in favour? All those opposed? The motion to amend is carried.

---Carried

Clause 3, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 4. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Does the committee agree that Bill 4, An Act to Amend the Dental Profession Act, as amended, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. The committee with now deal with Bill 7, An Act to Amend the Financial Agreement Act. Mr. Minister, are you prepared to make your opening remarks at this time? Mr. Ballantyne.

Bill 7: Financial Agreement Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Mr. Chairman, the Act to Amend the Financial Administration Act removes the requirement for the Commissioner to be signatory to the formula financing agreement with Canada. Currently the act requires the Commissioner to sign the agreement or extension or an amendment to the agreement. This is in keeping with our evolution toward a more responsible government. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Ernerk, chairman of the legislation committee. Does the committee have any comments on Bill 7?

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairperson. This bill would amend the Financial Agreement Act to allow the Minister to sign a formula financing agreement with the Government of Canada. Under the current legislation the Commissioner's signature is necessary. The standing committee on legislation considered this bill in general terms during in-camera discussions on September 17, 1990. Generally it was felt that the bill represents another positive step in the evolutionary process through which increasing federal responsibility is assumed by the territorial government. Because it amends financial legislation, the standing committee also decided to refer the bill for consideration by Mr. Pollard's standing committee on finance. Mr. Chairman, unless anything arose during the review, the standing committee on legislation would have no concerns about this bill. Thank you.

CHAIRMAN (Mr. Zoe): Mahsi cho. Could I ask the deputy chairman of the finance committee if the finance committee has any comments on Bill 7? Mr. Lewis.

Comments From The Standing Committee On Finance

MR. LEWIS: Thank you, Mr. Chairman. The standing committee on finance reviewed this bill also and had no difficulty whatsoever in taking away the requirement for the Commissioner to sign this agreement. It is in keeping with the newly defined role of our Commissioner and takes nothing away from the power of the Legislative Assembly, who would still have to approve it anyway. So we are very much in favour of it.

CHAIRMAN (Mr. Zoe): Thank you. General comments on Bill 7, An Act to Amend the Financial Agreement Act. General comments. If there are no further general comments, does the committee agree that we go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree that Bill 7, An Act to Amend the Financial Agreement Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. The committee will now review Bill 9, An Act to Amend the Petroleum Products Tax Act. Mr. Minister, are you prepared to make your opening remarks? Mr. Ballantyne.

Bill 9: Petroleum Products Tax Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Chairman, the Act to Amend the Petroleum Products Tax Act transfers responsibility for the Petroleum Products Tax Act from the Commissioner to the Minister of Finance, which is in line with what has actually happened over the past two or three years; the Minister has actually taken responsibility for the day-to-day dealings with this particular act.

The second part of it is a technical change, and what it does is recognizes that the federal government is exempt from provincial taxes under the Constitution. The federal government is exempt from provincial taxes under the Constitution and no NWT act affects this exemption. So they already have an exemption, but unfortunately under other acts, the Federal-Provincial Fiscal Arrangements, Federal Post-Secondary Education and Health Contribution Acts, many federal Crown corporations are taxable. The exemption for the federal government in our act has caused some confusion over the years, with taxable Crown corporations using it to justify requests for fuel tax exemptions.

In recent history, the biggest problem we had was with the NCP. When they were still a federal Crown corporation, they

used our act in order not to pay fuel tax. So this does not change anything, except that if in the future there are federal Crown corporations operating in the North, we will be able to change them with the tax.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Ernerk, chairman of the standing committee on legislation, does your committee have any comments on Bill 9?

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you. The Petroleum Products Tax Act deals with the taxation of gasoline, diesel oil and other petroleum products delivered from a vendor to a purchaser in the NWT. This bill would transfer responsibility for activities required by the act from the Commissioner of the Northwest Territories to the Minister. These activities include such things as determining the taxable price per litre, receiving documentation of petroleum product sales, directing tax collections, making regulations and entering into agreements with the federal government.

In the current legislation there is a subsection which states that the Government of Canada shall not be taxed under the territorial act. This bill would remove that exemption.

The standing committee on legislation considered this bill in general terms during in-camera discussions on September 17, 1990. The standing committee recognized that the first of these amendments represents a straightforward transfer of authority. The standing committee also noted that withdrawal of the subsection which states that the federal government cannot be taxed essentially corrects an unnecessary redundancy within the existing legislation. As a general rule, it is impossible for one arm of the Crown to directly tax another. Payments in lieu of tax or reciprocal fiscal agreement can be used, but not direct taxation; so it is unnecessary to have this exemption from the tax written into our existing legislation.

Because this bill dealt with taxation policy, the standing committee also decided on September 21, 1990, to refer it for review by Mr. Pollard's standing committee on finance. Mr. Chairperson, unless there is a need for further consideration arising from their examination of this bill, I would respectfully suggest that the legislation committee has no further concern with this bill. Thank you very much.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Lewis, as deputy chairman of the standing committee on finance, can I get the finance committee's comments on Bill 9?

Comments From The Standing Committee On Finance

MR. LEWIS: Thank you, Mr. Chairman. The standing committee on finance saw this as a technical modification of this bill. Again, we agree with the transfer of authority from the Commissioner in line with the gradually evolving role of that office. We could see also the sense in taking away the redundant clause which exempts the federal government because they are, anyway. We certainly approve of any move made by the government to capture any tax revenue from any Crown corporations that may emerge in the NWT, so we found this amendment to be a good amendment.

CHAIRMAN (Mr. Zoe): Thank you. General comments on Bill 9. Are there any general comments? Does the committee agree we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 3. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Does the committee agree that Bill 9, An Act to Amend the Petroleum Products Tax Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Can the Chair get direction from the Government House Leader as to which bill they would like to proceed with at this time? Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I move that we report progress, Mr. Chairman.

CHAIRMAN (Mr. Zoe): I have a motion on the floor to report progress, which is not debatable. All those in favour? All those opposed? The motion is carried. I will now rise and report progress.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

MR. SPEAKER: Item 18, report of committee of the whole. The honourable Member for Rae-Lac la Martre.

MR. ZOE: Thank you, Mr. Speaker. Your committee has been considering Bills 1, 2, 4, 5, 7, 8, 9, 11 and 12 and wishes to report that Bills 2, 7, and 9 are now ready for third reading. Bill 4 is also ready for third reading, as amended.

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, meetings for Monday, October 15th: ajauqtit at 9:00 a.m.; at 10:00 a.m. standing committee on legislation.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Monday, October 15th.

1. Prayer

2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Oral Questions
6. Written Questions
7. Returns to Written Questions
8. Replies to Opening Address
9. Petitions
10. Reports of Standing and Special Committees
11. Tabling of Documents
12. Notices of Motion
13. Notices of Motion for First Reading of Bills
14. Motions
15. First Reading of Bills
16. Second Reading of Bills
17. Consideration in Committee of the Whole of Bills and Other Matters: Bills 1, 5, 8, 11 and 12
18. Report of Committee of the Whole
19. Third Reading of Bills
20. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Monday, October 15, 1990, at 1:30 p.m.

---ADJOURNMENT

Available from the
Publications Clerk, Department of Culture and Communications
Government of the Northwest Territories, Yellowknife, N.W.T.
\$35.00 for 1st session, \$25.00 for 2nd and 3rd session; or \$75.00 per year
Published under the Authority of the Speaker of the Legislative Assembly
of the Northwest Territories