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

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TABLE OF CONTENTS
TUESDAY, OCTOBER 16, 1990

	<u>PAGE</u>
Prayer	74
Ministers' Statements	
- 11-90(1) Land Lease Only Policy	74
- 12-90(1) World Food Day	74
Members' Statements	
- Mr. Sibbeston on Attitude of Government Leader	74
- Mr. Lewis on Effect of Recession on Northern Economy	75
- Mr. Gargan on Government Leader	75
- Hon. Dennis Patterson on Statement of Apology	75
- Mr. Ernerk on Airport Access for Handicapped Persons	75
- Mr. Pedersen on Harmony in the House	75
- Mr. Whitford on Yellowknife Housing Shortage for Low Income People	76
- Mr. Ningark on Shortage of Staff Housing in Communities	76
Returns to Oral Questions	76
Oral Questions	76
Written Questions	84
Reports of Standing and Special Committees	84
Tabling of Documents	86
Notices of Motion	86
Notices of Motion for First Reading of Bills	
- Bill 3 - Civil Emergency Measures Act	86

TABLE OF CONTENTS, TUESDAY, OCTOBER 16, 1990, CONTINUED

	<u>PAGE</u>
Consideration in Committee of the Whole of:	
- Bill 1 - Child Welfare Act	86
- Bill 8 - Labour Standards Act	88
- Bill 11 - Public Service Act	91
- Bill 12 - Transportation of Dangerous Goods Act, 1990	93
Report of Committee of the Whole	104
Orders of the Day	104

YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, OCTOBER 16, 1990

MEMBERS PRESENT

Hon. Titus Allooooloo, 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 Tuesday, October 16, 1990. Item 2, Ministers' statements. The honourable Member for Inuvik.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 11-90(2): Land Lease Only Policy

HON. TOM BUTTERS: Thank you, Mr. Speaker. Mr. Speaker, the land lease only policy was first approved by cabinet in September of 1985 in response to the concerns of the Dene/Metis that land which they might wish to select within municipalities for the purposes of the Dene/Metis land claim might be alienated through private sale before land selection could properly take place. Since then, the policy has been extended four times: in September, 1986; November, 1986; January, 1987; and February, 1989. Each time, cabinet approved the extension of the policy in order to maintain a responsive government position of support for the successful conclusion of the claims process between the Dene/Metis and the Government of Canada.

The policy was due to expire November 13, 1990. However, as Members are aware, the Dene/Metis claim has been put on hold pending a federal decision on how the Dene/Metis claims process will be resumed, particularly whether Dene/Metis claims will be negotiated on a regional basis. Because of the uncertainty of this situation, cabinet has decided that the land lease only policy will be extended to March 31, 1991. The policy will continue to apply to all communities within the Dene/Metis settlement area. The Minister of Municipal and Community Affairs has the authority to approve exceptions to the policy, including land under active consideration for development or sale, lands for which planning or engineering design work has been done, or land planned for development within five years under a community development plan.

Mr. Speaker, we maintain that the general public, as well as all levels of government, should support the continuation of the Dene/Metis claims process to an equitable conclusion. The extension of the land lease only policy supports that process. Once a federal decision is made on the Dene/Metis claim, I will review the further need for the policy. Thank you.

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

Ministers' Statement 12-90(2): World Food Day

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, October 16 is celebrated around the world as World Food Day. It is the time when nations focus on the most fundamental of questions: How does humanity feed itself? This day was chosen by the United Nations Food and Agriculture Organization and in over 150 nations activities are being held promoting information and action on food issues. I am pleased that the Northwest Territories World Food Day

committee is also sponsoring activities across the Territories today to help raise our own awareness of the problems.

Mr. Speaker, the overall goal of World Food Day is to help eliminate hunger, malnutrition and poverty around the globe. These situations are shown to us on television news programs almost on a daily basis. We in the Northwest Territories face unique food issues. However, the basic fact remains: We do not find our people facing the widespread starvation and malnutrition levels which we see portrayed in other parts of the world. While we may not necessarily see ourselves as part of the problem, we are collectively part of the solution, if we all are willing to adapt to the individual and institutional changes required.

As part of the global community, this year's theme of "Food and the Environment" is very relevant to Northerners. We are beginning to see Northerners taking action to help prevent damage to our environment which eventually will affect global food supplies. We are increasingly seeing the three "R's" being practised -- Reduce, Recycle and Restore.

Mr. Speaker, scientists are predicting that if present trends continue there will be a global food crisis resulting in less and more costly food. The need for collective action is urgent and I urge all citizens to learn more about the problems we are facing and to see what steps they can take to help find solutions. Thank you.

MR. SPEAKER: Thank you. Ministers' statements. Prior to proceeding I would just like to introduce Members to students from grade 10 at St. Patrick's High School and their teacher, Coleen McDonald.

---Applause

Item 3, Members' statements. Members' statements. The honourable Member for Nahendeh.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Attitude Of Government Leader

MR. SIBBESTON: Mr. Speaker, when I raised the issue about the dire need for band offices in Fort Simpson and Nahanni Butte, which I thought was an innocent and honourable thing to do, the Government Leader ventured off into the specific subjects of community self-government frameworks and the rejection of the Dene/Metis claims. I have had a chance to review what Mr. Patterson said and in a roundabout way I believe that what he is telling me, my area of the South Slave communities, is that your communities have not co-operated with our government on these issues so our government will not co-operate with the South Slave communities to get band offices.

The approach reminds me very much of Stu Hodgson and his government in the early 1970s wherein Stu Hodgson punished the Dene communities along the Mackenzie highway because they did not agree with his approaches. Dene people in those days did not support the hamlet councils and many people

said, too, that this government then was not their government. But if, on the other hand, you agreed with Stu Hodgson he was a kind of Santa Claus. I know of instances where, to buy off chiefs he would give chiefs and leaders vehicles, bombardiers, cars, things of that sort, in order to pacify the chiefs.

So it seems the way Mr. Patterson is dealing with my constituents and area in refusing to help the Dene people get proper band offices because they are not co-operative, we are seeing the second coming of Stu Hodgson. Is Mr. Patterson really the ghost of Stu Hodgson, in the 1980s?

---Applause

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

Member's Statement On Effect Of Recession On Northern Economy

MR. LEWIS: Mr. Speaker, as you know ajauqtit meets every day and one concern that we have is the recession which is now gripping this country in a way that we feel will have tremendous impact on the people of the Northwest Territories. I checked to see whether during opposition day yesterday there had been any mention of any opposition in the Northwest Territories toward the GST. I find that there was nothing on record about the way in which the Government of the Northwest Territories is making its views known on this subject. In view of the fact that the GST, by the admission of the Minister of Finance, and I am talking about the federal Minister, will be inflationary and will result in the continuing of high interest rates, and we all know what kind of impact that will have on the Northwest Territories where costs are already very high, so during this next two weeks, Mr. Speaker, we will be asking the government, what is it doing in the budget to really examine the impact of the recession on the Northwest Territories? How will its budget, in fact, begin to accommodate those concerns that I get every day from people in this city, about the impact of the recession on their economy? Thank you, Mr. Speaker.

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

Member's Statement On Government Leader

MR. GARGAN: (Translation) Thank you, Mr. Speaker. I am deeply concerned about the attitude of the Government Leader lately. I was one of the people who selected him. It was my opinion at the time that he had all the qualities that would make him a good leader. I believed that he would be able to show positive leadership in the House. But now I am questioning that because of the way the government is having a hard time taking criticism from ordinary Members. It is our job as ordinary MLAs to criticize and question what the government is doing, so that the government does the best job possible for all the people of the North.

Mr. Speaker, during the last three years of this Assembly I have been criticized and called names because one of my main areas of interest is in the justice system and the way justice is applied in the North. Further, this area of interest has led some honourable Members to call me such names as "Lawyer Gargan" or "Mr. Justice Gargan". There seems to be no end to these attitudes toward me regarding my interests. Mr. Speaker, this has for some time made me feel bad, frustrated and put down for trying to do a good job. I suppose there is a deliberate attempt by the government to put me down in order to make me ineffective.

However, Mr. Speaker, I must admit that while it frustrates me,

I am not going to let it get to me and keep me from doing my job. But, Mr. Speaker, I no longer think the Government Leader should be in a position of leadership when he resorts to name-calling just to make a point. He is supposed to set a good example to the rest of the House. Mr. Speaker, this is my concern with respect to the leadership of this Assembly, and I hope that all Members will consider my views.

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

Member's Statement Of Apology

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, during the debate in committee of the whole yesterday concerning amendments to the Child Welfare Act I got carried away in debating an amendment which I know was put forward with sincerity and following careful thought and research by Members of this Assembly, particularly the Member for Deh Cho, who I know always does his homework well.

In reviewing the Hansard overnight, Mr. Speaker, I note with regret that the tone of my remarks was sarcastic and appeared to question the ability of an honourable Member of this House. This is not my usual approach, Mr. Speaker. It is not appropriate in view of the office I have been given by Members of this Assembly and I therefore wish to apologize for those remarks and any offence I may have caused. Thank you.

---Applause

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

Member's Statement On Airport Access For Handicapped Persons

MR. ERNERK: (Translation) Thank you, Mr. Speaker. In the airports the need for building ramps especially for the handicapped people who need to use wheelchairs, is very important. I would just like to ask the territorial government to make that access for wheelchairs available in places like Rankin Inlet and other larger communities. I have seen so many handicapped people without help, especially those who cannot walk on their own. I have also seen for myself when I am going from the airport to the aircraft, or going from the aircraft to the airport, they have to be carried by hand. I think that we have to set up a better system than that, Mr. Speaker.

Yesterday the Minister of Transportation, when he made his statement, said that he would be making improvements to the airport facilities. Those facilities for the handicapped should be included, and if you are going to do something about that I will be giving you my full support, especially in my community. Either today or tomorrow I will be asking you further questions on whether you will be doing something positive about facilities that will make our airports more accessible for the handicapped. Thank you, Mr. Speaker.

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

Member's Statement On Harmony In The House

MR. PEDERSEN: Thank you, Mr. Speaker. The Government Leader sort of removed the necessity for me to make a statement. I would like to just say that I do feel very much like Mr. Gargan about what went on yesterday. I hope that the attitude will change. The debate that comes from this side of the House is every bit as sincere as the debate that comes from the other side of the House. We certainly have the

interests of our constituents as much to heart as you do. I do accept the Government Leader's apology to the House with pleasure because without that I think it would cast the successful continued future of consensus government into doubt, and it certainly would make civil debate for the rest of this session somewhat difficult. I will not belabour it any more, Mr. Speaker. The point has been made and I look forward to a better level of debate as of today. Thank you.

MR. SPEAKER: Thank you.

---Applause

Members' statements. The honourable Member for Yellowknife South.

Member's Statement On Yellowknife Housing Shortage For Low Income People

MR. WHITFORD: Thank you, Mr. Speaker. I would like to take this occasion to bring attention to the housing shortage we have here in Yellowknife. To the casual...

SOME HON. MEMBERS: (Inaudible comments)

---Laughter

MR. WHITFORD: Thank you, I knew this would come.

AN HON. MEMBER: A sympathetic ear.

MR. WHITFORD: You betcha! Mr. Speaker, I suppose if you wander around town here and you look at all the buildings that there are going up, you look around at all the housing that appears to be here and if you are a visitor in town, this may seem true. There are a lot of houses for sale. There are a lot of buildings on the market for rent and for sale, but, Mr. Speaker, the point I am raising here is that there is a group of people that is not being considered when housing units are being built in the city. There are a lot of houses, as I said, for sale, but few are aimed at the lower income, the single parent families and large families of small incomes. Most homes that are on the market require two incomes to maintain. They require the upper levels of income, large down payments and high mortgages.

There exists a lot of free enterprise here, but again there seems to be a group of people that the free enterprise is missing. And that is, these fixed income, lower income people. They probably cater a lot to childless couples, the single people, government leases and company leases. I want to point out all is not well here in this city when it does come to housing for the lower income people.

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

Member's Statement On Shortage Of Staff Housing In Communities

MR. NINGARK: (Translation) Thank you, Mr. Speaker. I would also like to echo the honourable Member's comments about housing. In the smaller communities the employees of the territorial government, even though they have been working in the public service for a long time, are not supplied with staff housing. The people who are hired from the South to work for the territorial government are allotted staff housing right away and when you are looking at the average people who have been employed by the government for a long time but still are experiencing housing problems, then I do not see the reason for that, especially for the people from my constituency. I want to bring to the government's attention that we have a serious housing shortage in the communities,

especially for people who work in the communities and who are local hires. There has to be a better system where everybody is treated as equal when being allotted staff housing by the territorial government.

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

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question O70-90(2): Office Complex In Fort Providence

HON. TOM BUTTERS: Mr. Speaker, in response to a question asked by Mr. Gargan of me yesterday on the office complex in Fort Providence, I would advise that the responsibility for this project now rests formally in the hands of the Department of Public Works. I am, however, in a position to answer the basic question posed by the Member and that is of the reasons for the office complex being deferred for the third year. In fact, Mr. Speaker, I am pleased to advise that the office complex referred to has not been deferred for a third year, as the Member suggested yesterday, only that the construction start has been delayed until next spring. The office complex in Fort Providence is to be constructed under a joint venture by the Metis Development Corporation, on behalf of the Metis Local, and the local band development corporation. The details of the agreement were not worked out until late August of this year. As a result, the construction start for this project has been delayed until the spring of 1991. Further details, if required, might be obtained from my colleague, the honourable Minister of Public Works, Ms. Cournoyea.

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

ITEM 5: ORAL QUESTIONS

Question O74-90(2): Impact Of Goods And Services Tax On Northern Economy

MR. LEWIS: Thank you, Mr. Speaker. My question is to the Minister of Finance. Has he, yet, calculated the impact that the proposed GST legislation would have on the economy of the Northwest Territories? I am asking this question, Mr. Speaker, not to have all of the details but to get the position of the government as it relates to the passage of this legislation.

MR. SPEAKER: The honourable Member for Yellowknife North.

Return To Question O74-90(2): Impact Of Goods And Services Tax On Northern Economy

HON. MICHAEL BALLANTYNE: Mr. Speaker, the government is on record on a number of occasions as strongly opposing the GST unless certain concessions were made in the North. I will be making, later on this week, a comprehensive statement as to the measures, very co-ordinated measures, we have taken with the business community, with municipalities, over the past months with our problems with the GST. I will also include the most up-to-date information that we have as to what the impact will be on municipalities, school boards, et cetera. We have not, at this point in time, been able to totally evaluate what the long-term impact will be because a lot of the information is still not forthcoming from the federal government. But I intend to give a full and comprehensive report to the Assembly this week which will put forward what we have done over the past months in opposition to the GST

as proposed by the federal government and the impact as we see it at this point in time. Thank you.

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

Question O75-90(2): Motion In Support Of Liberal Senators Re Goods And Services Tax

MR. LEWIS: Thank you, Mr. Speaker. To the Government Leader then, since the government is on record as being opposed to the GST, would the government Members be prepared to support a motion of support for those Senators who are trying to kill the GST legislation?

--Applause

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: The honourable Member for Iqaluit.

Return To Question O75-90(2): Motion In Support Of Liberal Senators Re Goods And Services Tax

HON. DENNIS PATTERSON: Mr. Speaker, fortunately, in my view, this is not a partisan House, this Legislature. I believe that if we were to make a motion supporting the Liberal Senators in the Senate on this issue we would be departing from a tradition in this Assembly that has served us well. Mr. Speaker, as the Minister of Finance has indicated, we have expressed our strong concerns and our opposition to the GST. I think the responsible manner in which to deal with concerns of this Assembly would be to convey our concerns to the government of the day and we will, as we always do, respond to direction from this Assembly in that regard.

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

Question O76-90(2): Responsibility For Throne Speech

MR. PEDERSEN: Thank you, Mr. Speaker. To the Government Leader. On Wednesday of last week when we opened this session the Commissioner made a speech to the Assembly. I would like the Government Leader to tell this House whether that speech is, in fact, the Commissioner's speech, and therefore a federal viewpoint, or is it a speech that originates with the Government Leader's office, and therefore the responsibility of the Government Leader.

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

Return To Question O76-90(2): Responsibility For Throne Speech

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, in keeping with the evolution of the role of the Commissioner of the Northwest Territories from chief executive officer of the government in the old days toward the role of lieutenant governor in waiting, which I think describes the present situation, the Throne Speech is the responsibility of the government and therefore it is the government which takes direct responsibility for any flaws or merits in that address, Mr. Speaker. Thank you.

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

Question O77-90(2): Status Of Negotiations To Change NWT Act

MR. McLAUGHLIN: Thank you, Mr. Speaker. Members of

the House will remember that when the report of the standing committee on rules, procedures and privileges was made last week, one of the recommendations was to seek an amendment governing the number of sessions which is required by the NWT Act to be held by this Assembly, and that brings to mind for me that there are other outstanding issues in the NWT Act which require amendments.

I would like to ask the Government Leader, or the Minister of Justice, whoever wants to answer this, what the status is of the negotiations with the federal government to make amendments in that area, as well as the French language issue and the other issues which would change the NWT Act so that it would reflect our present situation constitutionally.

I know that some Members are aware that before 1905 there was an act which actually, probably in some areas, gave more power to this House than we have right now. I would like to ask the Government Leader what the status is of the various negotiations to make any changes in the NWT Act.

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

Return To Question O77-90(2): Status Of Negotiations To Change NWT Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, being mindful of the direction from this Assembly that the changed role of the Northwest Territories Commissioner should be reflected in amendments to the NWT Act, I want to report that I have raised this matter with both Mr. Cadieux and Mr. Siddon and expressed the strong wishes of the Assembly and the government that the NWT Act, with references to the Commissioner, should be updated to reflect the reality of today.

Mr. Speaker, I must report that the response I got from the federal government is that the Government of Canada is not particularly open to proceeding with amendments to deal with the role of the Commissioner alone. The response I got from the federal Ministers is that this should only be considered in the broader context of amendments to the NWT Act, to deal with issues like the devolution of powers to the Government of the Northwest Territories, and that they are, therefore, not particularly disposed to what they consider to be a piecemeal amendment to the NWT Act.

So Mr. Speaker, although we are continuing to pursue the matter with the federal government, I have not received a particularly positive response on amendments on the issue of the Commissioner from the Ministers of Indian Affairs and the current federal government. Thank you.

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

Supplementary To Question O77-90(2): Status Of Negotiations To Change NWT Act

MR. McLAUGHLIN: Thank you, Mr. Speaker. Even such matters as the power to dissolve this House are not properly worded in the NWT Act. Even our abilities to dissolve the Assembly and have an election are not put in such a way that we have similar powers to other parliaments, so I would like to suggest that they pursue this matter.

Another specific question I have in relation to this is regarding the French language issue. It seems to me that we are not proceeding with bills that are going to put French language in place, but I believe there is a clause in the present NWT Act which requires French to be an official language on January 1st. I would like to ask the Minister of Justice or the

Government Leader exactly where we are with that issue, especially with the situation in the Senate. Are we going to be able to get that resolved in both the House of Commons and the Senate before January 1st?

MR. SPEAKER: Just prior to answering I would just remind Members that you should be careful with regard to including preambles to supplementary questions. They should be questions that are posed as a result of the original question that you posed. The honourable Member for Iqaluit. The honourable Member for Yellowknife North.

Further Return To Question O77-90(2): Status Of Negotiations To Change NWT Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. As you know, the government will be introducing an amendment to our Official Languages Act in this Legislature during this session which will postpone part of our commitment to be fully bilingual by January 1st. What has happened is that we have tried very hard and we have found it to be an impossible task to translate all our existing statutes within that time frame. The time frame is too short, and there is a tremendous demand for the French interpreters from Manitoba and from New Brunswick, among others. The federal government had officials from the Secretary of State up here over the summer to help us, and they have acknowledged that the task was too large within that time frame for our government to be able to complete. It was acknowledged that, just for that one part of the Official Languages Act, there will be a need for more time to translate all of the existing statutes. I think Members should keep in mind that at the same time that we are trying to translate all of the existing statutes, we also have a major revision that has been going on for the last three years of all our statutes, putting them into modern form and making them non-sexist, et cetera. The two simultaneous tasks proved to be too much for our government in the short time frame and that is acknowledged by the federal government. I had a meeting with the Minister of Justice last week and I stated our position and that position had been confirmed by the Secretary of State. The Minister of Indian and Northern Affairs is also aware of that position and the federal government cabinet has prepared an amendment to their legislation.

The Member's question is a valid one as far as the short timetable. They are going to try their very best to get it through before January 1st. I feel that if we pass our legislation we would have fulfilled our obligations, and if there is a problem that problem will rest with the federal government since they have been aware since mid-year that we would run into this problem. So we are doing everything possible right now to try to assist the federal government in getting changes to the NWT Act through the House and the Senate. Thank you.

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

Question O78-90(2): Band Offices For Fort Simpson And Nahanni Butte

MR. SIBBESTON: Mr. Speaker, to the Government Leader. The Government Leader, yesterday, in his response to the issue of band offices for Fort Simpson and Nahanni Butte, specifically pointed to the South Slave and Deh Cho areas saying, in a sense, that these are the areas that had a part in killing the land claims and also the communities not endorsing the community self-government framework. He says that because of this he does not see easy solutions for pressing needs for band offices. Is the Government Leader taking the approach that communities in the South Slave and Deh Cho areas must now suffer and that he is punishing them for not being as co-operative as they could be?

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

Return To Question O78-90(2): Band Offices For Fort Simpson And Nahanni Butte

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, it appears that yesterday was not a great day for me. I want to express my concern that the honourable Member for Nahendeh has, I think, misunderstood me. Mr. Speaker, I have been in Fort Simpson with the honourable Member and I have looked at the offices that our growing government presence in Fort Simpson occupy and I have commented to the honourable Member that in looking at the government's office needs we should also be seeking to find a solution to the long-standing band office requirements which, I am happy to say, we have successfully been able to address in Aklavik, Fort Norman and Fort McPherson in recent months. So, Mr. Speaker, there is no thought in my mind of punishment but I will point out that in times of restraint it is going to be more difficult to find money for these kinds of undertakings. That is all that I meant to say, Mr. Speaker, when I informed the honourable Member that there would not be easy solutions.

Fort Smith is another community where we solved the band office problem satisfactorily, I believe, by combining government office requirements with band office needs. I would hope that the honourable Member will acknowledge that this government has actually taken some steps to solve an issue that has long been a concern to the honourable Member. It was probably unfortunate that I mixed the issue of band offices with the development of land claims. We are open to looking at these needs and within existing resources seeking solutions as we have done in the past, Mr. Speaker. Thank you.

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

Supplementary To Question O78-90(2): Band Offices For Fort Simpson And Nahanni Butte

MR. SIBBESTON: Mr. Speaker, I recognize that our government has made some progress in this area, where they have co-operated with a number of bands. Besides those which the Minister mentioned there are those in Liard and Jean Marie River and then more recently, Wrigley, who have good band offices in conjunction with other government office needs in the community. Some things have been done, but I am aware that in places -- Fort Simpson and Nahanni Butte come to mind as being in dire need of proper band offices. I am aware that our government has been negotiating in past years with the federal government and I know the federal government has made an offer of some moneys that our government could use to build band offices for treaty people in particular. I am just wondering where things really are on that front because the situation is so dire, whether the government will put the negotiations in high gear, if need be, but do whatever is necessary to get some funds so that all communities can have proper...

MR. SPEAKER: Just to remind the honourable Member again that prior to posing a supplementary that you should cut down on the preamble. The honourable Member for Nahendeh, pose your question please. The honourable Member for Iqaluit.

Further Return To Question O78-90(2): Band Offices For Fort Simpson And Nahanni Butte

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, I should clarify that unfortunately the constitutional issue is still outstanding between the federal government and

our government. Our government still maintains that it is the federal government that has responsibility for funding band offices and bands. In the context of claims negotiations we had hoped to find a solution to that problem. That is now up in the air, Mr. Speaker, but as I said in my first response, we are aware of these pressing needs and within our existing programs and within our own government requirements, we will look for solutions wherever they are reasonably possible. I cannot encourage the Member to think that we are immediately going to be erecting band offices throughout the Mackenzie Valley. We have looked for creative solutions in communities in conjunction with our own government requirements. That is not always available, particularly in a smaller community like Nahanni Butte. We will make efforts, Mr. Speaker. The issue with the federal government is still outstanding but we will hope to find some solutions as we have done in the past.

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

Supplementary To Question O78-90(2): Band Offices For Fort Simpson And Nahanni Butte

MR. SIBBESTON: Perhaps the last question on this, and it has to do with a meeting that was held in the band office in Fort Simpson, I believe in 1986, wherein the deputy minister of the Department of MACA, then under the ministership of Gordon Wray, said at a public band council meeting, "Yes, this government will build a band office." Will the government honour the words that were made then by Mr. Elkin to the band and council of Fort Simpson?

MR. SPEAKER: The honourable Member for Iqaluit.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I am not sure that Mr. Elkin was deputy minister of Municipal and Community Affairs in 1986, Mr. Speaker. Obviously this is something that should be looked into and I would have to take this question on notice, Mr. Speaker. Thank you.

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

Question O79-90(2): Ramps For Disabled Persons At Air Terminal, Rankin Inlet

MR. ERNERK: Thank you, Mr. Speaker. My question is to the Minister of Transportation. I wonder if the Minister is able to indicate to this House as to whether or not his department is planning to or will build a ramp for the disabled or to accommodate disabled at the air terminal in Rankin Inlet.

MR. SPEAKER: The honourable Member for Kivallivik.

Return To Question O79-90(2): Ramps For Disabled Persons At Air Terminal, Rankin Inlet

HON. GORDON WRAY: Thank you, Mr. Speaker. Instructions have been issued to the airport manager in Rankin Inlet to contract this work out immediately, using local resources, and a ramp should be finished within the next three to four weeks.

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

Question O80-90(2): Recipients Of Old Age Pensions

MR. NINGARK: My question is directed to the Minister responsible for Social Services. Madam Minister, you will recall the question I asked during the spring session

pertaining to the old age pension. Has there been any action taken to correct the problem of the old people not getting the old age pension, even when they have obtained that age? Thank you.

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

Return To Question O80-90(2): Recipients Of Old Age Pensions

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I believe my departmental officials have had many meetings with officials from the old age security branch in trying to alleviate some of the problems that may have been experienced in the Kitikmeot area and in other areas of the North where senior citizens are denied the opportunity to access old age security cheques. However, we still have some problems in not being able to identify particular individuals, and I ask Members of this House to assist our department in identifying these individuals. We have been given assurance from the old age security branch that they would attempt to speed up the process of trying to address senior citizens who are not currently obtaining their old age security cheques when they should be receiving them. Thank you.

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

Question O81-90(2): New Community Hall For Snowdrift

MR. MORIN: Thank you, Mr. Speaker. My question is to the Minister of Municipal and Community Affairs, Mr. Butters. Mr. Butters, last winter you had the opportunity to visit Snowdrift yourself, with your executive assistant and some other staff. In the meeting at the community hall in Snowdrift your executive assistant's pen actually froze up it was so cold in there. But you did make a commitment to look at trying to find ways to get Snowdrift a new community hall because theirs was basically condemned by the fire marshal.

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

Return To Question O81-90(2): New Community Hall For Snowdrift

HON. TOM BUTTERS: Yes, Mr. Speaker, I will remember the visit to Snowdrift, a delightful settlement; and I remember the temperature in the community hall. I recognize the desire of that community for another building to replace that one which has been condemned. As the Member well knows, under the current recreation policy the gymnasium in the school was developed as that aspect of the community's entitlement to recreation facilities. However, in saying that, I also agree that I did, at the meeting, say to the chief, "When you are in Yellowknife, if you would like to sit down with myself and my staff to look at ways in which we might be able to address that problem outside of the policy, I would be happy to do so." Regrettably, that opportunity has not arisen, but I still look forward to sitting down with Chief Lockhart and examining the options that are open to the community.

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

Supplementary To Question O81-90(2): New Community Hall For Snowdrift

MR. MORIN: Thank you, Mr. Speaker, supplementary to Mr. Butters. Mr. Minister, the opportunity may arise this weekend. I am taking a trip into Snowdrift on Friday on the scheduled

flight. If you would like to send any of your staff with me they are welcome to come along, if they pay their own way. I will be having a constituency meeting there Saturday night and it will be brought up, so can you make a commitment to send some of your staff in? Thank you.

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

Further Return To Question O81-90(2): New Community Hall For Snowdrift

HON. TOM BUTTERS: Mr. Speaker, I will not be able to go myself since I will be in Kakisa with my honourable colleague, Mr. Gargan, but I will discuss with the department to see if we can identify somebody who will travel with the Member to Snowdrift, paying their own way.

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

Question O82-90(2): Foxes Near Fort Providence

MR. GARGAN: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources. Last spring, this summer, and this fall, I travelled on the highway near Fort Providence and in Fort Providence. I noticed that there are a lot of foxes on the road near the community and in the community. People are saying that the foxes are running around the community and under the houses. I am concerned about the amount of foxes that are near the community, and I would like to ask the Minister if he could look into this and see if he could consider a course of action.

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

Return To Question O82-90(2): Foxes Near Fort Providence

HON. TITUS ALLOOLOO: (Translation) Thank you, Mr. Speaker. I have not heard about the foxes coming too close to the community in that area to date, but I will look into the situation and see if my department has done something about it. I will look into the situation and I will find out what has been done about it to date. Thank you.

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

Question O83-90(2): Insensitivity Of Chartered Banks In The North

MR. POLLARD: Thank you, Mr. Speaker. My question is for the Minister of Economic Development. I have received some complaints from people in my constituency about the insensitivity of the chartered banks. They seem to be calling loans and not issuing new loans to people who are wishing to get into business. Mr. Speaker, I am wondering if the Minister has knowledge of that across the Territories. Thank you, Mr. Speaker.

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

Return To Question O83-90(2): Insensitivity Of Chartered Banks In The North

HON. GORDON WRAY: Thank you, Mr. Speaker. Yes, indeed, we have knowledge of it. I can assure Mr. Pollard that his area is not the only one where this seems to be taking place. The banks seem to be adopting an extremely conservative approach to banking in the North and it is

causing some major difficulties now for our business community; particularly, as Mr. Lewis pointed out earlier, in the hard times and in a time when we are entering a recession. Banks are not only calling loans, they are lowering operating limits and they are doing a number of things. The justification seems to be that some banks have suffered some significant losses on two or three major loans and, from what I understand, while banking officials deny it, there appears to be a quota in place for the North that the major banks have informally agreed among themselves, so that their exposure in the North is only going to be so much and we are now reaching those upper limits. Indeed, there are some problems. I do not quite know what to do about it. We have tried working with the banks. There are times when it comes close to my almost having to sign in blood, guarantees to banks for businesses. I am quite frankly very frustrated with the commercial banks.

There is a study under way now by Arctic Co-operatives Limited, with regard to establishing a credit union in the North. We will see what that study says. I am preparing to move and will be able to announce soon, removal of certain criteria through our business loan funds, where we will remove the government as the lender of last resort and will remove the criterion of having a bank refusal as criterion for a loan. I am reluctant to get into the commercial banking business, quite frankly. I would have preferred if the government had stayed as lender of last resort and will try and do that, but more and more the banks seem to be forcing the business community to turn to the government for more and more loans and services which the banks could and should be providing. Yes, there are problems developing and it causes me great concern. Thank you.

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

Question O84-90(2): Rates For Old Age Pension

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I have raised this question last year to the Minister of Social Services and I will repeat it again. Concerning the elders when they become 60 years old, they get their old age pension. Among my constituents there is so much difference in their pension even though they are over 60, and some of them get \$120 and some get \$27. I would like to find out how these rates are fixed for the elders. Why is this number so different? Thank you.

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

Return To Question O84-90(2): Rates For Old Age Pension

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, the old age security is the responsibility of the federal government and these funds are determined by the federal government. The territorial government is responsible for issuing the supplementary benefit to senior citizens which is in the amount, I believe, of \$107.50. This amount is given in the event that senior citizens are eligible for the supplementary benefit. However, there are senior citizens that do get an old age pension which is in the amount of approximately the \$400 to \$465 range and, the supplementary benefit if they are eligible. This amount is an old age security benefit and this is determined based on the amount they receive. This amount, which is in addition with their old age security pension fluctuates. This could be one of the reasons for the differing amounts that the Member's constituents are experiencing. However, each amount that is distributed by the federal government is determined by the federal government, and I believe they are reviewed on an individual basis. If the Member is willing to give me specific names, we can certainly

assist him, through our department, in trying to identify why these individuals receive the amounts they receive. Thank you.

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

Question O85-90(2): Discussion Paper, Keewatin Health Board

MR. ERNERK: (Translation) Thank you, Mr. Speaker. Yesterday I was speaking concerning the health problems in Keewatin. I was told that the patients from Keewatin will be coming to Yellowknife and Edmonton hospitals. Concerning this, the people on the Keewatin Health Board and health committee are pushing toward this. Also I am supporting the decisions of the health board in the Keewatin Region. I would like to ask the Minister of Health, how far are you in implementing this decision to date?

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

Return To Question O85-90(2): Discussion Paper, Keewatin Health Board

HON. NELLIE COURNOYEA: Mr. Speaker, the discussion paper that the honourable Member refers to is a discussion paper that is to be explored by the Keewatin Health Board and myself as Minister responsible for the delivery of health service to residents of the Northwest Territories. I would like to say that up to this time I have had very good co-operation with the Keewatin Health Board and we had discussed the various options on how all health boards of the Northwest Territories can work together to create the best health service delivery system possible within the Northwest Territories.

It has also been concluded that we would always have to, at certain points in time, send people to southern institutions for medical treatment. However, it is our responsibility as MLAs and as health board representatives to do the best we can with the health dollars that we have. At this time there has been no decision to send people or bring people to Yellowknife, although that option exists for individual people who might tell the Keewatin Health Board, "I would like to go to Yellowknife for treatment." However, up to this time it is not an arbitrary decision and it will not be an arbitrary decision for the simple reason, I believe, that in discussing the overall health delivery system that we all must work together to provide the best health care for residents, and also to consider what can be handled in the Northwest Territories and what has to be handled outside of the Northwest Territories. That is our challenge in taking over the health care delivery system. In order to make the system reflective of community needs and the Northwest Territories needs, we have to work together to get that overall plan.

As the Member asked yesterday, would I be making a unilateral decision? Of course not. I do not intend to make a unilateral decision because we have to have the co-operation of everybody in making the health service representative of communities' and people's needs. Thank you, Mr. Speaker.

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

Question O86-90(2): Installation Of Ramp At Spence Bay Airport

MR. NINGARK: Thank you, Mr. Speaker. I guess my question will be directed to the Minister responsible for Transportation. Mr. Minister, it is my understanding that

Spence Bay has made a request to the regional airport manager to install a ramp at the local airport, but the request was denied by the airport manager because it would cost too much, in his opinion. I wonder if the Minister would look into this request for the community. Thank you.

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

Return To Question O86-90(2): Installation Of Ramp At Spence Bay Airport

HON. GORDON WRAY: Thank you, Mr. Speaker. I am not aware of a request from Spence Bay for a ramp. I would assume that we are talking about an access ramp for the handicapped. I will check into it. The request from Rankin Inlet, and I believe it was raised by Mr. Ernerk, came in three or four weeks ago. It was based on the fact that Rankin Inlet is a major airport. In fact, Rankin Inlet by any standards and classification should be an A airport and not a B airport as it is presently classified. It is also an airport which serves a regional centre and it was felt that it was very important, because of the high number of passengers and traffic going through Rankin Inlet, that we move quickly on that. That is not to say that equally Spence Bay should not have a similar type ramp, so I will check into it and get back to the Member before this session finishes. Thank you.

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

Question O87-90(2): Replacement Of Low Cost Housing Units Due To Closure Of Lanky Court

MR. WHITFORD: Thank you, Mr. Speaker. It is low cost housing day today for me. Mr. Speaker, I would like to direct this question to the Minister responsible for housing. It has been well over a year now since Lanky Court was shut down or evacuated because of the condition of the building and there appears to be, at least to the public, little effort made to rehabilitate the building or do anything to replace the 45 units that were cancelled as a result of the condemnation of that building. Can the Minister tell me what steps his department is taking to replace the 40 units of low cost housing that was lost when Lanky Court shut down?

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

HON. TOM BUTTERS: Mr. Speaker, I believe Lanky Court consisted of some 49 units of which 20 were public housing units. I agree with the honourable Member that the rental charged in the unit totally was most reasonable in comparison with other like apartment blocks in town. I have to confirm this, but I believe the corporation has developed 20 rent supplements to cover the 20 public housing units that were identified in that block. As far as any other programs that may be pursued at the present time, I am not aware, but I will take the question as notice, Mr. Speaker.

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

Question O88-90(2): Status Of Negotiations On Transboundary Water Agreement

MR. MORIN: Thank you, Mr. Speaker. My question is to the Minister responsible for Renewable Resources. Mr. Minister, given the numerous upsets to northern waters, dams, pulp mills, mining and possibly the export of water to the South, it is my understanding that you are negotiating a transboundary water agreement. Will the Minister, today, tell me what stage

these negotiations are at? I would just like to remind the Minister that on October 11, 1990, I asked the same question and he took it on notice and you said you would be happy to report at a later date.

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

Return To Question O88-90(2): Status Of Negotiations On Transboundary Water Agreement

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. The Member is correct that we have ongoing negotiations with the Province of Saskatchewan, Yukon and the Province of Alberta. I am told that negotiations with Saskatchewan have resulted in a draft agreement between our officials and they are very close to completing the first agreement. With the Yukon we are gathering information on the rivers that flow into the Northwest Territories and these negotiations have not started. The negotiations with the Alberta government have been very slow in progress. The meetings were cancelled in late 1989 and early 1990 due to ALPAC hearings. The negotiations were temporarily suspended by Alberta when the Government of the Northwest Territories announced their legal actions against the federal government on the Daishowa pulp mill. These meetings are going nowhere at this moment. Thank you.

MR. SPEAKER: Thank you. The honourable Member for Tu Nede, supplementary.

Supplementary To Question O88-90(2): Status Of Negotiations On Transboundary Water Agreement

MR. MORIN: Thank you, Mr. Speaker. Mr. Minister, I am happy to hear that you are making some progress in the negotiations of transboundary water agreements. Does the government have a comprehensive negotiating position, a strategy to guide these negotiations that you are now into?

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

Further Return To Question O88-90(2): Status Of Negotiations On Transboundary Water Agreement

HON. TITUS ALLOOLOO: Mr. Speaker, yes.

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

Supplementary To Question O88-90(2): Status Of Negotiations On Transboundary Water Agreement

MR. MORIN: Thank you, Mr. Speaker. Very short. Will he table that in the House, please? Thank you.

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

HON. TITUS ALLOOLOO: Thank you. Because these negotiations are between government and government, I would have to take the question as notice to see if that could be done. If not, I will get back to the Member as soon as possible. Thank you.

MR. SPEAKER: Thank you. The question has been taken as notice. Oral questions. The honourable Member for Deh Cho.

Question O89-90(2): Scientists Doing Studies On Toxins In Mackenzie And Slave Rivers

MR. GARGAN: Thank you. I would like to address my question to the Minister of Renewable Resources. Mr. Speaker, yesterday when the Minister responded to me with regard to a study that is being carried out, he indicated that there are studies going on with regard to the level of toxins that are being discharged into the water. I would like to ask the Minister which scientists in the Northwest Territories are carrying out this study on behalf of this government.

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

Return To Question O89-90(2): Scientists Doing Studies On Toxins In Mackenzie And Slave Rivers

HON. TITUS ALLOOLOO: Mr. Speaker, we have two studies going on at the present time, I am told. There is a joint study being conducted by our government and the Department of the Environment of the Government of Alberta, to sample water in the Fort Fitzgerald area, to monitor metals, iron and nutrients. This study is a five year study and this study is governed under the Canada Water Act to find out about these toxins that might be present in the water. Also the Department of Fisheries and Oceans are doing studies, collecting samples of fish to check for levels of mercury at the same location.

There is also another study, the Slave River monitoring program, which I mentioned yesterday that our government is involved in. At the present time we have no experts working in our department to conduct this study. We are using a private consultant to do our work and this study is looking for pesticides, PCBs, hydrocarbons, dioxins, furons and other chemicals that might be present. These samples are taken at the Fort Smith location. There are also samples taken to study benthic animals to find out the level of the toxins. I could provide the Member with more information. Thank you.

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

Question O90-90(2): Contingency Plans Re Oil Price Increases

MR. LEWIS: Mr. Speaker, for many years now Members have been concerned about the impact on the price of oil because it is such a very large part of our O and M costs, especially on the Baffin. I would like to ask the Minister of Finance, what contingency plans does the government have to deal with this doubling of the price of oil in the preparation of budgets? It seems to me that we are not inflation-proof, we have not built that kind of factor into our budget. What precautions, what plans, does the government have to handle this dramatic increase in the price of oil?

MR. SPEAKER: The honourable Member for Yellowknife North.

Return To Question O90-90(2): Contingency Plans Re Oil Price Increases

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, the government is fortunate in one respect that a good percentage of our oil has been already purchased, so the crunch will really come in March and April of next year. A lot of the oil has actually already been taken into the

communities that are serviced by barge.

I think the question is a good one. The problem that we are having is that it is almost impossible right now to predict where the price of oil is going. Some experts have said that within a reasonably short period of time it could go back down to \$20 a barrel, there are others that say that if there is a war in the Middle East it could go up as high as \$100 a barrel. We are trying to the best of our ability to get a better handle on what the long-term prognosis is for oil. As I said, nobody is certain at this point in time, but obviously as we go into the preparation of next year's budget there could very easily be extra costs and we will be making that a factor in our budget preparation.

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

Supplementary To Question O90-90(2): Contingency Plans Re Oil Price Increases

MR. LEWIS: Mr. Speaker, I would like to ask the Minister of Finance whether, during the negotiations with the federal government on the formula for financing our government -- I know that there are many factors that are taken into consideration, somebody has used the figure of 27 different factors in calculating our formula -- would this dramatic increase be accounted for in that particular formula for funding this government?

MR. SPEAKER: Thank you. The honourable Member for Yellowknife North.

Further Return To Question O90-90(2): Contingency Plans Re Oil Price Increase

HON. MICHAEL BALLANTYNE: No, in the present formula it will not be accounted for.

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

Question O91-90(2): Amendments To Education Act Re Aboriginal Languages

MR. MORIN: Thank you, Mr. Speaker. My question will be to the Minister of Education. Mr. Minister, last year there was a special committee of this House on aboriginal languages. They made some recommendations that the Minister would actually table recommendations for amendments to legislation on the Education Act, to recognize aboriginal languages in the schools and that these recommendations would be discussed in October, 1990. Mr. Minister, are you going to proceed with those amendments and, if so, when will you be tabling them in the House? Thank you.

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

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

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

Question O92-90(2): Transportation And Accommodation Of Patients From Keewatin Region

MR. ERNERK: Thank you, Mr. Speaker. Further to my questions regarding health matters in the Keewatin Region, this question is directed to the Minister of Health. I want to indicate to the Minister and to the government that I am going

to be tabling some letters from the Keewatin Regional Health Board, as well as the Keewatin Regional Council, this afternoon about what I think to be surprise on their part that certain plans are being made by the Government of the Northwest Territories with regard to changes in sending patients between north-south versus east-west. My question to the Minister is this, if the decision is made to send the patients from the Keewatin Region to Yellowknife or to Edmonton, where would they stay?

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

Return to Question O92-90(2): Transportation And Accommodation Of Patients From Keewatin Region

HON. NELLIE COURNOYEA: Mr. Speaker, I would like to express once again that the details on where people go for medical treatment is being dealt with at the Keewatin Regional Health Board level. Over the last couple of years, there has been continuing discussion on the delivery of health services in the Keewatin, to talk about that specific region, but I would like also to express that in all regional health boards the whole delivery of health services is being discussed. People's requirements change. People's view of where they should be treated and at what stage they should be treated and in which localities, change. This is an evolution since we have taken over the health services. Certainly, the health boards and the Keewatin residents to a certain degree, have indicated on certain occasions they would like to be referred to Yellowknife. These requests have come from the communities and I am confident that the Keewatin Regional Health Board will take those requests as seriously as I do. The whole matter of the Winnipeg referral and the Churchill referral has been under continuous discussion with the Keewatin Regional Health Board.

I am somewhat surprised that there is all of a sudden a surprise, because we have been discussing, ever since we took over the health centre and the health delivery system, how the Keewatin Region is going to be served? How do they wish to be served? How is it more appropriate to be served? Certainly, no one has been referred to any region if the accommodation is not taken care of.

As the Member also knows, there is extreme difficulty in the number of beds that are available in Winnipeg. Where do people get accommodated in the best way? Most people, obviously, are not feeling well or have a health problem when they go to Winnipeg. The whole area of who gets treated where is under discussion. I want to make that very clear and these decisions are going to be made with the Keewatin Regional Health Board, not in absence of their involvement or the absence of the community involvement. I would like to state as well they have been informed that if a Keewatin resident feels that he can be treated in Yellowknife, then the Keewatin Regional Health Board should accommodate that person to come to Yellowknife. There is no decision per se to arbitrarily say, "You go to Yellowknife." That has not been decided yet and it will not be decided unless it is done between the Keewatin Health Board and the Department of Health. Thank you.

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

Question O93-90(2): Health Board For Mackenzie Region

MR. SIBBESTON: Mr. Speaker, my question is for the Minister responsible for Health. It is to do with setting up a health board in our area. When I hear of other areas in the North having health boards it reminds me of the fact that in our area, we do not have one, the whole Mackenzie Valley is

without a health board. It just seems to me that there were assurances and promises made to the Dene and Metis that with the health transfer, indeed things would get better. There would be more involvement of the Dene and Metis. I would like to ask the Minister of Health just where things are at and what could the people hope for.

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

Return To Question O93-90(2): Health Board For Mackenzie Region

HON. NELLIE COURNOYEA: Yes, Mr. Speaker, I do not know whether there has been any more progress in setting up that health board at this time other than what I have already reported. To go back over that, we are very committed to setting up the regional health board in the Mackenzie region. As a result of the fact that many of the people who would normally be involved have been very busy with the Dene/Metis claims, we contracted out to a very well-known person to deal with the communities and see, at the community and regional level, how the board should be made up. We contracted Ms. Bertha Blondin, and I have not read her recent reports, but she has been very busy in dealing with communities and regions to see how we can accommodate some of the requests.

As I have stated before, the region is not quite satisfied that there should be only one health board. They feel there should be more than one health board, although when we took over the health delivery system, the funding arrangement was for one health board. We are trying to accommodate this by dealing with one board with subregions, but this is still not going to fully constitute two or three health boards. I certainly want to continue to pursue this. We have slowed down in the process because people just did not feel that it was a top priority at this time. The leadership at the community level has been spending a great deal of time in trying to address the settlement of the claim. However, in hopes of not abandoning the cause or profile, we have contracted Ms. Blondin to continue that consultation with the community. Whenever people are ready, we are prepared to proceed. Thank you.

MR. SPEAKER: Thank you. Oral question period time has expired. Item 6, written questions. The honourable Member for Tu Nede.

ITEM 6: WRITTEN QUESTIONS

Question W1-90(2): Escort Policy Presently Being Utilized By Department Of Health

MR. MORIN: Thank you, Mr. Speaker. Written question to the Minister of Health. Will the Minister responsible for the Department of Health table the present escort policy used by the Department?

MR. SPEAKER: Thank you. Written questions. Written questions.

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

Item 8, 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

Review Of Bill 12, The Transportation Of Dangerous Goods Act, 1990

MR. ERNERK: Mr. Speaker, your standing committee on legislation has the honour of presenting a report on its review of Bill 12, Transportation of Dangerous Goods Act, 1990, presently before 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 Bill 12, Transportation of Dangerous Goods Act, 1990. During the seventh session the standing committee on legislation will place before the House a report on reviewed bills that carry special implications or present more complex issues. The intent is to provide Members of the Legislative Assembly with a fuller overview of the bill than can be generally provided during the chairperson's comments during committee of the whole consideration. In some cases a report will be presented to provide additional information on technical considerations which the committee believes are particularly significant.

The present report summarizes findings of the standing committee during its review of the Transportation of Dangerous Goods Act. The committee believes that the bill should be accorded particular attention due to its significant implications for environmental protection and because of several interesting technical points that remain outstanding.

Summary Of The Legislation

This bill would replace the existing Transportation of Dangerous Goods Act, S.N.W.T.1982(3), C.19. This bill would regulate the transportation of dangerous goods on highways of the Northwest Territories. It would provide for the appointment of a director, analysts and inspectors for administrative purposes. Under the proposed legislation, classes of substances, products or organisms would be defined in regulations as dangerous goods. Persons who transport materials on highways would need to determine whether each shipment contains materials that ought to be classified as dangerous goods. If they are carrying dangerous goods, transporters must ensure that they comply with all safety requirements, they have obtained all the necessary shipping documents, they mark the vehicle and any containers with appropriate warning labels and meet safety standards, they do not deliver any container or use safety labelling unless the vehicle, packaging and container meet all safety standards.

The bill would also provide for the enforcement of the act, including provisions dealing with arrest, inspection, search and seizure. The penalties which can be imposed under the proposed legislation reflect the seriousness of the improper transport of dangerous goods. If the transporters are found guilty on summary conviction of not fulfilling safety responsibilities, they are liable to a fine and/or imprisonment. For the first offence this could include a fine up to \$300,000 or imprisonment for not more than six months. For each subsequent offence, fines up to one million dollars or terms of imprisonment up to three years, or both, could be imposed.

The standing committee on legislation first reviewed the draft bill on September 27, 1989, and recommended a large number of revisions. The draft bill was subsequently withdrawn and resubmitted with revisions to the standing committee for a second review on January 24, 1990. The

government proceeded to introduce the bill during the sixth session but it did not reach third reading. The current bill was last reviewed by the standing committee on September 21, 1990. It was introduced to the seventh session on October 10, 1990, and given second reading on October 12, 1990.

Mr. Speaker, the standing committee reviewed this bill as a very significant piece of proposed legislation. Protection of the environment and the people who inhabit our communities must be given priority. Incidents that have occurred elsewhere in Canada in which improper transportation or storage have led to accidents which cause environmental damage or threaten the well-being of people in communities. These have underscored the importance of legislation regulating the dangerous goods carried on highways of the Northwest Territories.

Jurisdictional Responsibility Not Clear

In general, the standing committee agreed that the proposed legislation would represent an improvement over the existing act. Clearer administrative procedures, broader scope for regulations and provisions requiring the establishment of emergency plans were seen as very positive aspects of the bill. In many ways the bill would update the territorial legislation and bring it more closely in line with developments in other Canadian jurisdictions. During its review the standing committee became aware that the national legislative framework for regulating the transportation of dangerous goods is in a present state of confusion over federal/provincial/territorial jurisdiction.

It is clear that the air, rail, marine, or military transport of dangerous goods are matters of federal jurisdiction. Trucking of dangerous goods on highways is generally regarded as a provincial/territorial concern, while transported on their own highways. The issue becomes more clouded by the need to establish agreements with the Government of Canada or other provincial governments as soon as provincial/territorial boundaries are crossed.

It was not always clear whether the federal government or the territorial government should have jurisdiction over dangerous goods as they travelled from other provinces to their final destination in the North. Nor is the jurisdictional question any clearer when cross-boundary transport originates in the Northwest Territories.

No Application To Storage Of Dangerous Goods

The standing committee noted very early in the review process that this bill would deal only with the actual transport of dangerous goods. Safety provisions would not be applicable when the dangerous goods were in storage. One view discussed extensively during the standing committee review was that the government ought to extend the act to incorporate the concept of handling and offering for transport of dangerous goods.

Confusion over the various jurisdictional responsibilities of the federal and provincial/territorial governments could make it difficult and costly to do this. Many of the materials coming into the Northwest Territories originate in southern provinces but are warehoused along with goods that are only for intraterritorial distribution.

Mr. Speaker, it would be difficult in a warehouse setting to sort out which goods in storage were subject to federal legislation and which were regulated by the territorial statute. Different regulations might apply to each, and each would be subject to their own inspectors. It has been the position of the government that there is sufficient coverage provided under other legislation, such as the Canadian Environmental

Protection Act and the Northwest Territories Environmental Protection Act, to ensure that action can be taken against the improper storage of highway goods. Members of this standing committee have not entirely concurred in this position. The committee has recognized that a considerable potential exists for environmental accidents during the time that dangerous goods are in storage or handling.

The standing committee also believed that even if coverage in other legislation at the federal and territorial level was comprehensive, it would be essential to ensure that inspectors created by the federal legislation were available to all communities throughout the NWT.

Constitutionality Of Reporting Provisions

The standing committee on legislation was mindful that the Canadian Charter of Rights and Freedoms may apply to the requirements that persons responsible for the transport of dangerous goods must report accidental discharge to territorial authorities. It has been argued that mandatory reporting provisions may contravene sections of the charter which safeguard accused persons from having to incriminate themselves. So far these arguments have only been tested at lower court proceedings in Ontario but the issue carries interesting implications for much of the environmental law presently enforced in Canada.

It was the general view of the standing committee on legislation that this issue alone should not interfere with the current progress of this bill but that developments in this area should be watched closely.

Annual Report From The Minister

One suggestion which interested the standing committee was that the Transportation of Dangerous Goods Act could include a provision requiring the Minister to lay an annual report on the administration of the act before the Legislative Assembly. This report would detail any prosecutions undertaken under the act during the previous year and would highlight any new regulations regarding the transportation of dangerous goods. It was felt that strong policy reasons supported this concept. Tabling of an annual report would keep the importance of environmental protection and the regulation of dangerous goods well within the public interest. The report could also serve an instructive purpose, keeping transportation firms and others aware of the government's serious commitment and administrative procedure.

Technical Considerations

The standing committee on legislation noted several possible wording and technical items for a clause by clause consideration in committee of the whole. These will be presented when the bill is considered in the House, Mr. Speaker.

So in summary, Mr. Speaker, the proposed new legislation to regulate transportation of dangerous goods in the Northwest Territories updates existing regulatory practices. Inter-jurisdictional confusion has made the review process difficult but generally the bill has been favourably assessed by the standing committee on legislation. Outstanding general issues exist with respect to the failure of this bill to deal with the storage of dangerous goods and potential charter implications of reporting provisions and the possible requirement for the Minister to table an annual report. Further review of these, plus some relatively minor technical considerations is expected when the bill is considered in committee of the whole. Thank you, Mr. Speaker.

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

committees. Item 11, tabling of documents. The honourable Member for Aivilik.

ITEM 11: TABLING OF DOCUMENTS

MR. ERNERK: Thank you, Mr. Speaker. Mr. Speaker, I would like to table Tabled Document 7-90(2), a letter from the Keewatin Regional Health Board dated October 5, 1990, in regard to the Department of Health shifting to east-west affiliation with Yellowknife and Edmonton and sending patients from the Keewatin to the West, in which they oppose the idea.

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

MR. WHITFORD: Mr. Speaker, I wish to table Tabled Document 8-90(2), the results of the questionnaire on politics in the Northwest Territories that was prepared by the Department of Political Science, University of Toronto, and conducted by our own in-house professor, Graham White.

---Applause

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

MR. LEWIS: Mr. Speaker, I would like to table Tabled Document 9-90(2), two letters from two constituents of mine who went to watch the premiere of the National Film Board film "Uranium" on Sunday. In this letter to Mr. Epp they claim it is a blatant anti-uranium, anti-business, anti-government propaganda film, and I urge Members to read it.

MR. SPEAKER: Thank you. Tabling of documents. Item 12, notices of motion. Notices of motion. Notices of motion. The honourable Member for Yellowknife Centre.

ITEM 12: NOTICES OF MOTION

Notice Of Motion 3-90(2): Support For Senators Attempting To Defeat GST Legislation

MR. LEWIS: Mr. Speaker, I give notice that on Thursday, October 18, 1990, I shall move the following motion: that this Legislative Assembly supports the efforts of those Senators -- and I do not name them by their affiliation, Mr. Speaker -- attempting to defeat GST legislation which will have a negative impact on the economy of the Northwest Territories.

MR. SPEAKER: Thank you. Notices of motion. The honourable Member for Yellowknife Centre.

Notice Of Motion 4-90(2): Tabled Document 5-90(2) Moved To Committee Of The Whole

MR. LEWIS: Mr. Speaker, I give notice that on Thursday, October 18, 1990, I shall move that Tabled Document 5-90(2), Report of the 1989-90 Electoral District Boundaries Commission Northwest Territories, be moved into committee of the whole for consideration.

MR. SPEAKER: Thank you. Notices of motion. Item 13, notices of motion for first reading of bills. The honourable member for Inuvik.

ITEM 13: NOTICES OF MOTION FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 3: Civil Emergency Measures Act

HON. TOM BUTTERS: Mr. Speaker, I give notice that on Thursday, October 18, 1990, I will move that Bill 3, An Act to

Amend the Civil Emergency Measures Act, be read for the first time.

Notice Of Motion For First Reading Of Bill 13: Local Authorities Elections Act

While I am on my feet, may I give notice also that on Thursday, October 18, 1990, I shall move that Bill 13, An Act to Amend the Local Authorities Elections Act, be read for the first time.

MR. SPEAKER: Thank you. 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. Second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Bills 1, 5, 8, 11 and 12, with Mr. Gargan in the chair.

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

CHAIRMAN (Mr. Gargan): The committee will now come to order. We are dealing with Bill 1, An Act to Amend the Child Welfare Act. Yesterday when we concluded there was a motion by Mr. Lewis to amend clause 5, but before we deal with that motion we will take a 15 minute break.

---SHORT RECESS

Bill 1: Child Welfare Act

The committee will come back to order. Mr. Lewis had a motion on the floor. Mr. Lewis.

Motion To Amend Clause 5, Bill 1, Withdrawn

MR. LEWIS: Thank you, Mr. Chairman. After looking carefully through the act and my proposed amendment, I have decided to withdraw the amendment that I proposed yesterday.

SOME HON. MEMBERS: Good for you.

MR. LEWIS: However, Mr. Chairman, I have a new amendment to replace it.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Lewis. Let the record show that Mr. Lewis has withdrawn the amendment. Mr. Lewis.

MR. LEWIS: Thank you, Mr. Chairman. (Speaks in French, no translation)

AN HON. MEMBER: No translation.

CHAIRMAN (Mr. Gargan): Monsieur Lewis.

---Applause

Would you repeat that, s'il vous plait?

Motion To Amend Clause 5, Bill 1

MR. LEWIS: Thank you, Mr. Chairman. I have a new amendment. (Translation) I propose that clause 5 of Bill 1 be amended by inserting in clause 30.2(1), the words "with regard to the welfare and protection of a child" immediately after the words "done or not done".

CHAIRMAN (Mr. Gargan): Mr. Lewis, your motion is in order. I would like to remind the interpreters that if they are doing translation that they leave their switch on number one for English translation. Thank you. Mr. Lewis, to the motion.

MR. LEWIS: Thank you very much, Mr. Chairman. Yesterday, when we were examining this issue of the clause on liability it was brought to my attention that this clause refers to the welfare of the child, which includes more than just simply protection when this person is in the custody of somebody who is not giving the proper protection. Since this was very ambiguous about what things were done or not done, it seemed to me that we had to specify what it is that we are talking about, so by adding those words that this person is only going into this house in this particular case, or pursuing any other duties for the welfare and protection of the child; it is not to do anything else other than those two things. I felt that since the government has made such a big issue of the fact that this bill really deals with the protection of children, that we seem to be losing the focus.

My concern, Mr. Chairman, is that as Mr. Patterson pointed out, we have in our communities people who may not have been highly trained in this whole area, this very complex area, of trying to assert their responsibility of going into people's houses or doing other things for the protection of children and we should make it very clear in the act what it is that they are allowed to do under this law. You cannot go into a house and do something else which is unrelated to the welfare and protection of the children and you cannot use the argument that all you are doing is your duty; and you cannot use that as an argument. By adding these words if somebody does more, or exceeds in his or her actions the requirement for the welfare and protection of that child, then they would be liable. If somebody just gets mad and does things that are unrelated to the welfare and protection of a child, and there are all kinds of things that happen that are just natural follow-throughs, if you like, of fulfilling this complicated task, then that person would be liable. I am very concerned that we have that kind of wording in the act.

I was a bit disturbed yesterday but I suppose I am used to it and did not decide to pursue it on a point of privilege today, Mr. Chairman, but yesterday, if you recall, I was accused by the Minister of Justice of offering legal opinions as if I were some hotshot lawyer. I am not a hotshot lawyer, have never had any legal training, but I do know an awful lot about the English language. In fact, I have taught many lawyers how to write proper English and in some cases it has borne fruit and I see some improvements. In this particular case if we do not make it quite clear what is done or not done then it seems to me that it is very, very ambiguous and it is not as clear as it could be. It is for that reason that I withdrew my motion from yesterday so that it is not narrowed -- the intention is not narrowed -- and that it covers all those responsibilities relating to the welfare and the protection of the child.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Lewis. To the motion. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you. Just to clarify my statements yesterday, I was not referring just to the Member. What I said was for all of us and I think I used the phrase that we sometimes offer what could be construed as legal opinions. I did not just refer to the Member but I said -- obviously including myself -- that we have to be a little bit careful about that. Just to clarify that.

Further to that, Mr. Chairman, it has always been my feeling that it is very important, no matter how well intentioned all of us are, that we all clearly understand the legal implications of what we say. To that end, when the government prepares a bill we do have legal advice through the whole process of

preparing that bill. When it comes here to the House and if a Member is bringing forward an amendment I think it is only fair that we call upon the legal adviser to the Legislative Assembly to give his or her opinion as to what the impact of any particular amendment might be. To that end, Mr. Chairman, I wonder if I could ask the Law Clerk to give his opinion as to what would be the impact of this amendment to the bill?

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

LAW CLERK (Mr. Cooper): These amendments are dealing with Part II of the Child Welfare Act, which concerns itself solely with the welfare and protection of children. The amendment would, I suppose, clarify and make it very certain as to what this clause is for but it may be somewhat superfluous, although it certainly clarifies and spells out the intention of the section there.

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

HON. MICHAEL BALLANTYNE: That was my only point yesterday and I used that word, I thought it was superfluous but that is all.

CHAIRMAN (Mr. Gargan): Thank you. Mrs. Marie-Jewell.

HON. JEANNIE MARIE-JEWELL: Mr. Chairman, I guess it is beyond me as to why the Member wants to pursue further clarification. The actual bill reads -- it is An Act to Amend the Child Welfare Act and this Child Welfare Act is no doubt with regard to the welfare and protection of any child, so therefore it just seems that it is restating and emphasizing a point that the bill is initially intended to do anyway. I have a difficult time supporting something that is put forth, once we have gone through the process and have indicated the importance of the act, to have these extra words put in, which basically mean the same, and it is basically going to achieve the intention of the bill. Thank you.

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

MR. LEWIS: Thank you, Mr. Chairman. First of all, Mr. Chairman, I would like to point out to the House that we are called a Legislative Assembly. Our main job is to, in fact, enact laws. That is what we do. Simply to use the argument that only the government knows everything, and only they have the insight and understanding, I think does not do justice to what the rest of us can offer this Assembly.

The reason why I wanted to include these words was not out of a sense of just simply wanting to get involved in the discussion. I did it because I really believe that by adding those words I was not simply stating the obvious. What these words do is this: It says that anybody who is fulfilling his or her duties is doing it for the welfare protection of a child, and anything they do beyond that, which could make them criminally liable in fact, should not be protected in an act where they could say, "I was just simply fulfilling my duties, while I was in good conscience doing what I thought I was supposed to do." If you are not doing something to provide for the welfare and protection of those children, then you could be liable if you go and do something which is beyond that -- if you decide to punch somebody, for example, or if you decide to break up the furniture in the house. You are not doing that for the welfare and the protection of a child, you are doing it because perhaps you had not been fully trained to do a very complex job, or because you had some argument with that particular family or that individual. If you take it to that extent, you could be doing more than just simply providing for the welfare and the protection of a child.

I take the government's point that what we really want to do is to emphasize the protection of the child, and all this does is to make it absolutely clear that when these people are given that responsibility it should be clear in the act that that is the only thing that is included in their duties, to do that; and if they exceed that, to do more than that, or to cause damages or difficulties or troubles, then you cannot say that that is really their duty. Their duty is only to protect and to provide for the welfare of a child. That is why I feel this particular clause, even though you may consider it to be more words than you need, to me it makes it absolutely clear that that is what the duties of that officer really are, those two things, welfare and protection, and does not include a whole bunch of other things which you could then use to say, "All I was doing was my duty but I got carried away; I was well meaning but I am sorry, I was just doing my duty."

That is the point I want to make, Mr. Chairman, and I think that we should not be carried away by those comments from the Minister of Justice who says we have all these legal people that know the law. I respect that, they do know the law, but we are legislators and we just do not accept everything that the government brings to us that we can just rubber-stamp. Thank you.

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

MR. POLLARD: Mr. Chairman, if I could just get some clarification from our legal counsel. It is my understanding that section 30.2 as it is proposed by the Minister is a blanket clause that anybody that does anything under this act, assuming that they are authorized, will not be liable for anything done or not done when that person is carrying out his or her duties in good faith under this act. Does it pertain to everything in the Child Welfare Act, Mr. Chairman? Thank you.

CHAIRMAN (Mr. Gargan): Mr. Cooper.

LAW CLERK (Mr. Cooper): Yes, it does as it is currently written. The Child Welfare Act is divided into five parts, three substantive parts which deal with child protection, contribution or paternity proceedings and the third is adoption. I took it that it was intended to apply to the entire act, not just Part II. You are correct in saying that the person has to be authorized to do something under the act. They just cannot do anything, hold up a grocery store and take protection under this act. It has to be something that is authorized.

CHAIRMAN (Mr. Gargan): Mr. Pollard.

MR. POLLARD: Thank you, Mr. Chairman. Would I be correct in assuming that if the amendment passes that it narrows down the application of that section of the act that we are talking about, section 30.2. It narrows down now the application to only those things that concern the welfare of a child. Would I be correct, Mr. Chairman?

CHAIRMAN (Mr. Gargan): Mr. Cooper.

LAW CLERK (Mr. Cooper): That is correct.

CHAIRMAN (Mr. Gargan): Mr. Pollard.

MR. POLLARD: Thank you, Mr. Chairman. Mr. Chairman, if I could through you, ask the Minister who is proposing the amendment to the first amendment -- if Mr. Lewis's amendment passes, will the narrowing down of that application of section 30.2 cause problems for her people in the field who are trying to do all of the jobs under this act, and not just things dealing with child welfare? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Madam Minister.

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Chairman. I do not believe it will. As indicated by the Law Clerk earlier, the amendment that has been proposed is basically a reiteration of what we are putting forth to this House. I do not believe it will.

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

MR. LEWIS: Thank you, Mr. Chairman. I certainly respect the legal opinions and I would like to ask, if I could through you, Mr. Chairman, the Law Clerk -- when I looked at my amendment yesterday which only dealt with the protection of children, I decided to add the words "for the welfare and protection of children" because welfare seemed to be the overall major responsibility under this act and would cover all those responsibilities in the act that officers are supposed to fulfil. I would like to ask, through you, Mr. Chairman, whether the Law Clerk can explain to us in what way these words "for the welfare and protection of children" narrows the meaning or intent of this act; how it narrows it.

CHAIRMAN (Mr. Gargan): Mr. Cooper.

LAW CLERK (Mr. Cooper): It does not narrow, I think, the intent of the act, but it could possibly narrow the application of the subsection in that -- and I have not gone through the entire act, I was just leafing through it -- if you get into contribution proceedings and adoption there may be some administrative functions that certain officials are called upon to perform that do not strictly apply to either protection or welfare of children. For that reason the subsection may be too limiting. But I am speculating, Mr. Chairman, and I would like to take this question on notice if it is to be pursued, because it would involve me looking through the entire act clause by clause.

CHAIRMAN (Mr. Gargan): Is there a motion on the floor to defer this bill? We have to have a motion to defer. Mr. Lewis.

Motion To Defer Bill 1, Carried

MR. LEWIS: I move we defer this motion until we get further legal opinion.

CHAIRMAN (Mr. Gargan): Thank you. Your motion is in order. To the motion. Question is being called. All those in favour? Opposed, if any? This bill is deferred.

---Carried

We will proceed now to Bill 8, Labour Standards Act.

HON. GORDON WRAY: Point of order.

CHAIRMAN (Mr. Gargan): Mr. Wray, your point of order.

HON. GORDON WRAY: Thank you. There is a slight hitch because Mr. Lewis's motion was to defer the motion, it was not to defer the bill. Mr. Lewis made a motion to defer the motion, not the bill.

CHAIRMAN (Mr. Gargan): We are now on Bill 8. Mrs. Marie-Jewell, are you prepared for your opening statement?

Bill 8, Labour Standards Act

Minister's Opening Remarks

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Chairman.

Mr. Chairman, the intent of the amendment is to enable the Commissioner to set the minimum wage by regulation instead of following the current process of setting the minimum wage by statute. Members will note that the wording of the bill is such that it will merely remove the current reference to the amount of the minimum wage from the Labour Standards Act. Section 47(g) of the Labour Standards Act enables the Commissioner to make regulations for the intent of the act to be carried out.

Mr. Chairman, the northern economy is very fragile and some sectors are more fragile than others. The amount of the minimum wage has a significant impact upon people employed in the NWT. The minimum wage also has a significant impact upon their employers as well as the economic sector to which they belong and the economic well-being of the communities in which they live. But economic conditions can change rapidly in Canada, as Members are fully aware. I believe that it is our duty to make our legislation governing the minimum wage responsive to the economic climate and the economic and social needs of our people. We can do this most responsibly by taking the reference to the amount of the minimum wage out of the Labour Standards Act and enable the Commissioner to set the amount of the minimum wage at such amounts and in such times that are necessary to respond to the conditions that we are in in the NWT.

CHAIRMAN (Mr. Gargan): Thank you Madam Minister. The chairman of the standing committee on legislation, Mr. Ernerk.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairperson. The standing committee on legislation also considered this draft bill during its September meeting. We were grateful for the attendance of the Hon. Jeanne Marie-Jewell who presented the bill and responded to committee Members' questions. This bill would amend the Labour Standards Act by allowing the minimum hourly wage to be established in regulations. While this is a straightforward change, technically some committee Members felt it might have implications for public input on wage-related decisions. I anticipate that these concerns might be presented by some Members here today in committee of the whole. At our September meeting the committee agreed to refer this bill for consideration in the House. Thank you very much, Mr. Chairperson.

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

MR. McLAUGHLIN: Thank you, Mr. Chairman. During the committee proceedings I voiced this concern and I voice it again. I think right now the existing legislation puts it in the hands of the Legislative Assembly to establish the minimum wage for people working in the NWT. I know that the issue has not come before us for a long time to change the minimum wage and it probably should have done, but it was not due to any wish on the part of the Assembly Members, it was just that nobody who had the responsibility in the cabinet since that time took the initiative to make the change. And maybe, unfortunately, no Member of this Assembly asked the Executive to come forth.

I am not in any way wanting to appear to be against the minimum wage, but I think it is very significant if we are going to change that from being a power of the Assembly over to being a power of the Minister or a cabinet decision to change the regulation which would change the minimum wage rather than have the law change, I think that the Assembly is the place for this issue to come to. We do not have this type of power in very many instances. I do not think we should give it up and I also think that when it is debated in the Assembly

that a lot more publicity will come out of it and there will be an opportunity for a small businessman who is affected by this legislation and for the people, the employees, who are affected by this legislation -- you have to remember that the people affected by this legislation for the most part are not members of big unions. They do not have an office somewhere in Yellowknife or in another community in the NWT to represent their issues and advocate for them. So basically the only way they are going to know that this is even being considered is if it comes to the purpose of a bill. If the government is forced to present a bill in order to change the minimum wage legislation, then that is a way of giving notice to small businesses and to these employees who do not have a big staff looking after their interest.

So I am, in principle, against taking this basic power from the Assembly and moving it over to the cabinet to deal with by regulation, because I think that if it is done by regulation there is a possibility that no small businesses nor any of the employees affected will even know that the regulations have been changed and will not have an opportunity to make the arguments that the minimum wage should or should not go up. So I am basically in disagreement with changing the legislation. But I want to make it clear that if the government wants to come in with legislation to raise the existing minimum wage, I am certainly in favour of that. But I am not in favour of giving over this present legislative mandate, which belongs to the Assembly, to the cabinet or a Minister. Thank you, Mr. Chairman.

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

MR. LEWIS: Thank you, Mr. Chairman. I have had several people in my area who have asked me about this particular piece of legislation. By putting it in the regulations it does allow the government to move quickly if they need to increase rates for whatever reason. You would not have to wait for six months for this House to sit before you decide to change things. So that is the advantage of having anything in the regulations. You can do it very quickly. And if you want to respond to changes in the economy and to raise the minimum wage, then you can just do it overnight, whereas the way things would be without this legislation, you may have to wait a long time. We have seen requests for changes to legislation in this House go as long as a couple of years.

However, there is a paramount issue here and that is the authority of the Assembly, that on things like this, because they affect people over a wide area, we really do not like to give up -- we have given up enough authority to the Executive Council. There is a real danger that we simply allow the government to do more and more things by regulation.

So although I see the advantages of being able to react quickly, I think we should keep it in the act and make it the responsibility of this House to decide what that level should be. We should exercise our powers or numbers to make sure that things are done quickly when they need to be done quickly.

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

MR. PEDERSEN: Thank you, Mr. Chairman. I am in agreement with the previous two speakers. I will not be supporting this bill. I think the NWT should be governed by legislation, not by regulation. We already have far too many regulations and for future information for the government, I will not support any bill that puts any legislative power into regulation, including this one. That there should be such an urgency that we need to do it by regulation, I cannot see. I do not think there has ever been such an urgency and such a sudden change in economics that the six months between sessions would not be sufficient to increase the minimum

wage. Mr. Lewis mentioned that sometimes it takes two years -- that is when we request legislation.

---Laughter

When there is legislation introduced to amend the Elevating Devices Act, it does not take very long to come on the table. So I am in no mood at all to entertain support of this bill or any other bill that would move legislative powers to regulation.

CHAIRMAN (Mr. Pudluk): Madam Minister.

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Chairman. The recommendation to change minimum wage to be set by regulation as opposed to having it in the act was as a result of the labour standards review panel report which will be tabled in this House. One of the recommendations was that because of the process and time it does take to address minimum wage, that we do try to change it to regulation to speed up the process.

I am somewhat concerned, not only by the time frame to change minimum wage or the debate to go on in this House on the minimum wage, but for one reason, that up until the panel report came to my attention and was concluded, I did not see any individual legislator in this House bring forth a concern on minimum wage to be addressed. Now that we have changed the Rules so that the session is to be once a year, if we do not address it for next year, then we can say minimum wage will not be addressed until 1992. And if we are going to be acting like a responsible government and trying to deal with the issues and concerns that people in the Territories bring forth to us, I think we should find a mechanism in place to try to address these concerns as quickly as we can. So it is mainly to try to deal with the process a lot quicker.

The Member for Pine Point indicated to bring this issue out in front -- it is a feeble excuse. We can bring the issue of minimum wage out in many different ways. There are many ways we can bring it to the attention of small businesses. We can advertise it. So by saying it would not be brought to the public's attention, I do not agree with that. I feel it certainly will be the responsibility of the government to bring this forth to the attention of the business people and residents of the NWT and people will take note of that. But I find it very discouraging to notice that the minimum wage has never been brought forth to my attention as a Minister, as a concern of the Territories. It was not until the review panel brought forth and concluded that the minimum wage could be addressed as quickly as possible by regulation -- that has been the only time we have ever dealt with it. I am fearful that it probably will not be dealt with until 1992 if it is to remain in the act.

This bill is mainly to try to adhere to the panel report's recommendation for me as a Minister to deal with, to put it through as regulation as opposed to having it remain in the Labour Standards Act.

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: I cannot help but comment that we are expected to believe that this is a recommendation of the Labour Standards Board report that we have not even seen in this House yet. That is another issue, I guess. How you can justify convincing the Assembly to act on a recommendation of a report that they are not even willing to give us yet? So that is another issue. But as far as I am concerned, the fact that nobody has taken the initiative for almost five years now to change the minimum wage is because the last time, the issue was taken was by whatever Minister was responsible, and since then no Minister responsible has seen fit to come

to this House, which meets twice a year, to ask us to raise the minimum wage. I am sure we would have. The Minister who is responsible for labour standards is the person who theoretically has their fingers on the pulse of the labour market in the Northwest Territories and the Minister of Economic Development -- if initiative has been long overdue to change the minimum wage, it should have come from the government, not from this House.

So I would suggest that we do one of two things; either just reject the bill in total and ask them to come back with another bill which will just amend, or take the initiative ourselves in this House if the Minister has knowledge of what is needed out there -- should it be raised from five dollars to \$5.50, \$5.75 or six dollars or \$6.50? If they know that, then why do they not just tell us and we will just amend that clause to delete five dollars and put in the new figure that the government recommends. We can do that right now, actually. Thank you, Mr. Chairman.

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

MR. GARGAN: Mr. Chairman, I am pretty well in support of the other Members and feel that this bill should not go ahead. Most of the reasons that I was going to give, Mr. McLaughlin pretty well expressed. I think it has been three years since the minimum wage was increased. I do not agree with the act itself and I think that it should be left in the hands of the Legislature here, not on one Minister to have that power to change the minimum wage. For that I do not agree with the bill and I will go against it.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. McLaughlin, general comments.

MR. McLAUGHLIN: There is just one other point that I did not make. In doing research on this matter as to how minimum wage is dealt with in other jurisdictions, where it is done by regulation the legislation which allows it to be done by regulation specifically forces, through the actual act, a public hearing or a public advertising process so that people will know that it is going to go on. I do not notice in here anywhere that there is necessarily going to be any type of public consultation guaranteed in the legislation. Even if I did agree that we are going to go by the route of regulation, I would not agree to the existing legislation because it does not force, by law, some sort of a public hearing process before the regulation is changed. So I would recommend to Members that we either reject the bill in its entirety, or if the Minister can convince us that there is a need to raise the minimum wage right away, then we could amend, under clause 2, that 13.(1) section to read \$5.50 or \$6.50, whatever necessary. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. Does this committee wish to go clause by clause? Mr. Gargan.

Motion To Defer Bill 8, Carried

MR. GARGAN: Mr. Chairman, I move that we defer this bill.

CHAIRMAN (Mr. Pudluk): Your motion is in order. To the motion to defer this bill. Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

This bill has been deferred. Now we will go to Bill 11, An Act to Amend the Public Service Act. Mr. Kakfwi.

Bill 11: Public Service Act**Minister's Opening Remarks**

HON. STEPHEN KAKFWI: Thank you, Mr. Chairman. I am pleased to introduce changes to the Public Service Act which I believe will strengthen the affirmative action policy and the staffing appeals process. These changes will bring the act into line with the affirmative action policy and allow staffing appeals committees to make binding decisions to grant or deny appeals.

The first major change will delete the provision for giving hiring preference to employees. The existing act is inconsistent with the affirmative action policy, which gives preference to affirmative action target group members. The second major change is to delete the provisions which require the appointment of the best qualified candidate in a competition. Again this provision is inconsistent with the affirmative action policy which provides for the appointment of qualified affirmative action target group members who may not have the best academic qualifications. Finally, the revisions will provide that the Minister must revoke an appointment where a staffing appeal is granted.

These changes, Mr. Speaker, make the rules of the hiring process consistent with the affirmative action policy and fulfils a commitment I made to the Union of Northern Workers to make the decisions of the staffing appeals committee binding. The changes are part of the Personnel administration's strategy that I outlined in the House on October 12, 1990. These legislative changes, combined with comprehensive training for staffing appeals committee members, will result in fair hearings for all appellants. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. The chairman of the standing committee on legislation, would you like to make your opening remarks?

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairperson. This bill would amend the Public Service Act to establish staffing appeals committees capable of resolving issues over job competitions in the territorial public service. The organization and membership of the appeals committee would be laid out in regulations. Under this bill any appointments by competition could be appealed before the staffing appeals committee. If the committee granted the appeal the Minister would have to revoke the appointment. The bill would also alter wording in the legislation that deals with making direct appointments to public service positions without holding a competition. Use of the phrase "best qualified" has been deleted from certain sections of the act in order to remove potential barriers to the implementation of a territorial affirmative action plan.

Mr. Chairperson, the standing committee on legislation considered this bill during its September meeting. We appreciated the attendance of the Minister of Personnel, the Hon. Stephen Kakfwi, and his departmental officials to brief the standing committee and respond to a wide range of questions during our meeting on September 19, 1990.

Several of the questions directed toward the Minister and his officials dealt with the organization and function of the proposed staffing appeals committee. The standing committee understood that a staffing appeals process has been in place for some time but has been a matter of policy. This bill will be the first time the appeals procedure has been established in legislation. The exact format and membership of the staffing appeals committee will be provided in regulations but not specifically spelled out in the amended act. This means that the procedures to be followed by the staffing appeals

committee for receiving, reviewing and determining appeals, as well as the framework for committee membership, could be changed without reference to the Legislative Assembly.

The Minister advised that current plans now involve the establishment of a staffing appeals committee framework which would include the deputy minister or delegate, the president of a union or delegate and an independent chairperson, selected together by the two of them.

The standing committee spent a lot of time exploring with the Minister the various ramifications of the role to be played by the staffing appeals committee. At times concern was expressed that legislating the establishment of the staffing appeals committee might unduly hinder the Minister's capacity to take a direct role in ensuring compliance with affirmative action priorities.

There was also concern that if relations with the union became strained again in the future, its representative might again boycott the staffing appeals process with implications for staffing public service positions throughout the GNWT. The standing committee recognized, after discussion with the Minister, that the previous boycott was related to union dissatisfaction with its purely advisory role on staffing appeals. Amendments in this bill would address that source of dissatisfaction. It was also noted that the regulations regarding membership on the staffing appeals committee could be changed in the matter of four to six months by amending the regulations in the event that the current membership structure proved unworkable.

The standing committee also discussed with the Minister the amendment related to the approval of direct appointments. This would pertain to situations in which the Minister wished to appoint a prospective employee to a certain job in the public service without holding a competition. The bill would amend the act to require that such direct appointments are made by the Minister upon the recommendation of the Executive Council. The standing committee was concerned that this broad reference to an Executive Council recommendation might be open to interpretation allowing an informal approval process, as opposed to a formal consideration and a record of decision.

During our review of the bill, Members of the standing committee also noted that many NWT residents remain uninformed about the staffing appeals process. This especially seems to be true within smaller communities. It was felt by several Members of the standing committee that legislative approaches to the staffing appeals process will not be entirely effective unless coupled with awareness programming aimed at informing public service candidates about the affirmative action program and their appeal prerogatives.

Mr. Chairperson, at our September meeting the standing committee on legislation agreed that this bill, An Act to Amend the Public Service Act, should be referred to the House for consideration. And thank you so very much, Mr. Chairperson.

CHAIRMAN (Mr. Pudluk): Mr. Lewis.

MR. LEWIS: I have taken a great interest in the work of this department of the last three years and there have been so many concerns raised about the lack of clarity and what we are trying to do as a government. So this act attempts to achieve that; it tries to make the appeal procedure much clearer; but the only objections I have received on this amendment is why the Minister has found it necessary to exclude people not covered by the affirmative action program from the appeals procedure.

As I understand it, under the present affirmative action program -- although I think this is a step in the right direction, to allow people who are not in the public service to be able to appeal. As I understand it, the people who are included in this affirmative action program or could be considered for employment under that program, include aboriginal people, women, handicapped people and people who have lived more than half their life in the NWT. So males would also be included as long as they have lived over half their lives in the NWT. For example, I could be included under the affirmative action program because I have lived in the NWT that length of time. So I wonder why you have decided to exclude that tiny group of people that have not lived in the NWT over half their lives. You would not have a very large number of people. I am just wondering about the logic of excluding that group from appealing under this act. Because it seems to be such a small number of people and since your policies are now much clearer about affirmative action and so on, why would you need to do this? Why would you have to say a small group of people cannot appeal? It seems to me that they would probably know why they did not get the job because of the policy anyway and if they decided to appeal, you may have decided they are just pursuing a hopeless cause, so why ask them to waste their time on doing something that is not going to go anywhere anyway? But it seems to me that if you allow somebody from outside the public service to appeal a staffing decision, that this does not really achieve that much. It does not seem to me and the people that I represent to make sense.

Once you have decided that people outside the public service could also apply for jobs and if they are not successful could appeal, it seems to me that you should allow everybody to do that and that would appear to be fair. And the ones that are not covered by the affirmative action program would probably know what their chances are anyway, would know the reasons they did not get the job. So it seems to be a superfluous thing, to just simply exclude that small number of people. It seems to be petty and mean spirited, but not of course from this Minister who has done so much to try to clarify this personnel administration of our government. This is the only concern I have with this act.

CHAIRMAN (Mr. Pudluk): Mr. Pedersen.

MR. PEDERSEN: I would like to ask the Minister when we can expect to get copies of the staffing appeals regulation that will extend the appeal right "to non-employees who have applied for a government job and are eligible for priority consideration under the affirmative action policy". These are the Minister's words from his statement the other day. When will these be issued and when will they come into effect?

CHAIRMAN (Mr. Pudluk): Mr. Minister, is this House agreed that the Minister may bring in his witnesses?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Pudluk): For the record, would you like to introduce your witnesses?

HON. STEPHEN KAKFWI: Mr. Chairman, I have with me the deputy minister of Personnel, Ken Lovely.

CHAIRMAN (Mr. Pudluk): Thank you. If you could answer the question now.

HON. STEPHEN KAKFWI: Mr. Chairman, with respect to the question asked by Mr. Lewis, why can we not extend appeal rights to everyone out there, the intent on our part as a government is to extend them to affirmative action target group members. This is not going to be in the legislation itself. I understand the regulations are the ones that are going

to indicate who will be provided with the right to appeal.

If the Members feel strongly about it, I do not have any objections. If the Members want to provide the right of appeal to everyone out there, then we can take that direction and provide for it, I think, when we are drafting the regulations. In response to Mr. Pedersen's question, it will take about three months, we hope, to have the regulations ready and implemented by January of 1991. This is to govern the rules and procedures for the staffing appeals committee.

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

MR. PEDERSEN: Thank you, Mr. Chairman. Mr. Chairman, I want to go on record as being in full support of this bill.

AN HON. MEMBER: Agreed.

MR. PEDERSEN: I think it is a long overdue and much needed piece of legislation. I am particularly grateful for the upcoming changes to the staffing appeals regulations which will finally allow our affirmative action policy to be effective. The weakness of it in the past has been that it excluded appeals at the entry level and therefore you never could get into the public service. This will alleviate that situation, and it has my full support.

As to extending it to everyone generally, as the Minister said, if everybody feels very strongly about it -- I certainly do not and I would not wish it to be as broad as "everyone" because that would include a person from southern Canada that applied on one of our job competitions as well. I do not think that should be included in it. I am quite satisfied to see it rectify the shortcoming that has existed in connection with the affirmative action policy. I welcome this and I am grateful that we are finally seeing this in the House, and it has my full support.

CHAIRMAN (Mr. Pudluk): Thank you. General comments or questions. Does the committee wish to go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2. Mr. Zoe.

MR. ZOE: Mr. Chairman, if I could ask someone, either the Minister or the Law Clerk, I do not understand clause 2, especially when we are striking out "allowances" and then substituting "allowances" again. I cannot find the explanation sheet that we have attached to the bill, so if I could get someone to read out the new paragraph 2(1)(k).

CHAIRMAN (Mr. Pudluk): Mr. Minister.

HON. STEPHEN KAKFWI: I think there we are taking out "allowances" and then putting in "allowances" with a semi-colon attached.

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 4. Mr. Gargan.

MR. GARGAN: Mr. Chairman, in the selection by Ministers with regard to the public serving on boards, it has always been the practice of the Ministers to consult with Members for suggestions on who should be serving on those boards. By this clause, does this mean that the Minister's position is that he does have "the exclusive right and authority to appoint persons to positions in the public service" and he does not have to consult anybody? Am I correct?

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

HON. STEPHEN KAKFWI: Mr. Chairman, on positions in government that are positions of some significance to communities, like regional directors and other senior management positions, there is provision for communities to be involved in the competition boards. I think that is what the Member is asking for; then that is what it is. If he is asking whether the Minister has the exclusive right to make appointments, direct appointments, that I think is provided for in the act -- it is done only upon recommendation of the Executive Council, which I think by legal definition means an Executive decision is required. I think that is what the recommendation means, so as a Minister I cannot make a direct appointment unless I have the support and a formal decision of the Executive Council. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 4. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 5. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 6. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 7. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 8. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Does the committee agree that Bill 11 is ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Now we shall go to Bill 5? Mr. Government House Leader, what is your wish now?

HON. MICHAEL BALLANTYNE: Mr. Chairman, if we could go ahead with Bill 12, Transportation of Dangerous Goods Act, 1990.

CHAIRMAN (Mr. Pudluk): Bill 12, Transportation of Dangerous Goods Act, 1990. Mr. Wray, would you like to make any opening remarks?

Bill 12, Transportation Of Dangerous Goods Act, 1990

Minister's Opening Remarks

HON. GORDON WRAY: Thank you, Mr. Chairman. I am pleased to put before the Legislative Assembly for its approval and enactment, a new Transportation of Dangerous Goods Act. This bill is not an entirely new act to the NWT, but a replacement for the original Transportation of Dangerous Goods Act passed by this Assembly in 1982. It is, though, a thorough revision of the existing act and for this reason it was put before you as a new act rather than as a set of amendments to the old one. This bill has taken considerable time reaching this stage in the legislative process. Work on the new Transportation of Dangerous Goods Act began with the Department of Renewable Resources, and a draft version was tabled in this House for public review and comment in November of 1988, almost two years ago.

Responsibility for the act fell within the mandate of the Department of Transportation upon its creation in April of 1989. The bill first went before the standing committee on legislation in September of 1989. The committee's critical examination of the act called into question many aspects of the proposed legislation. To make sure that the Departments of Justice and Transportation gave the committee's recommendation their careful consideration, I decided to defer the bill from the 1989 fall session's legislative agenda. At that time I indicated that it was because of the work that was done by the standing committee that this action was being taken.

Most of the committee's recommendations were accepted and incorporated into the revised version that went before the standing committee again in January of this year. Because of scheduling during the winter session this bill was not proceeded with. However, the Transportation of Dangerous Goods Act before you today is the same bill with a couple of minor amendments. It has been worked and reworked under very close scrutiny and through this process has become a well thought out piece of legislation.

I would advise the Assembly, however, that I would not be surprised in the least if it became necessary to make further amendments to this Transportation of Dangerous Goods Act in the relatively short space of a year or two. I would also like to point out a statement that I made to the standing committee on legislation and that is that the co-operation between the federal and provincial/territorial jurisdictions has not worked out as smoothly as the original federal act of 1980 intended. It is now my understanding that the federal government intends to make a universal proclamation of this act so that it will apply to all the modes of transport uniformly across Canada, in the same way as criminal law does, and thus resolve the constitutional objection that federal law cannot apply differently from one part of the country to another. This might put an end to the legal disputes over how the federal and provincial/territorial jurisdictions should apply to the extra-

or interprovincial/territorial aspects of road transport.

If this takes place, the universal proclamation of the federal act may make this act largely redundant. I still believe, however, that the Government of the NWT should proceed with our act as it is, first of all, much stronger and tighter than the act now in place and will give people of the NWT greater security and protection from the hazards of moving dangerous goods.

Even in view of the changes to the federal act that Transport Canada says it intends to make, I do not think it is wise for the NWT to wait for the federal government. Transport Canada's dangerous goods directorate has only declared its intentions; it has not yet started to move through the legislative process. Therefore it could be some time before the federal act becomes law.

The whole field of dangerous goods and their treatment is one that is changing almost daily as modern industries produce more and more products and more and more is learned about how to deal with them safely. It was only 11 years ago, in 1979, with the near disaster of the Mississauga train derailment that Canadians finally came to realize that the transport of dangerous goods was a serious issue that required the regulatory control of the federal, provincial and territorial governments.

The act that you are considering today represents the state-of-the-art in dangerous goods regulation in Canada, but I can also say it is not the last you will hear on the issue. The new act improves upon the former act in four main areas. The new act allows that the Department of Transportation requires that carriers of dangerous goods prepare contingency plans detailing the measures they will take in the event of an incident to contain any hazard to the public and to the environment.

Secondly, to make sure that these contingency plans are realistic and effective, the department will also require that carriers of dangerous goods show proof of their financial ability to carry out the contingency plans. The new act expands the authority and responsibilities of the inspectors, primarily in the authority to respond to an emergency involving dangerous goods and order the measures necessary to get the situation under control. Finally, the new act substantially increases the penalties for violations of the act. On a first offence the fine has been increased from \$50,000 to \$300,000 and on subsequent offences from \$100,000 to one million dollars. Unlike the old act, in addition to fines the new act also provides prison terms for offences, six months for a first offence and up to two years for subsequent offences.

In closing, Mr. Speaker, I hope that the Members of the Assembly will agree with me and give their approval to this new act with its improvements that give the people and the environment of the Northwest Territories added protection in the safe and secure movement of dangerous goods on our highways. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Chairman of the standing committee on legislation, would you like to make your opening remarks?

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairperson. The standing committee on legislation has now presented a committee report dealing with proposed amendments to the Transportation of Dangerous Goods Act. Our standing committee has had a lengthy acquaintance with this bill. We first reviewed it in depth in September 1989 with the Hon. Michael Ballantyne and have subsequently considered it with the current Minister of Transportation, the Hon. Gordon Wray,

in January, 1990, and most recently on September 21, 1990. During our reviews of the bill the standing committee has had the benefit of the counsel of Mr. David Wright, a lawyer with the Howard, Mackie firm in Calgary, Alberta.

When first presented with this new legislation the standing committee completed a wide range analysis and recommended a large number of changes. The standing committee has noted that the Minister and his staff have responded very seriously to the recommendations of the standing committee. Many of these changes have now been incorporated within this act and our positive working relationship with Mr. Wray and his department has provided, I believe, a good example of the way a committee review process can enhance our legislative process.

Mr. Chairperson, this is a very important bill. It addresses the safety of both people and the environment throughout the Northwest Territories. It does this by providing standards for safeguarding and inspecting dangerous goods while they are in transit on highways and roads in our territories. The report from our standing committee provides a clear overview of the bill, I believe, so I will keep descriptive comments brief.

The standing committee has recommended many wording changes over our three reviews of this bill. As I mentioned, most have been adopted by the government. Committee Members and I may make reference to some of the remaining ones when we go clause by clause with this bill.

Mr. Chairperson, at our September meeting the standing committee on legislation agreed to refer this bill to the House for consideration, and with the highways and roads coming into the Keewatin Region, as mentioned by the Minister, I am sure we will have a lot to say about this piece of legislation. Thank you, Mr. Chairperson, very much.

CHAIRMAN (Mr. Pudluk): Thank you. Before I call anybody else, Mr. Minister, would you like to bring in any witnesses at this time?

HON. GORDON WRAY: Yes, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Is this House agreed?

For the procedure of committee of the whole, when a situation happens I have to warn you -- somebody is jumping over the rope and it is not proper procedure to get into the House. Thank you. Mr. Wray, would you like to introduce your witnesses?

HON. GORDON WRAY: Thank you, Mr. Chairman. Your comments are noted. I have on my right, Mr. Hal Gerein, deputy minister of Transportation and on my left, Mr. Mark Aitken, legislative counsel, Department of Justice.

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

MR. WHITFORD: Thank you, Mr. Chairman. Before I get into general comments I would like to ask, because this is a new document and it is a new act to the Northwest Territories and fairly in-depth; it is a serious document and one that is designed, I am sure, for the best interests of the public. However, the question I have concerns the transportation industry, because they are the ones that are going to be affected, next to the public. How well was this document circulated and how far did you go to seek input into this document from the industry?

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

HON. GORDON WRAY: Thank you. There were numerous

consultations. The act has been around for about 16 months and has been in the committee on at least three occasions. It was sent to all the various associations and discussions were held. So there has been a thorough process of consultation.

CHAIRMAN (Mr. Pudluk): General comments and questions. Mr. Whitford.

MR. WHITFORD: Thank you, Mr. Chairman. Perhaps the Minister could advise me on how this very detailed document would come about. Would the Minister have gone to the provinces and sought their direction -- a variety of provinces and take the best from them? Why I ask this question is that last year, if I recall, there were moves that I think the Minister's department was going to make dealing with highways that were taken from standards that were from outside of the Territories and, as well intended as they were, the road conditions here certainly did not meet the road conditions from which the standards had been taken. Therefore, in my opinion they would not apply. I am just wondering, before we get into these things, if he would advise me on how he came about getting all of these sections and items of very important interest? Did he go to the provinces and get these from other jurisdictions?

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

HON. GORDON WRAY: Thank you, Mr. Chairman. Yes, while this is a new act there is an existing Transportation of Dangerous Goods Act, but because of the fast moving pace in the way environmental concerns have become known in the country and with new technology, it was felt that the act was somewhat out of date. We had two choices: to amend the existing act or to come up with a new act. There were so many changes we decided early on that we might as well have a new act as opposed to trying to amend the old act because it would have been almost a new act anyway. We took various sections of the new act from federal legislation, legislation from Alberta, Saskatchewan -- in fact legislation from nearly every jurisdiction in the country but primarily Alberta, Saskatchewan and the federal act.

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

MR. WHITFORD: Thank you, Mr. Chairman. Just one more question for the time being. Recognizing of course that there were existing acts in the Territories that govern the transportation of goods and dangerous goods, an act like this is only as good as the enforcement of it. In conjunction with the establishment of such a comprehensive act, is there the infrastructure to go along with that, are there in existence the resources to enforce such an act -- that is, highway patrol people, check points, all of these things that are there to make sure that all of the requirements for a safe trucking industry are met?

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

HON. GORDON WRAY: Thank you. With respect to this particular act, there are a number of acts which are complementary to this act, but with regard to this particular act there are 12 inspectors or people capable of enforcing this act that we are training; six at the Enterprise scale, two at the Inuvik scale, one at the Fort Liard scale, one highway patrol officer, one transportation of goods co-ordinator and one mechanical inspector. We have on staff 12 people in our system.

In addition to that, we are going to be training the RCMP in the enforcement provisions of this act, so we will be covered by the RCMP and by people on our own staff. In addition to that, there are two inspectors in Winnipeg who monitor the

federal transportation of goods regulations and they are assigned to the NWT as well. We feel there is sufficient coverage to be able to monitor it.

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

MR. WHITFORD: Thank you. If I could ask one more question dealing with enforcement. Close to the border, are these stations manned 24 hours a day? I recall seeing areas where there is no enforcement, the scales are not open or the inspection areas are closed at certain times of the day. I am not suggesting for a minute that the trucking industry would think of running the scales or anything like that, or running areas where they would normally be inspected, but there is the odd individual who may decide to do that. At the major crossings, or major check points, are these manned on a fairly regular basis?

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

HON. GORDON WRAY: Thank you. The main entry point for most of these goods is the Mackenzie highway and the Enterprise scale is manned 24 hours a day. The Inuvik scale and the Liard scale, which are the other two entry points, are not manned on a 24-hour-a-day basis simply because the level of traffic does not justify that. However, in the off periods there are two things that we hope will cover it. First of all, the RCMP are available, but secondly they are entering from the jurisdiction of British Columbia which has similar legislation to ours. The assumption is that if they are already on the roads and they are meeting BC legislation, by and large our legislation will be covered.

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

MR. McLAUGHLIN: Thank you, Mr. Chairman. I have a few comments and questions. One of them relates directly to what Mr. Whitford just brought up. I had a fair amount of experience in Pine Point operating a warehouse and dealing with highway transport companies, and I know for a fact -- and this did not relate so much to dangerous goods but more related to extra wide loads and overloads -- that Mr. Whitford's fear is real. I am happy to hear that at the Enterprise area there is now 24-hour coverage, hopefully seven days a week, because I know for sure that truck drivers in the same company who had following loads with other drivers coming behind them which did not meet regulations due to width or height or weight would basically go through the Enterprise area and just park and wait and then they would have some subtle message put over their two-way or their radio that "the turkey has gone home to roost" and then the rest of the trucks would come through. Mr. Whitford's fears there are not just hypothetical. They are factual, I am sure, and that especially applies to companies that are doing one-time one-load shots that do not have to deal on a regular basis with our government. I would just like to make that comment.

I would also like to say that I expressed a fairly major concern at the committee meeting, as well, about how many people were available to enforce all these regulations and the laws and regulations related to them, and I believe the Minister or his officials at the time gave an undertaking to the committee that they would provide us with a list of the acts that people operated under and who specifically all those various officers were in the different levels of government, and I was wondering if those things could be provided -- not necessarily tabled or given to the committee -- but could you provide those to Members at some stage?

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

HON. GORDON WRAY: Thank you. On the latter point, we

did provide the committee with all of the various acts and inspectors and that, but I will make another copy available for the Member because we did consolidate it.

On his first point, I agree that there are real fears, but I guess we have never had seven-days-a-week, 24-hours-a-day coverage at Enterprise, which we now do. The bottom line is that if somebody wishes to break the law, no matter how good an act we have, they are going to find a way around it. But I guess what I am signalling to them with this act, if they wish to try and break the law and they are caught, then they are going to pay a heavy, heavy price. That is about all we can do, because as the Member knows, for every law that we draft somebody will try and find a way around it, but if we catch them there is a heavy price to pay. Thank you.

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

MR. McLAUGHLIN: My other main concern, which I also brought up at the committee, and which I would like to repeat now, was basically my experience as an agent for a major highway transport company while I was in Pine Point was that almost all of the situations where there is a danger to the environment occurs during the loading and the unloading of trucks. That is when bags of chemicals are ripped open, that is when forklifts poke holes in drums of dangerous chemicals like cleaning solvents and things like that. I am concerned that the Minister and his officials have basically indicated that this covers the transportation of dangerous goods while they are physically being moved along the highway system. Once a truck pulls off the highway system and opens its doors for breakdown of the freight into other smaller trucks, to be unloaded by a forklift into a yard or into a warehouse, then you are into other legislation and other acts.

I would like the Minister to make a comment as to what degree of confidence does he have that those situations which I am convinced, really from what I have seen over the years, is probably 90 per cent of the times when the environment or people have been exposed to dangerous goods, it has been during the loading or unloading of a transport vehicle -- I would like him or his officials to somehow give me some assurance that if this law does not cover those situations, what other laws do? Are they municipal, territorial, federal or what? Thank you, Mr. Chairman.

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

HON. GORDON WRAY: Thank you, Mr. Chairman. The disagreement over the responsibility for shipping and handling is constitutionally unattainable at this point in time. Several decisions of the Supreme Court of Canada have made it clear that federal statutes cannot apply differently across the country. While some provincial jurisdictions have written responsibility for shipping and handling into their acts, it is not certain that the legislation would fair well under a constitutional challenge. That is the crux of the problem and the jurisdictional tangle over the issue of shipping and handling that presently fouls all of the transportation of dangerous goods legislation in the country.

With regard to this specific legislation the CEPA, the Canadian Environmental Protection Act, which is federal legislation, controls methods of handling, storage and disposal of designated products such as PCBs, asbestos, lead, dioxin, mercury. That is administered by Environment Canada and there are seven inspectors in the NWT: one in Iqaluit; two in Inuvik; and four in Yellowknife. The Environmental Protection Act of the Territories, which also is a means to remedy the release of contaminants into the environment, there are inspectors in almost every community, renewable resource officers who have been trained, and appointed inspectors under our own EPA act. There are the federal transportation

of dangerous goods regulations administered by Transport Canada, and we work co-operatively with them in helping administer their act. There are our own regulations with our inspectors who are also going to be trained in the federal act and will help enforce the federal Transportation of Dangerous Goods Act. There is the Hazardous Products Act and the WHMIS regulations, which are federal. They control the conditions of sale, the import, the export, the distribution and labelling of commercial and industrial hazardous products. That is administered under Consumer and Corporate Affairs Canada. It is the Workplace Hazardous Material Information System. Again, we will be assisting with the enforcement of that act.

In terms of off-highway, there is the Territorial Lands Act and territorial land use regulations, which is a federal act. It controls the occupation and use of federal land, specifying conditions for the handling, storage and disposal of petroleum, fuels, chemicals and/or toxic materials. DIAND has seven inspectors: one in Rankin Inlet; one in Iqaluit; one in Fort Smith; one in Inuvik; one in Fort Simpson; one in Hay River; and one in Yellowknife.

Explosives: The possession, storage, disposal, the use and some aspects of the transport of explosives come under the federal Explosives Act and regulations. We have four territorial employees designated as deputy inspectors under that act. I could keep going. There are a number of other acts. We feel that until the constitutional tangle of who is responsible and the legislative tangle that all jurisdictions find themselves in -- that we are well covered by these other acts until the mess is sorted out.

In terms of the shipping, that would be something that we would not be able to enforce anyway because of the unique situation in the North where products coming into the North almost always come from somewhere else; either from Ontario or Quebec, they come from all over the country. We have to rely on the agencies in those provinces to enforce their regulations on the shipping and handling of goods at their end. So we feel that we are sufficiently covered for the time being. Thank you.

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

MR. McLAUGHLIN: Thank you, Mr. Chairman. I am not sure if I am more overwhelmed by the problem or by the answer. I did want to ask that question and get a detailed answer on the record because I think people have to be aware that even though this legislation does not specifically cover the loading, unloading, packaging, et cetera, of materials, that there are other agencies in effect and we just have to hope and pray that they are not tripping over themselves.

I cannot help but make the comment, just observing right now, that since it is 5:30, if we were to sit at night we could entirely escape, practically, the surveillance of "The Fifth Estate". Thank you, Mr. Chairman.

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

MR. NINGARK: Thank you, Mr. Chairman. Just to get clarification on the act, does the act apply to fixed storage buildings, Mr. Chairman? Thank you.

CHAIRMAN (Mr. Pudluk): Mr. Minister.

HON. GORDON WRAY: No, Mr. Chairman. That would be covered under some of the other acts that I just mentioned.

CHAIRMAN (Mr. Pudluk): Mr. Pollard.

MR. POLLARD: Thank you, Mr. Chairman. Mr. Whitford asked the Minister if he had consulted with transportation companies and he was advised that the department had consulted. But the Minister never told us what they said about the proposed changes. I wonder if the Minister could tell us what the transportation companies said when they said they were going to change their rules. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. The regulations that would enforce this act are almost identical across the country so it is something that the trucking industry is already aware of, because they have to follow the same rules in Alberta, BC, Saskatchewan. It was not a great surprise.

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

MR. POLLARD: Thank you, Mr. Chairman. How about people who are hauling within the NWT who do not necessarily go to BC or Alberta; people who are just merely hauling in the NWT? Thank you, Mr. Chairman.

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

HON. GORDON WRAY: Thank you, Mr. Chairman. I am told that most of the companies, companies like Northwest Transport and Robinson's, essentially they play by the rules. They have the regulations and they follow them.

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

MR. POLLARD: Thank you, Mr. Chairman. Without getting into specifics I see that under section 31, dangerous occurrences, an inspector can issue an order and tell people to do things about spills that have occurred and so on and so forth. I know the Minister has already cited other acts and regulations that apply to spills and so on but is, in general, the onus placed upon the transportation company for the clean-up of any spills that may occur while dangerous goods are in their care?

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

HON. GORDON WRAY: Thank you, Mr. Chairman. Yes, the onus is on the operator. However, in the event that the operator does not follow through with that, the government has the ability to do it and to back-charge the operator.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Minister. General comments. Mr. Pollard.

MR. POLLARD: Thank you, Mr. Chairman. If there is a spill on Mr. Wray's nice new pavement south of Enterprise -- and it is nice -- his people are going to say, "Well the operator has to get equipment there to clean this thing up and we are going to wait around and the highway may be closed, as it has been before, while we wait for the operator to get equipment in there to clean up a spill." Am I correct, Mr. Chairman?

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

HON. GORDON WRAY: Not necessarily. Depending on the seriousness of the spill and the type of materials involved we could take immediate action. In section 34.1 and 2, the operative section, you would call it as an incident happens but if it was serious and the operator was not prepared then we could take immediate remedial action.

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

MR. POLLARD: Mr. Chairman, the Minister knows exactly where I am going but I will keep going for the record, sir. Where would the department or the inspector get the equipment to clean up a spill of dangerous goods, whether it was on a road or in a community, where would the department get the equipment to clean up the spill in the event that the contractor was not acting quickly enough? Thank you, Mr. Chairman.

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

HON. GORDON WRAY: We would obtain the equipment from the closest possible source, whether it is our own equipment or whether it would be privately owned equipment or whether it would be municipal equipment. We will be undertaking, in the not too distant future, discussions with various communities along the system about the type of equipment that is needed and perhaps joint use of certain equipment, et cetera. The easy answer is that we would take the equipment from the closest possible source.

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

MR. POLLARD: So if the Minister or his officials are going to take the equipment then are there hazardous material vehicles available in the communities at the present time, Mr. Chairman?

CHAIRMAN (Mr. Ernerk): Mr. Minister.

HON. GORDON WRAY: At the present time we do not have any vehicles. However, it has been brought to my attention, for example, Robinson's Trucking have a complete set of equipment that can be used. Generally speaking, the goods being hauled are goods that can be scooped up or sucked up with existing equipment. However, in the event that a product is being hauled that would require, in the event of a spill, of a very specialized piece of equipment, we could require the carrier to have that piece of equipment available as part of the contingency plan.

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

MR. POLLARD: Mr. Chairman, which takes me to where I have been going and the Minister knows full well what I am going to say next and that is, through Hay River, onto the barge system and up into the Arctic through Inuvik, because of the oil and gas activity there; through Yellowknife because of the mining industry that is here, there are a lot of dangerous goods passed along those routes and when there is a spill the people that are called out, Mr. Chairman, are the fire departments; the local fire department is called immediately. MACA has provided training and moneys to those fire departments in order for them to get dangerous goods training but there has been no equipment provided and I have said this before, again and again in this House, that at strategic points along Mr. Wray's new highway, at Hay River, Providence, or Yellowknife and on the Dempster at Inuvik, perhaps at Rankin, and perhaps in Iqaluit, there should be hazardous material vehicles made available to the local municipality so that the fire department will have a vehicle to react with when they are called out as they frequently are.

So I would ask the Minister, Mr. Chairman, if the Minister recognizes the need and if he does, what is he doing to provide that equipment to those fire departments? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Pollard. Mr. Minister.

HON. GORDON WRAY: I knew exactly where the Member was taking me and I was trying to avoid getting there but we

recognize the problem. For us the problem is funding because these vehicles are very expensive to have on standby. However, there is no question that the safety of the public and the environment must come before cost. We are presently working with the Department of Municipal and Community Affairs to see what type of equipment would make more sense and if there is a possibility of some kind of joint venture, or perhaps not new vehicles but maybe a component that could be fitted onto existing vehicles or fire trucks or whatever. We are beginning to look at the different types of vehicles across the country and what would make some sense for us, not to have a very specialized piece of equipment that may only be used once in 20 years. We think that if there is a material that is being transported that would require a very sophisticated piece of equipment in the event of a problem then we should require the carrier to provide that. What we are looking at, in conjunction with MACA, is if there are municipal type vehicles that could be outfitted for your sort of normal, run-of-the-mill spill. So that work is being done.

I agree with the Member that there is no sense in the Department of Transportation having its own vehicles sitting in its own garage. If we are going to do something it should be in conjunction with the municipalities and the existing vehicles.

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

MR. POLLARD: I am pleased to hear the Minister say that, Mr. Chairman, and he has my total support. Mr. Chairman, I would like to ask if this covers rail? Thank you, Mr. Chairman.

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

HON. GORDON WRAY: No, Mr. Chairman, it does not.

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

MR. POLLARD: There is a rail line, as the Minister knows, that runs through Mr. Gargan's constituency into mine and into Mr. McLaughlin's in Pine Point, such as it is, so if there is a spill on that rail line while that train is going through the Northwest Territories, where are those regulations? Where are the laws that govern the transportation of goods on the rail line, Mr. Chairman?

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

HON. GORDON WRAY: Thank you, Mr. Chairman. The transportation of dangerous goods by air, marine, pipeline and rail modes are covered under the transportation of dangerous goods and regulations federally, so it is a federal act.

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

MR. POLLARD: Mr. Chairman, the other thing that I noticed about the act is in the interpretation, a highway means a lot of things other than the driveway of a private dwelling. I would just ask the Minister, I am on page one, why the driveway of a private dwelling is left out or is it covered somewhere else in the act? Thank you, Mr. Chairman.

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

HON. GORDON WRAY: I am advised that the rationale is a legal one, that a road, trail, place, bridge or structure, for example, leading into a work place, site or highway is one where highway officers are authorized under this act to enforce our regulations. However, once you enter into a private driveway it is considered to be a private dwelling and therefore officers would have to obtain warrants because it is considered to be part of the dwelling.

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

MR. POLLARD: I was afraid the Minister was going to say that, Mr. Chairman. What about if there is a fuel truck delivering fuel to a private residence and there is a spill in that driveway, who enforces the clean-up then in that driveway? Thank you, Mr. Chairman.

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

HON. GORDON WRAY: In the example that Mr. Pollard provided the Environmental Protection Act of the Northwest Territories is in force. For example, if there is a fuel spill from NCPC that is covered under the EPA.

CHAIRMAN (Mr. Pudluk): Thank you. General comments. Does this committee wish to go clause by clause now. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 1, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 2, binding on government. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 3, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 4, permits. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 5, duty of Minister. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 6, terms and conditions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 7, form of permit and application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 8, fee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 9, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 10, amendments, cancellation or suspension. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 11, notice. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 12, permit must be produced. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 13, prohibited transportation. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 14, safety standards. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 15. Mr. Whitford.

MR. WHITFORD: Thank you. Clause 15, that is the emergency plans. I had a little notation here. I do not think I heard anything about how detailed these emergency plans would be and how far in advance they would have to be prepared. I think there was some question about the amount of detail one would need to give before dangerous goods could be moved. I just wonder if the Minister could advise me on that.

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

HON. GORDON WRAY: Thank you. It is entirely up to our discretion. As you notice this clause says "prepare emergency plans in a form and having a content acceptable to the Minister...." In other words, if we felt that the product was an extremely dangerous product and that there would be some problems with its transportation, we could require extremely detailed plans down to times, places, all manner of details including clean-up. If it was a normal run of the mill product, we may not require any plans at all. It is entirely up to us in terms of how much detail we ask for. It would certainly be driven by the product that is being transported.

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

MR. WHITFORD: Thank you, Mr. Chairman. That would of course include not only the product but the route this was to take, water, part water, bridges, certain contingency plans for winter perhaps. It would include all of that?

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

HON. GORDON WRAY: Yes, Mr. Chairman, all of the above and more.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 15, emergency plans. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 16, financial responsibility. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 17. Mr. Ningark.

MR. NINGARK: Thank you, Mr. Chairman. Could I get a clarification from the panel, who is the inspector, who has the legal authority to do the inspection? Is it federal? Thank you, Mr. Chairman.

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

HON. GORDON WRAY: Thank you. It is anyone that we appoint under the authority of the act. At present we have 12 inspectors. We are also training the RCMP. There are federal inspectors that do it for us. We can train and appoint renewable resources officers. Essentially, anybody that we train and appoint under the act.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 17, inspection. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 18, warrant required to enter dwelling house. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 19, warrant to search. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 20. Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairman. Just to sort of bring the standing committee's questions to the Minister. Under this clause, I wonder if I could ask the Minister if the inspectors have the power to carry out any additional duties that have been given to him or her in the regulations.

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

HON. GORDON WRAY: It is confined to what is in the act, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 20. Mr. Pollard.

MR. POLLARD: Thank you, Mr. Chairman. Mr. Chairman, again we are seeing in an act of this government some pretty sweeping powers for an inspector, "making copies or taking

extracts, any books, records, electronic data...." It goes on through that section 20 to talking about computer systems and data contained in those computer systems. I am wondering, and I would ask the Law Clerk, in this kind of an act is that a reasonable amount of power to have? Are we digging too much into people's records. There would be payroll records on there, presumably there would be profit and loss statements on their computers, there may be all kinds of data. Is that normal to have that kind of power, Mr. Chairman? Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Law Clerk.

HON. GORDON WRAY: Yes, it is normal and consistent with the other jurisdictions in the country. However...

CHAIRMAN (Mr. Pudluk): Excuse me. The question was directed to the Law Clerk.

LAW CLERK (Mr. Cooper): The powers are certainly reasonably broad, but I would suggest that it is a political decision and has to be weighed against the type of activity or conduct that you are trying to control. As I have heard the Minister say, these powers are similar to powers given to enforcement agencies in other jurisdictions.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 20. Mr. Pollard.

MR. POLLARD: Mr. Chairman, then to the Minister, through you, sir, it says, "An inspector may, in the performance of an inspection or search...." I would think that the search would occur if they were looking for something because they were concerned about something. But a regular day-to-day inspection or a month-to-month inspection, or yearly inspection, to have the powers to go right into somebody's books, bank accounts, whatever, it just seems a little tough to me -- that an inspector can just go in and say, lay it all out for me and let us see what you have in the bank and let us see how much money you made last year and let us see how much you paid your employees. I would ask the Minister, why would the Minister want his inspectors to have those kinds of powers upon inspection? Thank you, Mr. Chairman.

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

HON. GORDON WRAY: I am advised that the inspection powers are merely to ascertain if, in fact, a transgression of the act has taken place, or is done to ensure compliance with the act. Any search provisions require a warrant.

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

MR. POLLARD: I do not think the Minister answered my question. What I was wondering is, why in the course of an inspection would an inspector be able to get into all these books, records, electronic data, or other documents, that would include, presumably, bank accounts; that would include, presumably, personnel files; that would include the payroll; that would include profit and loss statements; that would include balance statements; that would include quotes given to companies on how much they would like to haul their product for, and so on and so forth. You are virtually just opening your company up to an inspector for the purposes of inspection and my question to the Minister is, why would his inspectors need to get into to all that data, Mr. Chairman? Thank you.

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

HON. GORDON WRAY: Thank you. I guess the words "to contain information relevant to the administration or enforcement of this act or the regulations", obviously there are

computer records that may, for example, contain the nature of a certain product that is being transported and we have to be able to ascertain very quickly the nature of that product, where it came from or who sent it, but I think the operative words are "relevant to the administration or enforcement of this act or the regulations" and I suppose if it was necessary to ascertain -- I cannot think of a reason why we would want to see payroll but I suppose it is there and you have to trust that it is not abusive powers.

CHAIRMAN (Mr. Pudluk): Thank you. I think the legal adviser could give more clarification on that.

LAW CLERK (Mr. Cooper): On any search or seizure under a warrant or otherwise an officer doing the seizure is by common law only supposed to seize material relevant to the investigation being conducted. I notice that section 23.1 specifically limits the seizure to things which the inspector reasonably believes will afford evidence with respect to the contravention. Under section 25, that provides for release of documents and so forth from seizure.

CHAIRMAN (Mr. Pudluk): Clause 20. Mr. Pollard.

MR. POLLARD: Just so that I get this right, then, the powers of the inspector here relate specifically to search? Am I correct?

CHAIRMAN (Mr. Pudluk): Legal adviser.

LAW CLERK (Mr. Cooper): Search and inspection. Search is dealt with under section 19 and inspection under section 17.

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

MR. POLLARD: I do not want to belabour the point or waste the time of the House, Mr. Chairman, but what I am trying to get at is, on a regular inspection by an inspector, could the inspector doing his or her inspection do all of those things in 20? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Legal adviser.

LAW CLERK (Mr. Cooper): I believe that he could if he reasonably believes that what he is going to seize will afford evidence of an infraction, for instance, a log book in a truck. If he is to get into a dwelling house he will have to have a warrant from a justice of the peace. Pursuant to section 18 of the act he cannot get into a dwelling house. Dwelling house is not defined and I am not sure it is broad enough to include a business or a commercial enterprise; in the Criminal Code it refers to a place of residence as opposed to a place of business. It gives the inspector the power to see something on the spot from a truck that has been stopped and detained and is suspected as being in contravention of the act.

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

MR. POLLARD: Mr. Chairman, I am not going to hold up proceedings any longer and I would like to make an amendment but this is a very complex act and I would be meddling around in something that I really do not have the expertise to amend but I would just like, for the record, to show this House that I am concerned about an inspector doing an inspection, who can do all of those things under the Transportation of Dangerous Goods Act. I think that getting into the guts of a company or a partnership -- it is just very, very sweeping and I disagree that we need to go that far. I think if we have to go that far then why can there not be a warrant issued that says, "You may now go and do these things because of these occurrences." But when it is just in the performance of an inspection -- this guy is walking

through the door...

CHAIRMAN (Mr. Pudluk): Excuse me. Can we have a copy of that?

MR. POLLARD: I am just concerned that somebody can walk in and do that in accordance with an inspection and I would just like the record to show that, Mr. Chairman. Thank you.

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

HON. GORDON WRAY: Thank you, Mr. Chairman. I hear Mr. Pollard and I guess there is general concern about the powers that you give people; you have to be careful. I think what we have tried to do is limit the powers to the specific area which we are dealing with, and that is a contravention of this act. I do not think that an inspector could walk in and seize the books of a company just because he felt like it. He would have to believe, on reasonable grounds, that the seizing of those books was important to establish whether or not this act was contravened. Even if it does not we still put checks and balances inasmuch as that a court may grant an application and order the immediate return of anything that was seized if it is not in the public interest to do anything, if it is not required as evidence, or there is no danger to persons, property or environment that would occur by their release, so there is that provision. Section 26.1 also allows a person to apply to the court for it to be returned to them and also in 25.1 there are provisions.

So we have tried to put checks on those powers. I think what has to be understood is that the transportation of dangerous goods, perhaps not in the Northwest Territories, but potentially can be a very large profit-making business and there has been a lot of money made by companies illegally transporting goods and disposing of goods. It is a business that unfortunately can attract the wrong type of people. There are heavy fines and jail sentences in place for breach of this act and of course one of the fears is that if an inspector believes on reasonable grounds that there is something that he must get now because he believes that the act has been contravened, and we limit him by saying we are sorry, but you have to go and find a judge or a court or a JP before you can do it -- in some situations if you were in one of the larger communities you might be able to get it within a matter of minutes, in other cases it might take hours, and in the meantime evidence or things could be destroyed, which could cause some major problems, considering the kind of fines and penalties that this act would impose. I would say that people may be tempted to try and tamper with or destroy evidence rather than face the risk of jail or fines up to one million dollars. We had to cover that side of it, but we tried to put reasonable limitations on it because I think you, Mr. Pollard, have concerns and I have concerns about giving people these kinds of powers.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 20. Mr. Ningark.

MR. NINGARK: Thank you, Mr. Chairman. This section seems to indicate that the inspector has discretionary power to enter and search the home. Am I correct, Mr. Chairman?

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

HON. GORDON WRAY: No, in order to enter a home or a dwelling place, he must obtain a warrant from the courts, unless the person consents to his entering that place.

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

MR. NINGARK: Thank you, Mr. Chairman. But once the inspector enters the house, he has that discretionary power to

search? Thank you.

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

HON. GORDON WRAY: The warrant will say what can be searched and what can be searched for.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 20. Mr. Pedersen.

MR. PEDERSEN: Thank you, Mr. Chairman. I just want to question some of the wording in this act. There is repeated use of the terminology "reasonable grounds" in the act. In view of the comments yesterday from the Government Leader that fancy concepts like "reasonable grounds", which even lawyers, let alone judges cannot explain, does the Minister feel that it is wise to include such terminology in an act of this importance?

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

HON. GORDON WRAY: When it comes to the technical details of legal drafting, this Minister has no opinion.

CHAIRMAN (Mr. Pudluk): Mr. Pedersen.

MR. PEDERSEN: Pretty good -- this Minister is a survivor.

CHAIRMAN (Mr. Pudluk): Clause 20, powers of enforcement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 21, use of force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 22, assistance to inspectors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 23, seizure. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 24, abandoned goods. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 25. Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairperson. I refer to the wording in this clause 25 where it says "Subject to subsection (2), an inspector shall return a thing...." I am wondering, Mr. Minister, through you, Mr. Chairman, if that is specific enough?

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

HON. GORDON WRAY: Thank you. The intention is to be as broad as possible. In subsection 26(1) we use the word

"thing" the whole way through so that we are consistent, because it would be too hard to define all of the possible things that you could seize, so we just use the word "thing".

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

MR. ERNERK: Thank you for that "thing" answer. My other question to the Minister, Mr. Chairperson, is this. I am wondering if there is a chance that it could be defined narrowly in the courts and therefore exclude some type of evidence. Thank you, Mr. Chairperson.

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

HON. GORDON WRAY: I am advised that the federal legislation and the Alberta legislation use the exact same word, and the intent is for the court to appreciate that it is intended to encompass the broadest range of items. There we go.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 25, release from seizure. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 26, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 27, order to forfeit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 28, return of property. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 29, certificate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 30, powers of arrest. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 31, order of inspection. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 32, expiry of order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 33, director may take action. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 34. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. Under clause 34, some of us on the committee were concerned about basically a difficult Charter situation here. Because the fines and the possibility of sentence exists, there are some cases occurring in other jurisdictions where the evidence which is required to be reported under 34(1)(a) it says basically that "the person who owns or has charge of the dangerous goods shall, as soon as possible in the circumstances, (a) in accordance with the regulations, report any discharge to an inspector or a person designated by regulation..." That very reporting, that may be the report that would be used to prosecute a person and therefore the person is being forced by law to incriminate himself, and there is some question, under the Charter, that that may not be acceptable and legislation is being challenged in other jurisdictions where there are similar types of clauses in other legislation.

I just want to put on record the apprehension that some of the Members of the committee had about that particular clause, and possibly to ask the Minister and his officials if he could give us some assurance that the situation is different here; or will the ongoing court procedures in other jurisdictions probably apply to us if the government legislation fails in those jurisdictions?

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

HON. GORDON WRAY: I am advised that it is our opinion that we think it is a reasonable limit under subsection one of the Charter. However, we would monitor all court cases under that section and if, in fact, it was proved that that section is being used to strike it down then obviously we will move to change our act.

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

MR. McLAUGHLIN: So basically it is sort of, if a landmark decision is made on similar legislation in another jurisdiction you will take that into consideration in this jurisdiction. Thank you, Mr. Chairman.

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

HON. GORDON WRAY: Yes, Mr. Chairman, we will.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 34, duty to take action. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 35, directive of Minister. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 36, appeal to court. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 37, power of court. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 38, costs and expenses. Mr. Pollard.

MR. POLLARD: On clause 38, Mr. Chairman, the government can claim and recover the reasonable costs and expenses incurred in taking any measures. What about if a community has had to put money out or has incurred expenses? Could the government recover funds on behalf of communities or other people? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Mr. Minister.

HON. GORDON WRAY: Yes, we can recover.

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

MR. POLLARD: Is the Minister saying, "Yes, we the government can recover", or "Yes, we the government can recover on behalf of other people", such as communities, Mr. Chairman? Thank you.

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

HON. GORDON WRAY: We would recover on behalf of the community and then pay the community back. The community would act as our agent.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 38, costs and expenses. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 39, agreement with a province or Yukon Territory. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 40, director. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 41, analysts. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 42, inspectors. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 43, powers of director. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 44, ex officio inspectors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 45, liability. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 46, definition of electronic transmission. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 47, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 48, obstruction of inspector. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 49, interference with property. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 50, permit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 51, false or misleading information. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 52, contravention of section 13 or 14. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 53, offence and penalty. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 54, limitation. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 55, continuing offence. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 56, proof of offence. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 57, liability of directors. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 58, defence. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 59, proof of documents. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 60, evidence. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 61, by-laws. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 62, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 63, adoption of codes. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Clause 64. Mr. Ernerk.

MR. ERNERK: Mr. Chairperson, I wonder if you could assist me in trying to put together a motion with regard to adding a new clause after clause 66. It is with regard to a suggestion that came from the standing committee on legislation that the Minister be able to table an annual report to the Legislative Assembly.

CHAIRMAN (Mr. Pudluk): Mr. Ernerk, if you want to add a clause in there maybe you could make that motion now and we will try to fit it into one of the clauses.

Motion That New Clause Be Added To Bill 12

MR. ERNERK: I move that the Minister table an annual report to the Legislative Assembly. That is the intent of the motion. I would like to see another clause in here on the administration of the Transportation of Dangerous Goods Act.

CHAIRMAN (Mr. Pudluk): Mr. Ernerk, I wish to receive your motion and after my consideration of your motion it will have to be translated to English, Inuktitut and French. I will have to defer this bill until such time. What is the wish of the committee now? Mr. Zoe.

MR. ZOE: I move that we report progress.

CHAIRMAN (Mr. Pudluk): The motion is not debatable. All those in favour? All those opposed? The motion is carried.

---Carried

I would like to thank the witnesses at this time. Thank you, very much. I wish to report progress.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

MR. SPEAKER: I call the House back to order. Item 18, report of committee of the whole. The honourable Member for High Arctic.

MR. PUDLUK: Thank you, Mr. Speaker. Your committee has been considering Bills 1, 8, 11 and 12 and wishes to report progress. Bill 11 is now ready for third reading.

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 20, Mr. Clerk, orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, meetings for Wednesday, October 17th: ajauqtit at 9:00 a.m.; at 10:00 a.m. standing committee on finance; at 11:00 a.m. the Dene/Metis Members.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Wednesday, October 17th.

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 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 Wednesday, October 17, 1990, at 1:30 p.m.

---ADJOURNMENT

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