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

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, OCTOBER 26, 1990

MEMBERS PRESENT

Mr. Arlooktoo, Hon. Michael Ballantyne, Hon. Tom Butters, Hon. Nellie Cournoyea, Mr. Crow, Mr. Ernerk, Mr. Gargan, Hon. Stephen Kakfwi, Mr. Kilabuk, Mr. Lewis, Mr. McLaughlin, Hon. Richard Nerysoo, Mr. Ningark, Hon. Dennis Patterson, Mr. Pollard, Mr. Pudluk, Mr. Sibbeston, Mr. Whitford, Hon. Gordon Wray, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Orders of the day for Friday, October 26, 1990. Item 2, Ministers' statements. The honourable Member for Yellowknife North.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 38-90(2): Victims Assistance Committee Annual Report

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. At the appropriate time today I will be tabling the first annual report of the victims assistance committee for the fiscal year 1989-90. The victims assistance committee was appointed in November 1989. It advises me on the needs and concerns of victims of crime and makes recommendations on the distribution of the money in the victims assistance fund.

In its first year, the committee prepared administrative and funding guidelines, identified funding priorities and established working relationships with government and community agencies. It identified training for professionals and community representatives as its funding priority for the first year.

Under the Victims of Crime Act, a surcharge is paid by persons who are convicted under a territorial statute. The money is placed in the victims assistance fund, along with the federal surcharge moneys collected in the NWT under the Criminal Code, the Food and Drugs Act and the Narcotic Control Act.

The victims assistance committee report, which I am tabling today, shows the grants which were approved last year. These supported follow-up services for abused women and children through the Yellowknife YWCA, training for Society Against Family Abuse victim workers in Fort Rae and Fort Good Hope, and a training workshop for pastoral agents in the Mackenzie Diocese of the Roman Catholic Church.

The work of the victims assistance committee got started in 1989-90. It is currently in its first full year of operation and so far this year over \$75,000 has been collected in the victims assistance fund. Grants totalling more than \$44,000 have been allocated and further proposals from community groups are being solicited. Current year funding has gone to such community organizations as the Zhahti Koe friendship centre in Fort Providence, Uncle Gabe's friendship centre in Fort Smith, the YWCA in Yellowknife, the Hay River women's resource centre, the Arctic Public Legal Education and Information Society, the Kataujaq Society of Rankin Inlet, the Yellowknife Women's Society, the Arviat victims support group and the Society Against Family Abuse to support participation in workshops and conferences which will improve understanding of how to work with victims of crime.

The Arctic Public Legal Education and Information Society has been funded to conduct a series of workshops on victims, and to produce a guide for community use in developing

programs to assist victims. This will be an important tool, both for the victims assistance committee and for those in communities who wish to establish victims programs.

Mr. Speaker, it is my great hope that with the steady growth of the victims assistance fund and the excellent recommendations by the victims assistance committee, more community initiatives such as those mentioned will herald a new era of victim services and the beginning of a truly participant justice system in the North. Thank you.

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

Ministers' Statement 39-90(2): Northern Accord

HON. NELLIE COURNOYEA: Mr. Speaker, in reply to an oral question on Thursday, October 11, 1990, I indicated that the aboriginal organizations do not have any difficulties with the Northern Accord package. The aboriginal organizations participated directly in the development of our accord proposal, which I tabled with the Hon. Tom Siddon and the Hon. Jake Epp last May. They reviewed successive drafts of the package including such elements as the fiscal offset, financial terms, and mechanisms for the transfer of legislative powers. In doing so, they provided extremely valuable input and strengthened our proposal.

Over the past two years, this government has allocated contributions to the aboriginal organizations totalling approximately half a million dollars to support the aboriginal groups' participation in the development of our accord proposal. I have committed to continuing the same level of participation of the aboriginal organizations with the Government of the Northwest Territories during the actual negotiation of the accord.

I would like to emphasize, however, that although I have tabled the proposal with the federal Ministers, I have not begun any negotiations or discussions with the federal government on the Northern Accord because of the outstanding issues which have yet to be resolved with the aboriginal groups and with the Yukon.

Mr. Speaker, I would like to remind Members of what the accord includes and what it does not include because it seems to have acquired the image of being a quasi-land claim. The accord will devolve to this government the ability to pass oil and gas legislation and to manage the oil and gas industry. How those responsibilities will be exercised in future years will be up to the future governments. None of those responsibilities will in any way affect aboriginal land claims. However, what happens with the claims will affect how we can manage oil and gas through the Northern Accord, just as it will affect the federal government if the accord does not go ahead. This is because aboriginal land claim settlements are providing aboriginal people with direct participation in the management of land, water and the environment. In order to undertake activities, companies need such things as land use permits, environmental approvals and surface access. These matters will be handled by legislation implementing the claims, not the accord. These management responsibilities provided

for through land claims settlements will therefore have a fundamental bearing on how we, as a government, can exercise responsibilities for oil and gas management.

A key question which we must therefore address, with the participation of the aboriginal organizations, is how we can carry out our responsibilities for oil and gas management when the claims picture is still unsettled. As a result of these uncertainties, Mr. Speaker, we have chosen not to proceed with negotiations with the federal government on the Northern Accord.

The issue which has been of most concern to the Dene/Metis is how the Government of the Northwest Territories would manage the employment and business development benefits that would come from oil and gas exploration and development. These matters may or may not be addressed in their claims, depending on the outcome of the claims negotiations.

The Dene/Metis have maintained the position that there must be explicit provisions in the oil and gas legislation brought forward by this government that requires that benefits agreements be negotiated with designated Dene/Metis organizations before any activity could take place. This could have been part of their claim and if it was, government would have no choice but to implement it. I should note that the Dene/Metis have not asked us to include this provision in the Northern Accord proposal itself.

Mr. Speaker, the Government of the Northwest Territories developed a proposal for the management of benefits that we feel meets the concerns of the Dene/Metis and local communities. This proposal would see benefits requirements set out in advance of any new issuance of oil and gas rights. These benefits requirements, or benefits plans, would be developed with the participation of the designated aboriginal organization and the affected communities.

Under this proposal, the subsurface rights holder could be obligated to negotiate with the designated aboriginal organization on the exercise of the developer's obligations with respect to these benefits plans. The difference, however, is that these obligations would not empower aboriginal organizations to override the authorities of the government.

Our proposal contains many other features which ensure the full involvement of aboriginal organizations, as well as the local communities, in the development of benefits requirements, the negotiation of benefits plans, and the monitoring of compliance with benefits plans. It would also be a flexible process, because we are also aware that other regions of the Northwest Territories may not wish to have the government interfere with oil and gas benefits. But I must point out, Mr. Speaker, that we cannot provide arrangements for a special role to be played by aboriginal organizations, pursuant to territorial legislation, in the absence of requirements to do so in claims.

We do not have, nor would we acquire through the Northern Accord, the ability to legislate with respect to aboriginal peoples. This is the exclusive domain of the federal government. Despite that constraint, I believe that our accord proposal, and our approach to the management of benefits, will provide every opportunity for the effective involvement of local communities and aboriginal organizations in determining benefits requirements from the oil and gas activities. Certainly one of the most important reasons why we are pursuing the Northern Accord is to ensure that employment and other benefits accrue to our communities from the oil and gas industry. We would like to continue to work with the Dene/Metis to develop a framework that is compatible with the

claims and maximizes local benefits, once the status of the Dene/Metis claim is clarified.

For the information of the Members of this Assembly, the draft proposal of the management surface benefits, the GNWT's accord proposal, and our contribution agreement with the aboriginal organizations have been distributed to each Member and I would welcome any comments which Members might have. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you.

Item 3, Members' statements. Item 4, returns to oral questions. Returns to oral questions. The honourable Member for Sahtu.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question O201-90(2): Macpherson Literary Award

HON. STEPHEN KAKFWI: Mr. Speaker, this is in response to a question asked by Mr. Lewis on October 25, 1990, regarding a literary award. The Norman J. Macpherson Literary Award was established in memory of Norman J. Macpherson, a long-time Northwest Territories educator. The award consists of a \$500 prize and an engraved plaque. The competition is open to all junior and senior high school students enrolled in the Northwest Territories. Students may enter original literary works in drama, prose, poetry or essays. Judging is conducted by a committee. The present members of the committee are Brian Lewis, MLA for Yellowknife Centre, and Mr. Jack Sigvaldson, publisher of News North.

The award and competition rules are publicized throughout the school year in a booklet entitled "Travel, Exchanges, Scholarships, Contests and Other Opportunities for NWT Students and Teachers". However, only one submission for this literary award has been received over the last few years. The Department of Education will continue to publicize the N J Macpherson Literary Award with the hope that more students will be encouraged to participate.

Mr. Speaker, at the appropriate time, I will table details on this award for the information of the Assembly. Mahsi.

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

Further Return To Question O106-90(2): Policy To Govern Sand And Gravel Pits In NWT; And Return To Question O107-90(2): Responsibility For Sand And Gravel Pits

HON. TOM BUTTERS: I am responding to Mr. Zoe's question with regard to the administration of sand and gravel pits within municipalities. Mr. Speaker, the Department of Municipal and Community Affairs has administration and control of all Commissioner's lands, including all quarries on Commissioner's land. The term "administration and control" is used in any federal government order-in-council transferring lands to the GNWT. Under section 46 of the Northwest Territories Act, "administration" means that Commissioner's lands remain vested, that is owned, in the name of Her Majesty in Right of Canada, but the right to the beneficial use or to the proceeds thereof is appropriated to the Commissioner; and "control" means that the lands are subject to the control, that is legislation and policy, of the Commissioner in Council.

The quarries are administered under the Commissioner's Land Regulations, specifically sections 21 to 25 and sections 45 to 47, all of which relate to quarrying. Since the regulations clearly describe what is required, there is no additional GNWT

policy on quarrying.

Sand and gravel pits in communities that are located on federal crown lands are administered by the Department of Indian Affairs and Northern Development under the Territorial Quarry Regulations. Within non-tax-based communities, a permanent granular program has been developed by the GNWT Department of Public Works entitled "the community granular materials program". This program is designed to meet the granular needs of the non-tax-based municipalities, the GNWT departments and agencies, and the private sector. These quarries are held by DPW under a land reserve or quarry permit from my department or from DIAND. Quarries which are required for maintenance of the NWT highway system may be reserved by my department, or by DIAND, for the use of the GNWT Department of Transportation.

Tax-based municipalities either own their own quarries or administer local quarries on behalf of my department. The municipality can thus exercise control over private and public access to the pits and the amounts quarried. Some quarries in the City of Yellowknife have been leased exclusively by the municipality to private quarry operators.

It is also possible for a member of the general public to obtain a quarry permit or lease from my department, or from DIAND, either by applying to the regional office of MACA or through a municipality, if it is acting as an agent for the GNWT. Private control over a quarry is only considered with the full support of the municipality and the Departments of Transportation and Public Works, and only when appropriate environmental terms and conditions are included in the permit or lease.

MR. SPEAKER: Thank you. Returns to oral questions.

Item 5, oral questions. Oral questions. Item 6, written questions. Written questions. The honourable Member for Baffin South.

ITEM 6: WRITTEN QUESTIONS

Question W10-90(2): Increase In Polar Bear Quotas, Cape Dorset

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. This is a written question. It is a letter from the hunters and trappers association in Cape Dorset. This is directed to the Minister of Renewable Resources. They are wondering when you are going to increase their polar bear quota. Thank you.

MR. SPEAKER: Written questions.

Item 7, returns to written questions.

Item 8, replies to Opening Address. Replies to Opening Address. Item 9, petitions. The honourable Member for Baffin South.

ITEM 9: PETITIONS

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. Petition 7-90(2), is a letter from the Cape Dorset alcohol education committee, called Aulatsivik. They have requested a building, the old adult education centre number 71-402. They have presented a petition to obtain the building. This is from the chairman of the alcohol education committee in Cape Dorset. Thank you.

MR. SPEAKER: Petitions.

Item 10, reports of standing and special committees. Reports of standing and special committees.

Item 11, tabling of documents. Tabling of documents. Item 12, notices of motion. The honourable Member for Deh Cho. Notices of motion. The honourable Member for Deh Cho.

ITEM 12: NOTICES OF MOTION

Notice Of Motion 11-90(2): Amendments To The Liquor Act

MR. GARGAN: Thank you, Mr. Speaker. On Monday, October 29, I will move the following motion: Now therefore, I move, seconded by the honourable Member for Nahendeh, that this Legislative Assembly instruct the Minister of Government Services to prepare the necessary legislation to amend the Liquor Act, to address the following matters: a) to clarify internal inconsistencies with regard to plebiscites regarding licenses; b) to allow restrictions on already existing licenses; c) to require that a restrictive plebiscite be held by way of secret ballot; and d) generally to permit a plebiscite on restricting hours of operation of an established liquor business in a community; and further, that the amendment to the Liquor Act be introduced during the eighth session of this Legislative Assembly. Thank you.

MR. SPEAKER: Notices of motion. The honourable Member for Aivilik.

Notice Of Motion 12-90(2): Funding For Aqsaraq Addiction Centre, Rankin Inlet

MR. ERNERK: Mr. Speaker. On Monday, October 29, 1990, I will move the following motion: Now therefore, I move, seconded by the honourable Member for Natilikmiot, that this Legislative Assembly requests the Minister of Social Services to review the funding arrangements with the Aqsaraq Addiction Centre in Rankin Inlet to determine if the Department of Social Services can assist with the centre's economic shortfall. Thank you, Mr. Speaker.

MR. SPEAKER: Notices of motion. The honourable Member for Yellowknife North.

HON. MICHAEL BALLANTYNE: Mr. Speaker, could I ask for unanimous consent to return to Item 11, tabling of documents?

MR. SPEAKER: Thank you. The honourable Member for Yellowknife North is seeking unanimous consent to return to Item 11, tabling of documents. Are there any nays? There are no nays. Proceed.

ITEM 11: TABLING OF DOCUMENTS

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker, and thank you, my colleagues in the House. Mr. Speaker, I wish to table Tabled Document 39-90(2), Northwest Territories Victims Assistance Committee Annual Report 1989-90, in English and in Inuktitut.

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

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. I wish to table Tabled Document 40-90(2), an information item on the Macpherson Literary Award. Thank you.

MR. SPEAKER: Thank you. Tabling of documents.

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

Item 14, motions. Motions.

Item 15, first reading of bills. First reading of bills.

Item 16, second reading of bills. Second reading of bills.

Item 17, consideration in committee of the whole of bills and other matters: Bills 8 and 16; Tabled Documents 6-90(2) and 13-90(2), 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 come to order. What is the committee's wish today? Mr Lewis.

MR. LEWIS: I move that we report progress, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Lewis, your motion is in order. The motion is not debatable. All those in favour? All those opposed? The motion is carried -- I did not count the Members, or my Clerk did not count them. Could I get a show of hands again? There is a motion to report progress. The motion is moved by Mr. Lewis and it is in order. It is not debatable. All those in favour? All those opposed? The motion is carried.

--Carried

I will rise now and report progress.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

MR. SPEAKER: I would like to call the House back to order. Item 18, report of committee of the whole. The honourable Member for Deh Cho.

MR. GARGAN: Mr. Speaker, your committee has been considering Bills 8 and 16; Tabled Documents 6-90(2) and 13-90(2), and wishes to report immediate progress.

---Laughter

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

SOME HON. MEMBERS: Agreed.

--Agreed

Motion 12-90(2), Ruled Out Of Order

MR. SPEAKER: Prior to proceeding with the next item I have reviewed an introduction to a motion made by the honourable Member for Aivilik and must rule the motion out of order. The motion was introduced previously. It was on the order paper and called twice and withdrawn, removed. As such, it cannot be reintroduced again.

Item 19, third reading of bills.

Item 20, assent to bills. Item 21, Mr. Clerk, orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, meetings for Monday, October 29th: 9:00 a.m., ajauqtit; 10:00 a.m., the standing committee on legislation; and 11:00 a.m., the standing committee on finance.

ITEM 21: ORDERS OF THE DAY

Orders of the day for Monday, October 29, 1990.

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: Bill 8; Bill 16; Tabled Document 6-90(2); Tabled Document 13-90(2)

18. Report of Committee of the Whole

19. Third Reading of Bills

20. Assent to Bills

21. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Monday, October 29, 1990, at 1:30 p.m.

---ADJOURNMENT