

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

8th Session

11th Assembly

HANSARD

Official Report

DAY 1

WEDNESDAY, FEBRUARY 13, 1991

Pages 1 - 5

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, FEBRUARY 13, 1991

MEMBERS PRESENT

Hon. Titus Allooloo, Mr. Arlooktoo, Hon. Michael Baliantyne, 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

SPEAKER (Hon. Richard Nerysoo): Pastor Christison, would you lead us in prayer please? We will then follow that with a prayer song.

ITEM 1: PRAYER

PASTOR JOHN CHRISTISON: Our Father, Creator of all lands and people, Ruler of all nations, Provider of all wisdom, we present ourselves before Thee at the beginning of this meeting of the Legislature on behalf of our great needs, our needs to understand ourselves and to understand those with whom we deal. We present ourselves to Thee on behalf of our need to understand the principles with which we deal and to ask for the wisdom to recognize justice and to plead that we might have grace to institute that justice in love. This is our prayer in the Name of our Lord Jesus. Amen.

--- Drummers' Prayer Song

MR. SPEAKER: Please be seated. Prior to proceeding with the orders of the day I would like to bring to the attention of honourable Members and the public, the attendance in this Assembly of Ethel Blondin, Member of Parliament for the Western Arctic; Jack Anawak, Member of Parliament for Nunatsiak; Maurizio Bevilacqua, Member of Parliament for York North; and Roy McLaren, Member of Parliament for Etobicoke North.

---Applause

I would also like to bring the attention of honourable Members to the presence of a former Member of the Legislative Assembly of the Northwest Territories, Mr. Pete Fraser.

---Applause

Mr. Clerk, would you ascertain if the Commissioner of the Northwest Territories is prepared to address the Members of the Legislative Assembly of the Northwest Territories at this time?

ITEM 2: OPENING ADDRESS

COMMISSIONER NORRIS: Ladies and gentlemen, please be seated. Mr. Speaker and Members of the Legislative Assembly, it is my pleasure to welcome you to the eighth session of the 11th Legislative Assembly.

This afternoon, your government wishes to focus its Throne Speech on the important and challenging matter of political and constitutional development. Your Minister of Finance, the Hon. Michael Ballantyne, will talk about the government's spending and program plans during his Budget Address on Monday afternoon.

During this session, Mr. Speaker, the government will be tabling a position paper on political and constitutional development. The paper will be presented shortly before the spring break. The timing will allow Members the opportunity to consult with constituents before returning to the Assembly to address the issue. Over the past few years, your Executive

Council has tabled two discussion papers on political and constitutional development. The documents identified the various issues facing the people and Government of the Northwest Territories. The presentation of the new position paper will mark the first step in a series of actions that your government and the people of the Northwest Territories must tackle head on. Indeed, Mr. Speaker, we have arrived at a time when critical decisions must be made. They are decisions that will affect not only our political and constitutional future, but our social and economic futures as well.

Mr. Speaker, your government realizes that there is a high level of constitutional fatigue in the country. However, the Executive Council is firmly committed to a comprehensive approach to political and constitutional development and to the cultivation of similar commitments from other interested parties. The alternative is stagnation and the loss of opportunities for improvement in the political, social and economic status of Northerners.

Land Claims

Since the introduction of our government's first two papers on political and constitutional development, a number of developments have taken place. In October of 1989, the Legislative Assembly reaffirmed its support for the creation of Nunavut. The Dene/Metis land claim proceeded to final agreement in April of 1990 but was rejected a few months later by three of the five regions, largely over the issue of extinguishment. Later, Ottawa agreed to negotiate the claims on a regional basis with the Mackenzie Delta Gwich'in Tribal Council. Discussions have also begun with the Dene/Metis of the Sahtu region.

In April of 1990, the Tungavik Federation of Nunavut and the Government of Canada signed an agreement in principle on the land claims of the Inuit. Article Four of that agreement required the TFN and your government to develop a process that was consistent with the Iqaluit Agreement and which could lead to the creation of a Nunavut territory. The Iqaluit Agreement includes certain provisions governing the process of dividing the Northwest Territories. Notably, there must be extensive public involvement, and federal funding must be assured so that the level of territorial public services does not deteriorate.

With this in mind, your Government Leader and the president of TFN sent a joint letter to the Prime Minister proposing the introduction in 1992 of legislation into Parliament. The legislation would provide for creation of a Nunavut territory and the implementation of a Nunavut government within five years of its enactment. As a result, division of the Territories is once again at the top of the agenda with land claims, devolution and other issues.

The National Level

At the national level, the death of the Meech Lake Accord introduced an unprecedented level of uncertainty about the constitutional future of Canada. Events at Oka gave a renewed sense of urgency to the resolution of aboriginal issues. More recently, Ottawa, several provinces, and numerous businesses, labour, women's and native organizations have established commissions and task forces to review and make recommendations on Canada's constitutional future. Public hearings will be held over the next six months.

Recommendations and eventual decisions will embrace matters of great significance to the economic, political and constitutional future of both Canada and the Northwest Territories, including: new arrangements for the division of powers between the federal, provincial and territorial government which could significantly influence the course of devolution; changes to the procedures for amending those sections of the Constitution that determine how new provinces can be established and the extension of existing provincial boundaries into the territories; different approaches for involving Canadian citizens and their governments in making changes to the Constitution; and entrenching, within the Constitution, the right of aboriginal Canadians to self-government, which could dramatically affect the approaches being advocated for the Northwest Territories.

Mr. Speaker, since the two earlier papers on political and constitutional development, a number of actions have been taken and decisions have been made. Opportunities have been seized; others have been lost.

Comprehensive Approach

At this point in time, your government believes it is essential to take a comprehensive approach to political and constitutional development and that elected representatives and the people of the Northwest Territories participate in the national debate. We must protect our interests, both as Northerners and as Canadians, in a manner that recognizes the relationships between the key elements that are facing us at this stage in our political and constitutional evolution.

Those elements include: the completion of negotiations with the Inuit and the Dene/Metis and the full implementation of the settlements with the Inuit, Dene/Metis and the Inuvialuit; the creation of Nunavut and a new territory for the Western Arctic; the Northern Accord, followed by the transfer of responsibility for minerals, with a view to the eventual transfer of ownership of subsurface rights; the transfer of responsibility for the management of land and water and environmental assessment, with a view to the eventual transfer of ownership of the land and resources; the development of new constitutions for the two future territories and any interim amendments to the Northwest Territories Act necessary to allow for division, devolution and modernization of the act; the continuation of the transfer of responsibility to the community level of government and development of aboriginal selfgovernment in the context of public government at the community and territorial level; participation by the Northwest Territories, northern Government of the organizations and residents in the process of national constitutional reform to ensure that our long-term interests are reflected in a renewed Confederation; and the successful implementation of public and constitutional reforms to ensure that both Nunavut and the new western territory can seek and be granted provincial status and full participation as a member of Confederation at the appropriate time in the future.

Mr. Speaker, the particular challenge to the people of the Northwest Territories, as they discuss these various

components, is to assess how each element fits into the larger context. The manner in which these elements relate to each other demands that we adopt a comprehensive, planned and integrated approach. We cannot afford to approach these questions individually or in a piecemeal manner. The danger is that each element may take on a life or death importance if considered in isolation, but may seem quite different if viewed in the larger context — the political, social and economic future of the Northwest Territories.

The bottom line is self-determination for the people of the Northwest Territories, or having the capacity to make the decisions which affect our futures. Mr. Speaker, your government realizes that a comprehensive approach to the resolution of outstanding issues will not happen without leadership. It is the people of the Northwest Territories, through their representatives, who must exercise this responsibility. Accordingly, your government and Members of the Legislative Assembly must assert the leadership necessary to provide for a rationalized and well thought out program of political, social and economic development. It is imperative that we think and act as a region and that we express ourselves to the rest of Canada in that way. It is because of this that the Legislative Assembly will be invited during this session to commit itself to a debate on a comprehensive approach to political and constitutional development and to measures which will ensure that specific goals are met.

Mr. Speaker, action must be initiated immediately with a view to achieving significant progress in the remaining life of this Assembly. Work must also begin on identifying a process of constitutional development. Leadership must be exercised in the development of new constitutions for the eastern and western territories -- constitutions that are consistent with the principle that aboriginal self-government will be realized in the context of public government. Later in this session the government will outline a procedure that will directly involve the public in this important process.

Mr. Speaker, over the next number of months, the various elements of constitutional and political development will be debated by the northern public and the position of the Government of the Northwest Territories will be expressed to the Canadian public and to the Government of Canada. As well, it can be expected that the people of the Northwest Territories will express their views on these issues in the fall election and at different forums that are offered to them.

It is the hope of government that sufficient groundwork will be laid to allow for the newly-elected Legislative Assembly to take up the responsibilities and the challenges, and to ensure that the political and constitutional goals of the Northwest Territories are realized.

In the months to come, all of us, as Northerners and as Canadians, will be making decisions as difficult as any that we have been called upon to make before. We will be participating in the definition of the future of both our region and our country. In doing so, we will be affecting the welfare of the generations to come.

Personally, I believe that your deliberations will be successful and that your political abilities will ensure that a comprehensive approach to resolving the various elements of political and constitutional reform will position us well to move into the next century.

Legislative Schedule

Mr. Speaker, a legislative program including the following bills will be introduced for the consideration of this House: Adoption of the French version of Statutes and Statutory Instruments Act; Agricultural Products Marketing Act;

Appropriation Act, 1991-92; An Act to Repeal the Bulk Sales Act; An Act to Amend the Certified General Accountants' Association Act; An Act to Amend the Corrections Act; Department of Justice Act; An Act to Amend the Environmental Protection Act; Expo '92 Revolving Fund Act; An Act to Amend the Financial Administration Act; An Act to Amend the Insurance Act; An Act to Amend the Labour Standards Act, No. 1; An Act to Amend the Labour Standards Act, No. 2; An Act to Amend the Legislative Assembly and Executive Council Act, No. 1; An Act to Amend the Legislative Assembly and Executive Council Act, No. 2; An Act to Amend the Liquor Act; Loan Authorization Act, 1991-92; An Act to Amend the Local Authorities Elections Act; Locksmiths, Security Guards and Other Security Occupations Act; An Act to Amend the Marriage Act; An Act to Amend the Medical Profession Act; Mine Safety Act; An Act to Amend the Motor Vehicles Act; Northwest Territories Business Credit Corporation Act; An Act to Amend the Northwest Territories Power Corporation Act; Northwest Territories Renewable Resources Trust Act; An Act to Amend the Petroleum Products Tax Act; An Act to Amend the Property Assessment and Taxation Act; An Act to Amend the Public Service Act; An Act to Amend the Public Utilities Act; An Act to Amend the Reciprocal Enforcement of Judgments Act; An Act to Amend the Regional and Tribal Councils Act; An Act to Amend the Revolving Funds Act, No. 1; An Act to Amend the Revolving Funds Act, No. 2; An Act to Amend the Social Assistance Act; Statute Law Amendment (Official Languages) Act; Supplementary Appropriation Act, No. 2, 1990-91; An Act to Amend the Teachers' Association Act; An Act to Amend the Territorial Hospital Insurance Services Act; An Act to Amend the Tobacco Tax Act; Travel and Tourism Act; Wildlife Conservation Act; Write-off of Assets and Debts Act, 1991.

Mr. Speaker, your government considers these bills essential to the good conduct of government business and I recommend passage of each of these acts.

I would now like to commend to you for your earnest consideration and wise judgment, the business of this House as I declare open the eighth session of the 11th Assembly of the Northwest Territories. Thank you.

---Applause

MR. SPEAKER: Please be seated. Prior to proceeding with the orders of the day I would like to draw the attention of honourable Members to a former Member of this Legislative Assembly, Mr. Justice Ted Richard.

---Applause

I would also like to draw the attention of Members to the Deputy Commissioner of the Northwest Territories, Ann Hanson.

---Applause

Item 3, Ministers' statements.

Item 4, Members' statements. Item 5, oral questions. The honourable Member for Nahendeh.

ITEM 5: ORAL QUESTIONS

Question O1-91(1): Creation Of Denendeh Not Mentioned In Speech From The Throne

MR. SIBBESTON: Mr. Speaker, I would like to ask the Government Leader a question regarding the Throne Speech. I think the speech said some positive things and we will deal with that in the next few days. I must say that I am a bit bewildered and alarmed when the government talks about constitutional development. In two places it talks of division

and the creation of Nunavut and it does not talk about the creation of Denendeh. It refers, instead, to the creation of a new territory for the Western Arctic and I am a bit alarmed about that. Has the government decided, or have they made a decision that it no longer supports the creation of Denendeh?

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

Return To Question O1-91(1): Creation Of Denendeh Not Mentioned In Speech From The Throne

HON. DENNIS PATTERSON: Mr. Speaker, the Throne Speech points out the need for public involvement in the important decisions that have to be taken in the next months and years as we prepare for constitutional change in the Northwest Territories. I would suggest, Mr. Speaker, that the question of an appropriate name for the western territory is one of the things on which this government and the Government of Canada would want to take advice from the concerned public.

Mr. Speaker, there has been no firm position taken as yet on a name. The matter is something on which we would want advice from the Member affected, his constituents, and indeed the residents of the future new political unit. Thank you.

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

Question O2-91(1): "Denendeh" As Name For New Western Territory

MR. SIBBESTON: Mr. Speaker, I would like to ask a question of Hon. Stephen Kakfwi, who is the Minister responsible for Aboriginal Rights. Mr. Kakfwi himself was a president of the Dene Nation and I know that during his time then and for the past 10 years many of the Dene and Metis and a lot of the people in the West have somewhat assumed that if there ever was division that the new territory in the West would be called Denendeh.

I am wondering how the Minister representing his constituents, representing the Dene and Metis, the aboriginal people of the North, how can it be that a government statement such as this does not talk of the new territory as Denendeh?

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

Return To Question O2-91(1): "Denendeh" As Name For New Western Territory

HON. STEPHEN KAKFWI: (Translation) When I was the president of the Dene Nation there were a number of aboriginal people from this land who called it Denendeh. At that time we were sitting on the Western Constitutional Forum board. There were members from the aboriginal people and also from government, and not too long ago Inuit people from the Beaufort. We all sat together and discussed how we would form this board for self-government and there were still a lot of things that were not discussed. Not too long ago some work was done on it but it was not completed. When I was with the Dene Nation, at that time we said that because this is our land, it should be called Denendeh. The Metis made a statement on their own behalf, but it was not in support of this. The Inuvialuit in the Beaufort Sea also did not support this, and here at the Legislative Assembly there were also some Members that did not support this and did not show support; it was only the Dene people from the Western Arctic. Since then there have not been any meetings for us to sit down and say that it was fully supported by us all, and

so to this date it still seems incomplete. There has not been a consensus reached by everyone, and there is still a lot of work that has to be done in the future.

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

MR. SIBBESTON: Mr. Speaker, I do not really agree with Mr. Kakfwi in his kind of weak-kneed response -- (microphone not on) -- government taking the initiative, showing leadership in constitutional and political development, and I challenge Mr. Kakfwi to...

MR. SPEAKER: Order please. Will the honourable Member pose the question please?

Supplementary To Question O2-91(1): "Denendeh" As Name For New Western Territory

MR. SIBBESTON: I would ask the Minister if he would show some leadership and in the next few days get his Executive colleagues to state very clearly that if division occurs that the territory in the West will be called "Denendeh". Failing that, we will have a motion to that effect if that will help him.

AN HON. MEMBER: Hear, hear!

---Applause

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

MR. SIBBESTON: I thought the Minister was going to answer. I will ask him point-blank then, does Mr. Kakfwi as Minister responsible for Aboriginal Rights support the name of Denendeh for the new western territory, whenever that comes about?

MR. SPEAKER: Thank you. The honourable Member has posed a question. The honourable Member for Sahtu.

Further Return To Question O2-91(1): "Denendeh" As Name For New Western Territory

HON. STEPHEN KAKFWI: Mr. Speaker, if the Member would look at the records of the Western Constitutional Forum he will find that my position during my time as president of the Dene Nation was fairly categorical on that. What was not categorical was the position of this Legislature during that time, the Members that represented the Legislature and the Members that represented the Metis Association on this particular issue. The Members of this House have the right to put forward a motion if they want a debate on it right now and suggest a particular name. It does not have to come from Members of the Executive. In fact, that is the kind of thing that the debate should result in. I think we still have to have discussion with other Members of this House just to make sure that the support is there. Thank you.

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

Supplementary To Question O2-91(1): "Denendeh" As Name For New Western Territory

MR. SIBBESTON: Mr. Speaker, I asked the Minister a simple question: Does he, as Minister of Aboriginal Rights and Constitutional Development, all these goods things that he purports to be, does he himself support Denendeh?

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

Further Return To Question 02-91(1): "Denendeh" As Name For New Western Territory

HON. STEPHEN KAKFWI: Mr. Speaker, I had said that during my time as president of the Dene Nation that part of my job was to support the position of the Dene Nation. Now I find myself as a Member of government and I would be very interested to take part in a debate that would suggest a name for this new territory. I would be very interested to see what you come up with. Thank you.

MR. SPEAKER: Thank you. Oral questions. Oral questions. The honourable Member is probably correct about the length of this session, with the type of questions being asked and the length of answers -- it will be long.

Item 6, written questions. Written questions.

Item 7, petitions.

Item 8, reports of standing and special committees.

Item 9, tabling of documents. Item 10, notices of motion. Notices of motion. Notices of motion. The honourable Member for Nahendeh.

ITEM 10: NOTICES OF MOTION

Notice Of Motion 1-91(1): Naming Of New Western Territory

MR. SIBBESTON: I give notice that on Friday, February 15, I will move the following motion: That this Assembly support the naming of the new western territory to be "Denendeh".

---Applause

MR. SPEAKER: Thank you. Notices of motion. Notices of motion.

Item 11, notices of motion for first reading of bills. Notices of motion for first reading of bills.

Item 12, motions. Motions.

Item 13, first reading of bills.

Item 14, second reading of bills. Item 15, Mr. Clerk, orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, announcements. A meeting of ajauqtit at 9:00 a.m. tomorrow morning and a meeting of the standing committee on finance at 10:00 a.m. tomorrow morning.

ITEM 15: ORDERS OF THE DAY

Orders of the day for Thursday, February 14th.

- 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
- Consideration in Committee of the Whole of Bills and Other Matters
- 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 Thursday, February 14, 1991, at 1:30 p.m.

---ADJOURNMENT