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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

Speaker

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wray, The Hon. Gordon, M.L.A.
P.O. Box 35
Baker Lake, N.W.T.
X0C 0A0
(403) 873-7962 (Office)
(819) 793-2700 (Baker Lake)
(Kivallivik)
Minister of Transportation and Economic
Development & Tourism

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

Officers

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

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

Law Clerk
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Yellowknife, N.W.T.

Editor of Hansard
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YELLOWKNIFE, NORTHWEST TERRITORIES

MONDAY, APRIL 15, 1991

MEMBERS PRESENT

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

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Orders of the day for Monday, April 15, 1991. Item 2, Ministers' statements. The honourable Member for Kivallivik.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 60-91(1): National Parks Initiatives

HON. GORDON WRAY: Mr. Speaker, I would like to make a statement today concerning initiatives being undertaken by the Government of Canada in the Northwest Territories with a view to the establishment of new national parks.

One of the major problems facing the tourism industry of the Northwest Territories is the very limited awareness and profile of our tourism destinations amongst potential visitors from southern Canada and from other countries. The adventure travel market is the most appropriate target for tourism development efforts in the Northwest Territories. National parks have a high profile within adventure travel markets throughout the world. Establishing new national parks in the Northwest Territories would markedly raise the profile of specific tourism destinations and would thus strengthen the overall tourism sector.

In small communities, however, throughout the Northwest Territories, one common concern is protection of wildlife populations and the habitats upon which they depend. Lands obtained on a fee simple basis through comprehensive claim settlements will go only part way toward ensuring the protection of these resources that are essential to the well-being of the communities in question.

A national park, with proper agreements, provides a mechanism for protection of natural systems while ensuring exclusive subsistence harvesting privileges for beneficiaries of claims in the respective settlement regions.

Finally, and more importantly, a national park operation can provide employment opportunities, particularly within the context of group II and group III communities. For example, Auyuittuq National Park in south Baffin employs 21 people, 15 of whom are Inuit. Three of five management positions are held by Inuit, and 10 of 13 warden/patrolmen are Inuit. The O and M budget of this park operation for the current year is \$580,000. This park operation in effect constitutes a stable non-polluting industry, bringing important social and economic benefits to the community of Pangnirtung, and to a lesser extent, to Broughton Island.

For all of the above reasons, I am very supportive of the new initiatives being developed by the Canadian Parks Service in the Northwest Territories.

As Minister of Economic Development and Tourism, I have authority under the Territorial Parks Act to enter into

agreements with the Government of Canada, on behalf of the Government of the Northwest Territories, on matters concerning the establishment, development, and operation of national parks in the Northwest Territories. I shall shortly be going to Executive Council seeking a renewed mandate to enter into agreements with the Government of Canada concerning five specific proposed national parks.

The two proposals that are most advanced are Banks Island and north Baffin. In both cases, the local communities have expressed their solid support for a national park in their region. I am hopeful that final agreements for both parks can be achieved well before the end of the calendar year.

A third proposal concerns the Bluenose Lake area. This project was initiated by the Canadian Parks Service at the request of the community of Paulatuk. The people are particularly concerned that a high level of protection be afforded an important caribou calving area.

The two other national park proposals are in the Keewatin. The Canadian Parks Service is pursuing a proposal centred on Wager Bay. Both the Keewatin Inuit Association and the Repulse Bay Hunters and Trappers Association have recently expressed their support for a national park in the Wager Bay area. In addition to the Wager Bay proposal, I am encouraging the Government of Canada to consider establishing a national park in the Thelon Game Sanctuary, which will be negotiated over the coming months.

Mr. Speaker, I am confident that these national park proposals will be well received by the communities most concerned. I am also confident that successful conclusion to each of these national park initiatives will bring very considerable benefits to the communities in particular and to the Northwest Territories in general. Thank you.

---Applause

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Motion Of Support For Economic Development Agreement

MR. NINGARK: Thank you, Mr. Speaker. Today being Monday, the beginning of the working week, on behalf of the unemployed, the disadvantaged people, I would like to commend the Kitikmeot leaders for showing a great leadership by passing a motion to support the framework of the economic development agreement. While the unemployed individuals are waiting patiently, there are some well-to-do working class people who will do everything in their power to oppose such initiatives. My associates, Kitikmeot leaders, have shown a great leadership by passing a motion to support the positive step forward. Mr. Speaker, I hope that

the Minister for Economic Development and Tourism will recognize the willingness to work together shown by Kitikmeot leaders and do the same thing for all the regions. I also want to thank my honourable colleague from Kitikmeot West for his support. Thank you, kindly. Thank you, Mr. Speaker.

---Applause

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

HON. GORDON WRAY: Mr. Speaker, can I ask consent to go back to Ministers' statements? I had another one I forgot.

MR. SPEAKER: I would like to conclude the matter of Members' statements, if I could. Members' statements. The honourable Member for Aivilik.

Member's Statement On Hiring Inuit For Rankin Inlet Runway Project

MR. ERNERK: Thank you, Mr. Speaker. The construction season is almost upon us. Mr. Speaker, I rise today to speak on an issue of great importance to the people of Rankin Inlet and the Keewatin Region. Mr. Speaker, over the past three years, the Government of Canada and, in particular, the Department of National Defence have been extending the runway at the forward operating location in Rankin Inlet. During that time the people of the Keewatin Region fought to convince the Government of Canada and their contractors to hire more Inuit from Rankin Inlet and the Keewatin Region to work on every aspect of this project.

Mr. Speaker, this year the extended runway is scheduled to be paved, and I would like this government's assistance in ensuring that the company involved, Gely/Gaugec Construction Limited of Quebec, the federal government, and Employment and Immigration hire as many local people as possible and that they use local goods and services. I call upon the Government Leader to personally get involved and ensure that the economic opportunities of this project benefit the people of Rankin Inlet and the Keewatin Region. I will be asking a follow-up question later in this session to see what action the Government Leader has taken. I would further ask that Employment and Immigration also do a better job of screening employees who are coming into our community to work.

Lastly, Mr. Speaker, I would like to thank our northern news media for helping to inform southern Canadians of our concerns with regard to this important issue. Thank you, Mr. Speaker.

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

HON. GORDON WRAY: Thank you, Mr. Speaker. Could I seek consent to go back to Ministers' statements?

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to return to Item 2, Ministers' statements. Are there any nays? There are no nays. Proceed.

REVERT TO ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 61-91(1): Affirmative Action Business Education Program, AABED

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, the Department of Economic Development and Tourism supports increasing the educational and employment opportunities for Northerners. Today, toward this end, I would

like to advise the House that I have recently approved the affirmative action business education program, AABED, based on the goals of the Government of the Northwest Territories' affirmative action policy. This program is an expansion of an earlier initiative, the special departmental career program, which supported native students attending Trent University in Ontario.

Through the amendments to this program, the department will provide financial assistance and business and economic development employment opportunities to qualified affirmative action candidates, both within and outside the department. These people will attend post-secondary institutions and/or receive one year of on-the-job career development training, depending on their education and experience levels at the time of entry into the program.

The program has three main objectives. One is to recruit, support, train and successfully employ affirmative action candidates. Second, the department wishes to support Arctic College's efforts to provide education in the field of business and economic development. Finally, the program will also support candidates who are currently employed by the department and wish to seek educational upgrading and career development courses.

The number of people in the program is limited by the program budget of \$200,000 and the ability to train only a small number of people at one time in house. There is an educational allowance component and on-the-job training component covering salaries of trainees and other career development training. The fact that there are two components to the program, education at a post-secondary institution and on-the-job training, allows for rotation between college or university and a work environment. Currently there are three people attending university and two people beginning on-the-job training. Although the numbers are small, I am encouraged by the strong performance of the individuals currently in the program both at university and on the job.

I believe the AABED program effectively uses the department's resources to achieve successful affirmative action measures and at the same time provides the department with a pool of strong employees from which will come people who will direct economic development in the Northwest Territories in the coming decades. Thank you.

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

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question O415-91(1): Sewage In Rankin Inlet

HON. TOM BUTTERS: Mr. Speaker, I have two returns. One is to the question asked by Mr. Ernerk on April 10 with regard to the sewage system at Rankin Inlet and the discharge into Johnson Cove.

I have a further update on the two studies to which I referred on March 6, 1991, concerning the discharge of sewage into Johnson Cove at Rankin Inlet. The plan to review the two studies and then discuss them with the hamlet has been delayed by three weeks because the first draft of the water use study, expected by the end of March, will not be ready until the third week in April. When this outstanding water use study is received, I still intend to have my department first review it, along with the Johnson Cove sewage outfall waste water study, which is presently under review, and then have both reports presented and discussed with the hamlet of Rankin Inlet. Discussions with the hamlet will focus on determining how the findings of the two studies should affect the macerator station upgrade project for which design is

scheduled for this year and what changes and/or improvements should be made to the sewage outfall line into Johnson Bay.

Further Return To Question O419-91(1): Possible Subsidy On Naphtha Gas

The second response is to a question asked by Mr. Arlooktoo on April 10 relative to the sale of naphtha in the Eastern Arctic communities. In most of the communities serviced by POL, the petroleum, oil and lubricants program, the POL agents sell naphtha. The price charged for naphtha averages a dollar per litre in the Western Arctic and \$1.34 per litre in the Keewatin and Baffin Regions. Naphtha is usually sold in four-litre cans, so the Member's comment that the co-op is selling naphtha for about five dollars would be correct. A can would sell for \$5.36, GST included, in Lake Harbour. This price is lower than our cost as we do not pass on all of the transportation costs to the consumer.

This decision on the price of naphtha was taken by the FMB, Financial Management Board, because of the use of naphtha by hunters and trappers. In many places naphtha is also sold by Northern Stores and co-ops. The price charged by the private sector is usually more than that charged by our POL agents. In the case of Lake Harbour, the co-op is the POL agent, so the price charged should be the \$5.36 per four-litre can. There is only one POL agent in each community so only the POL agent would sell naphtha at this price. The government would not subsidize someone to go into competition with our agents. Thank you.

MR. SPEAKER: Thank you. Returns to oral questions. Prior to proceeding with the next item, I wish to draw the attention of honourable Members to a visiting guest, Dr. Wolfgang Schonz, the German consul general from Edmonton.

--Applause

Item 5, oral questions. The honourable Member for Tu Nede.

ITEM 5: ORAL QUESTIONS

Question O439-91(1): Establishment Of National Park At Thelon Game Sanctuary

MR. MORIN: Thank you, Mr. Speaker. My question is for the Minister responsible for Economic Development and Tourism. Mr. Minister, I listened to your Ministers' statement on the national parks initiatives that our government has undertaken. I agree with you whole-heartedly that establishing national parks is good when local communities agree on participating in the process. That is, if they agree. Can you let me and the constituents of Snowdrift know when your officials will be going into Snowdrift to negotiate or discuss with them the establishment of a national park in the Thelon Game Sanctuary? Thank you.

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

Return To Question O439-91(1): Establishment Of National Park At Thelon Game Sanctuary

HON. GORDON WRAY: Thank you, Mr. Speaker. Yes, there is no question that we will be doing that. In fact, as the Member knows, there has been correspondence between myself and the community already on initiatives, and in fact, I allocated funding for residents from Snowdrift to go to Pangnirtung to take a look at the operation of the Auyuitqu National Park, although they have not taken me up on the funding yet. It is still there, and I am hopeful that they will be able to visit this summer. There is no question that, unlike the

way parks were done in the past, it will involve heavy negotiation and consultation with the communities affected. Any agreements that are made between ourselves and Canada over the establishment of a national park will reflect the wishes of the local people, particularly when it comes to hunting, trapping, things of that nature. No, the communities will be heavily involved. The Thelon is the one that is at a very early stage yet, preliminary. The others are more well advanced.

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

Question O440-91(1): Lack Of Control Over Polar Expeditions

MR. ERNERK: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Renewable Resources. I will speak in two languages to explain what I mean, Mr. Speaker. I read yesterday what seemed to be a disturbing situation happening in northern Canada with regard to scientists and explorers coming into that part of the Northwest Territories. I read in the paper yesterday, Mr. Speaker, in the Edmonton Journal, where it says, "Northerners fed up with weird and wacky polar explorers", and it makes a reference to the fact that these people, walking, skiing, or whatever else they do to get up to the North Pole, are killing polar bears, dismantling ecological sites, costing the government tens of thousands of dollars in search and rescue operations.

Mr. Speaker, my question to the Minister is this: (Translation) Regarding people who one day are going to be travelling to the North Pole, Mr. Speaker, I wonder if your department usually deals with those people before they come up or before they start travelling. I wonder if your department is doing something about the fact that they are also killing off polar bears when they are out there. Thank you, Mr. Speaker.

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

Return To Question O440-91(1): Lack Of Control Over Polar Expeditions

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, our government is participating on a committee, along with the representatives of various appropriate departments from the federal government, that is looking at this issue of the lack of control over polar expeditions, in particular. Mr. Speaker, to answer the Member's question, we are concerned that there is not enough control over these kinds of expeditions. Our government and agencies of the federal government often end up picking up travel costs and also dealing with other unhappy aspects of such expeditions, such as the killing of wildlife and, in some cases, the desecration of sites.

Mr Speaker, I want to emphasize that we want to encourage tourism in the North and we even want to encourage adventure travel and polar expeditions. It has important spinoffs in communities like Resolute Bay. However, Mr. Speaker, unlike other polar jurisdictions, it is our opinion that there could be better controls in monitoring. So the committee is in place to look at means of tightening up on procedures so that these unfortunate incidents might be avoided in future. Thank you.

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

Question O441-91(1): Cost To GNWT Of Searching For Lost Explorers

MR. ERNERK: (Translation) Thank you, Mr. Speaker. Yes,

I agree with the comments made by the Minister concerning tourism. I would encourage them to come into the Northwest Territories. However, Mr. Speaker, does the Minister know or does the Government Leader know how much money the territorial government has spent on searching for lost people? Thank you.

MR. SPEAKER: If I could ask the honourable Member to ask the question. It seemed that the translation was interpretation of a statement from the Member.

MR. ERNERK: Thank you, Mr. Speaker. My supplementary question to the Government Leader was and is: How much money has been spent by the Government of the Northwest Territories, roughly, to look for these guys once they get lost? I also made a statement with regard to the fact that no one argues that we want to encourage tourism in the Northwest Territories. Thank you, Mr. Speaker.

MR. SPEAKER: The honourable Member for Iqaluit, a new question.

HON. DENNIS PATTERSON: Mr. Speaker, I am afraid I do not have at hand the necessary information to answer the Member's question about how much has been spent on searches. I think most of the expenditures on searches have probably been incurred by federal agencies such as the Polar Continental Shelf Project, but I will take the question on notice, Mr. Speaker, and attempt to provide the detail the Member wishes. Thank you.

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

Question O442-91(1): Possible Scheduling Disruptions Related To Runway Work, Rankin Inlet

MR. ERNERK: (Translation) Thank you, Mr. Speaker. My question is to the same Minister. Last year, Mr. Speaker, our runway in Rankin Inlet was supposed to be paved. I wonder if the scheduling of the airline services such as jet service will be drastically disrupted.

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

Return To Question O442-91(1): Possible Scheduling Disruptions Related To Runway Work, Rankin Inlet

HON. GORDON WRAY: Thank you, Mr. Speaker. I also thank the Member for notice. Unfortunately, I am still waiting for the information from my department as to the proposed schedule. However, in a general sense, there will be some disruption to air traffic in Rankin Inlet this summer. As to how severe it is, I do not know; once I get the planned schedule I will share it with the Member. Certainly there will be disruptions to air traffic and there are times when the airport will be closed. Obviously if we are paving the runway we are going to have to close the runway at certain times, but I am afraid I do not have the information for the Member as yet. When I do get it, I will share it with him. Thank you.

MR. SPEAKER: The honourable Member for Natilikmiot.

Question O443-91(1): Receipt Of Child Tax Credit

MR. NINGARK: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Social Services. Family allowances are applicable under the child tax credit, and some people get these returns immediately whereas other people get them later. I wonder what the status is, and I was asked to find out the reasons behind that. Can the Minister inform

me on the question of early and later returns. I think some of them do not get them until November. Thank you.

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

Return To Question O443-91(1): Receipt Of Child Tax Credit

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. Child tax credits on family allowance and the returns of them depend entirely on when an individual submits their tax return form to Revenue Canada, and it depends on when Revenue Canada sends back the child tax credit to the individuals. The Member had mentioned that they had received funding sometime in November, and it is my understanding that whoever is deemed to be a recipient of the child tax credit usually gets an advance of a child tax credit in the month of November, provided that they anticipate being a recipient for the following year's child tax credit from Revenue Canada. Thank you.

MR. SPEAKER: The honourable Member for Tu Nede.

Question O444-91(1): Abandoned Mine Outside Of Snowdrift

MR. MORIN: Thank you, Mr. Speaker. My question will be for the Minister of Health. Madam Minister, it has come to my attention from the community of Snowdrift that there is an abandoned mine two miles outside of Snowdrift and there has been a high cancer rate in the community and the people are linking the abandoned mine which has signs up, "Keep out, radio-activity" -- and it has never been cleaned up. Is the Minister willing to send some of her people into that area to check to see if there is any dangerous substance in that area that is affecting the fish or the people?

MR. SPEAKER: The honourable Member for Nunakput.

Return To Question O444-91(1): Abandoned Mine Outside Of Snowdrift

HON. NELLIE COURNOYEA: Mr. Speaker, yes.

MR. SPEAKER: The honourable Member for Natilikmiot.

Question O445-91(1): Economic Development Officer, Pelly Bay

MR. NINGARK: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Economic Development and Tourism. As I understood yesterday, there are six positions open for economic development officers. I wonder when they plan to hire, because we do not have an officer in Pelly Bay and I wonder if he will consider providing an economic development officer for our community by way of funding. Thank you.

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

Return To Question O445-91(1): Economic Development Officer, Pelly Bay

HON. GORDON WRAY: Thank you, Mr. Speaker. The same question, different aspect. I have not taken a paper yet to the FMB on the location of the economic development officers. I am unable to give any guarantees as to where these positions or moneys will be placed, number one. Secondly, however, if FMB approval is forthcoming shortly, in the case of the officers that the government may wish to be hiring by itself, I would anticipate going to competition very soon,

hoping to have people in place, probably, by the end of May. It takes about six to eight weeks to advertise, recruit and get people up here. It may be a little bit longer, but I hope to have them in place no later than early summer.

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

Question O446-91(1): Hiring Of More Inuit For Rankin Inlet Airstrip

MR. ERNERK: (Translation) Thank you, Mr. Speaker. My question is directed, perhaps, to the Government Leader concerning Members' concerns. I talked about this earlier. Through you, Mr. Speaker, my question is directed to the Government Leader. I need his assistance, as well as the people of Rankin Inlet. I wonder if the Government Leader can help us. During the construction of the Rankin Inlet airstrip, we would like to see more Inuit being hired, compared to employment statistics from a year ago, Mr. Speaker. Thank you.

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

HON. DENNIS PATTERSON: Mr. Speaker, the matter of encouraging local employment in the next phase of the airstrip construction is a concern of the government and should probably be referred to Mr. Wray. Thank you.

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

Return To Question O446-91(1): Hiring Of More Inuit For Rankin Inlet Airstrip

HON. GORDON WRAY: Thank you, Mr. Speaker. There has been ongoing concern expressed by residents of Rankin Inlet with regard to employment opportunities at the airport. The company has experienced some problems, particularly last year -- a lot of it to do with language and the fact that the managers or the foremen could not speak any English or Inuktitut but only French. The people in Rankin Inlet can only speak English and Inuktitut so there was a problem. We have been working with the company. There has been, from what I understand, one or two personnel changes within Gely/Gaugec Construction Limited. My assistant superintendent of Education, Mark Boucher, met with officials from Gely in Montreal two weeks ago, I believe, or last week, so we are trying to work with Gely to maximize the opportunity for local people. I will advise the Member on an ongoing basis as to what initiatives are being taken; and if there are meetings in Rankin Inlet to be held, I will also ensure that he is advised so that if he wishes to attend he could do so. Thank you.

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

Supplementary To Question O446-91(1): Hiring Of More Inuit For Rankin Inlet Airstrip

MR. ERNERK: Thank you, Mr. Speaker. And the use of goods and local services as well, Mr. Speaker, to the maximum?

MR. SPEAKER: The honourable Member for Kivallivik.

Further Return To Question O446-91(1): Hiring Of More Inuit For Rankin Inlet Airstrip

HON. GORDON WRAY: Thank you, Mr. Speaker. Yes, we are obviously as concerned with that as anything. There is a

percentage of northern labour and goods and services within that contract that they have to meet. The problem is, though, that there is a federal government contract. If they meet the percentage, anything over and above that is difficult to force these people to utilize. This is one of those cases where you have a federal contract and we are on the outside advocating better usage; but we do have a contract that has a percentage built into it. We are trying to get the company to live up to that percentage, but it is a difficult situation, given that we do not control the contract. Thank you.

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

Question O447-91(1): Housing Buy-Back By Renters

MR. NINGARK: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of the Housing Corporation. I have heard fairly recently that some of the housing will be able to be bought back by the people renting these houses. Is this still the policy? Thank you.

MR. SPEAKER: The honourable Member for Inuvik.

Return To Question O447-91(1): Housing Buy-Back By Renters

HON. TOM BUTTERS: Mr. Speaker, yes, tenants can take advantage of that opportunity. In the case of public housing, though, they would have to pick up the outstanding mortgage. It has not really proved to be that practical in the past.

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

Supplementary To Question O447-91(1): Housing Buy-Back By Renters

MR. NINGARK: Thank you, Mr. Speaker. Supplementary, Mr. Minister. What is the procedure if a tenant wants to buy a house? Thank you.

MR. SPEAKER: The honourable Member for Inuvik.

Further Return To Question O447-91(1): Housing Buy-Back By Renters

HON. TOM BUTTERS: Mr. Speaker, I would recommend that the individual -- and I do not know what specific cases are being referred to here -- contact the district manager responsible for the Housing Corporation, the gentleman in Cambridge Bay, Mr. Gross.

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

Question O448-91(1): Policy On Buying Back Of Houses

MR. ARLOOKTOO: (Translation) My question is also to the Minister for Housing, supplementary to the question that the Member for Natilikmiot raised regarding the buying back of houses. There are different types of housing that can be bought, such as northern rental. They used to be able to buy back these houses. I was informed that public housing cannot be bought by the tenants. Is this the same policy as it was before? Thank you.

MR. SPEAKER: Honourable Member for Inuvik.

Return to Question O448-91(1): Policy On Buying Back Of Houses

HON. TOM BUTTERS: In my response, Mr. Speaker, to the

previous question, I had indicated that it is possible to purchase public housing, but you have to pick up the outstanding mortgage and service arrangements. So it is really not very practical to enter into that type of agreement.

MR. SPEAKER: Honourable Member for Kitikmeot West.

Question O449-91(1): Blend Between Contributions And Person Years For Economic Development Officers

MR. PEDERSEN: Thank you, Mr. Speaker. To the Minister of Economic Development. I seek some clarification on his reply to the question from the honourable Member for Natilikmiot on economic development officers. He indicated that it would take some time to advertise, interview and bring people up here, indicating to me that he intends to hire from the South.

In reply to questions the other day he referred to the PYs that will be provided and competitions and so on. The Minister of Economic Development, in his reply to me, said it would be a blend between contributions and PYs. Would the Minister of Economic Development tell me what type of blend? How many of the six will be contributions to hamlets and how many will be PYs to the department?

MR. SPEAKER: Honourable Member for Kivallivik.

Return To Question O449-91(1): Blend Between Contributions And Person Years For Economic Development Officers

HON. GORDON WRAY: Thank you. In my reply to the Minister, I said "in the case of where PYs are required". On reflecting reality, when I say we would bring people up, it is because we always advertise north and south for economic development officers and we have very, very few applications from within the North itself. In fact, in the last generic competition, we had no applications from the North at all. So I am expecting that the bulk of applications, as we have experienced over the last two or three years, will come from the South.

I cannot remember the exact specifics of the paper because it is quite a while ago. But I believe it is a case of two or three contributions to hamlets and three PYs. So I think it is about 50-50.

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

Supplementary To Question O449-91(1): Blend Between Contributions And Person Years For Economic Development Officers

MR. PEDERSEN: Thank you, Mr. Speaker. It is supplementary to the issue but the question itself may be different. If a hamlet that now has a PY allocated to them requested a contribution agreement instead, would the Minister be willing to consider this?

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

Further Return To Question O449-91(1): Blend Between Contributions And Person Years For Economic Development Officers

HON. GORDON WRAY: Yes, I would. In fact, I have made those moves in several communities already. The problem is that we may have a situation where, because of the shortage of PYs, two communities have to share one officer. In a case like that, we would have to look at it. But there are certainly

unique situations. Some communities want that; some do not. But obviously if a community who is getting an economic development officer would like to have the contribution turned over to them, have him work for them, then I have no objections, in principle, to that arrangement.

MR. SPEAKER: Honourable Member for Nahendeh.

Question O450-91(1): Band Offices For Dene People

MR. SIBBESTON: Mr. Speaker, on Friday I was asking questions of the Minister responsible for aboriginal rights. He talked about self-government. While I believe self-government really starts in the hearts and souls of people, on a day-to-day basis and in reality you need offices, you need space, you need buildings for them to function. I would like to ask the Government Leader, on the matter of negotiations with the federal government about band offices in the North, has the government moved any closer to resolution of this matter? Because there are communities in my area that simply do not have band offices for the Dene people to operate.

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

Return To Question O450-91(1): Band Offices For Dene People

HON. DENNIS PATTERSON: Mr. Speaker, I think the short answer to the Member's question, regrettably, would be, no. As far as negotiations with the federal government to resolve this matter are concerned, we have not made any progress. Thank you.

MR. SPEAKER: Honourable Member for Nahendeh.

Supplementary To Question O450-91(1): Band Offices For Dene People

MR. SIBBESTON: Thank you, Mr. Speaker. I would like to ask the Government Leader, inasmuch as there has not been any progress, in his view is there ever any hope of coming to a resolution of the matter? Is the government, during his remaining few months, going to do anything about it or is it a matter that they have basically given up on and maybe left to the next government?

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

Further Return To Question O450-91(1): Band Offices For Dene People

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I do realize how important this issue is in many communities in the western Northwest Territories. I would assure the honourable Member that, no, we have not given up at all. In fact we are undertaking major initiatives with the federal government to transfer authority in many areas presently held by the federal government, to the Government of the NWT. Areas as large as the responsibility for managing oil and gas, mines and minerals, lands and waters.

But also, Mr. Speaker, in conjunction with the devolution of those powers, to also clarify responsibility in areas relating to aboriginal people who have, at times, fallen between the cracks, unfortunately. And band offices is only one of a number of very irritating issues that have been neglected while these clarifications have not been attained.

Mr. Speaker, the short response to the Member is we are not giving up, we are continuing to pursue this issue in the context of devolution of powers from the federal government to the Government of the NWT. Thank you.

MR. SPEAKER: Oral questions. Honourable Member for Nahendeh.

Supplementary To Question O450-91(1): Band Offices For Dene People

MR. SIBBESTON: Mr. Speaker, I wonder if the Government Leader would outline the work that has been done to date. I am aware that there have been discussions over the years about the possibility of the federal government granting or transferring moneys to our government for band offices. I am aware there has been some work done. I am not aware of any recently, but I wonder if the Government Leader could outline, if not today, perhaps some other time, the work that has been done to date, how far negotiations have gone in this area, how close are we to getting the matter resolved.

MR. SPEAKER: Honourable Member for Iqaluit.

HON. DENNIS PATTERSON: Mr. Speaker, there is quite a long history to this. It may be most appropriate if I undertake to give the Member a detailed response by the way of a written return.

MR. SPEAKER: Oral questions. Honourable Member for Aivilik.

Question O451-91(1): Report On Meningitis

MR. ERNERK: (Translation) Thank you, Mr. Speaker. I have a question to the Minister of Health. The northern health research unit in Winnipeg has produced a report on meningitis. They sent the report to me, and I appreciate their sending me the report. The report is mainly directed at the Inuit. This is a very worrisome conclusion. (Translation ends)

Over 80 per cent of reported HIB invasive infections occur among the Inuit, who make up 35 per cent of the entire NWT population. (Translation) In some other areas, the majority of the Inuit have had meningitis. Mr. Speaker, I did not tell the Minister that I would raise a question about this. How can you stop the disease of meningitis? (Translation ends) Is there an immunization to control it? Thank you, Mr. Speaker.

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

HON. NELLIE COURNOYEA: Mr. Speaker, I will take the question under advice. There is an immunization program. However, I will provide a report to the Member tomorrow. Thank you.

MR. SPEAKER: Thank you. Is the honourable Member taking the question as notice?

HON. NELLIE COURNOYEA: Yes, Mr. Speaker.

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

Question O452-91(1): Introduction Of Victim Impact Statements

MR. MORIN: Thank you, Mr. Speaker. My question will be for the Minister of Justice. Mr. Minister, within the justice system there are different types of crimes that are dealt with. For example, a person could steal from yourself \$500 and it may not hurt you very much, but a person could steal from another person \$500 and it could be devastating to them and it could have all other kinds of repercussions for them. Is there any process in the justice system so that if this person who stole, or whatever, went to court, in the sentencing the

judge could hear from the victim on how the crime affected the victim? Is there a process in the system so that you could hear the victim's side of the story when a crime is committed against them? Thank you.

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

Return To Question O452-91(1): Introduction Of Victim Impact Statements

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I would like to put on the public record, in case anybody wants to steal \$500 from me, it would hurt me.

---Laughter

I want that clearly understood. Thank you, Mr. Speaker. Seriously, the question is a good question, and the whole area of how we can improve our assistance and support for victims is one that has been discussed at the federal-provincial level. The concept of victim impact statements is a concept which is just now being introduced into the justice system in a couple of jurisdictions. Our department is working quite closely right now with the Crown office and the RCMP, looking at choosing some model communities where we could introduce the concept of the victim impact statement, and it is just that where a victim who is hurt physically or psychologically, would have the opportunity, through the statement, to explain to the court exactly what the impact of this crime against them was.

We are just finalizing right now this new approach, and I had hoped in the next two or three days to be able to make a statement here in the House giving more detail on the approach. If it is not finalized before the House breaks, I will make a formal statement if we come back for a summer session; or I will individually give to each Member the details of this process. Thank you.

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

Question O453-91(1): Possible Summer Session

MR. MORIN: Thank you, Mr. Speaker. My question will be to the Government Leader. Mr. Government Leader, I am wondering if I missed something. I was reading Hansard, and the Minister of Justice, Mr. Ballantyne, referred to a summer session. Is there going to be a summer session?

MR. SPEAKER: The honourable Member for Iqaluit.

Return To Question O453-91(1): Possible Summer Session

HON. DENNIS PATTERSON: Mr. Speaker, I am sure the Member is aware that that matter will be discussed in caucus tomorrow morning. I am aware that there are some Members who are of the opinion that there should be a further sessional time later this summer, but whether that would be a new session or an adjournment of the present session will be up to the caucus, Mr. Speaker, and that decision has not yet been finally made. Thank you.

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

Question O454-91(1): GNWT Support Of TFN Boundary Claim

MR. ERNERK: Mr. Speaker, I would like to direct my question to the Minister responsible for Aboriginal Rights and

Constitutional Development. Mr. Speaker, I have been hearing that groups of Dene leaders from Saskatchewan and Manitoba are opposing the Tungavik Federation of Nunavut claim because of the boundary. I also read, Mr. Speaker, in today's issue of News North, April 15, 1991, that the chiefs reject the boundary. Mr. Speaker, the Government of the Northwest Territories knows that without the boundaries the TFN claim will not be concluded. I would like to ask the Minister responsible for Aboriginal Rights and Constitutional Development, does he support the TFN proposed boundary for their claim? Thank you, Mr. Speaker.

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

Return To Question O454-91(1): GNWT Support Of TFN Boundary Claim

HON. STEPHEN KAKFWI: Mr. Speaker, I am not clear on some parts of the question. The boundary for the TFN claim was supposed to be negotiated through a process between the Dene Nation, Metis Association and the TFN. That has been ongoing for a number of years, and it is now in a situation where the federal government has appointed a person to make a recommendation to the federal Minister, Mr. Siddon, on where the boundary should be, with a view that it has not been possible for the two groups to resolve this between themselves. That is something the Minister himself is going to decide. It is not the territorial government that is going to decide where the boundary should be or what is a good boundary.

I am not certain what the Member has heard with regard to the views of some of the chiefs from Manitoba since I do not know the substance of it. I also do not know that anything he reads in the News North is necessarily true or accurate, so I could not respond to that either. Thank you.

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

Question O455-91(1): Status Of Uranium Mine Development In NWT

MR. LEWIS: Thank you, Mr. Speaker. Probably the major industry in the Northwest Territories, and it has been so for a long time, is mining. But one mining venture, the Colomac Mine which is now on hold -- and there was a proposed mine in Baker Lake involving Urangesellschaft Canada Limited, and we are not sure of the status of this particular project, so I would like to ask the Minister for Energy, Mines and Petroleum Resources what exactly the status is for uranium mining in the Northwest Territories. Exactly what is happening with that proposal to develop a mine in the Baker Lake area?

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

Return To Question O455-91(1): Status Of Uranium Mine Development In NWT

HON. NELLIE COURNOYEA: Mr. Speaker, in the matter of the mine close to Baker Lake, my understanding of recent reports is that Urangesellschaft has put the project on hold.

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

Supplementary To Question O455-91(1): Status Of Uranium Mine Development In NWT

MR. LEWIS: Thank you, Mr. Speaker. When you invest about \$40 or \$50 million, you must have some expectation

that you will eventually get some return from that. I would like to ask the Minister for Energy, Mines and Petroleum Resources whether, in fact, there is any ongoing work in that area; even though the idea of developing a mine may be some time down the road, is there any ongoing work there, of any kind, related to that company?

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

Further Return To Question O455-91(1): Status Of Uranium Mine Development In NWT

HON. NELLIE COURNOYEA: Mr. Speaker, it is my understanding that Urangesellschaft will be doing some more exploratory work to the east of the area where they have their present permit.

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

Supplementary To Question O455-91(1): Status Of Uranium Mine Development In NWT

MR. LEWIS: Thank you, Mr. Speaker. Related to this whole business of the investment in mining, specifically, in this case, uranium mining, does the Government of the Northwest Territories have any position with regard to the development of uranium mines in the NWT?

MR. SPEAKER: The honourable Member for Nunakput.

Further Return To Question O455-91(1): Status Of Uranium Mine Development In NWT

HON. NELLIE COURNOYEA: Mr. Speaker, simply put, the Government of the Northwest Territories has taken the position that any development of uranium mining must follow the FEARO federal environmental assessment review office, process. It would be dealt with at that level in terms of the environment and other issues that will be relating to how the mining can or cannot take place.

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

Supplementary To Question O455-91(1): Status Of Uranium Mine Development In NWT

MR. LEWIS: Without wanting to put words into the Minister's mouth, Mr. Speaker, when all these conditions are met and the FEARO proceeds according to plan, then the GNWT position -- if you could confirm this -- is that as long as all these conditions are met, the territorial government has no objections to the development of uranium mines in the NWT.

Supplementary To Question O455-91(1): Status Of Uranium Mine Development In NWT, Ruled Out Of Order

MR. SPEAKER: Thank you. I have to rule the question out of order. Oral questions. The honourable Member for Yellowknife South.

Question O456-91(1): Implementation Of Recommendations In Report On Incident At Yellowknife Correctional Centre

MR. WHITFORD: Thank you, Mr. Speaker. I have a question I would like to direct to the Minister responsible for Social Services. She was kind enough a little while ago to table the major recommendations of the study on the corrections centre and the incident of January 1st. I would like to ask the Minister if any of the recommendations that were outlined in

the summary have been acted upon. Perhaps it is too broad. I would like to know if one specific one has been acted upon, the one of overcrowding.

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

Return To Question O456-91(1): Implementation Of Recommendations In Report On Incident At Yellowknife Correctional Centre

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. With respect to some of the recommendations, there have been some discussions with the department regarding the submissions made requesting that the facility be redesigned and the amounts that it would cost the department and the government. The recommendation with respect to developing a master plan is in the process with the department and the corrections division. I would have to check on the other recommendations as to what the exact status is and advise the Member. Thank you.

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

Supplementary To Question O456-91(1): Implementation Of Recommendations In Report On Incident At Yellowknife Correctional Centre

MR. WHITFORD: Thank you, Mr. Speaker. I am not sure whether the Minister is taking that as notice, because I had a supplementary that dealt with one of the recommendations about moving the responsibility of corrections from the Department of Social Services to the Department of Justice -- the Solicitor General's office in other provinces. I wonder if there are any talks under way between the Minister of Justice and the Department of Social Services to discuss the feasibility of that very important recommendation?

MR. SPEAKER: The honourable Member for Slave River.

Further Return To Question O456-91(1): Implementation Of Recommendations In Report On Incident At Yellowknife Correctional Centre

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, no, there has not been any thorough discussion with respect to transferring that division under Justice as yet. I intend to certainly discuss this issue with my colleague from Justice. From past discussions I do not think my colleague is too enthusiastic about taking corrections; however, once we sit down and discuss this report, his viewpoint may differ. Thank you.

MR. SPEAKER: Thank you. Oral questions. Before proceeding to the next item, I wish to draw the attention of honourable Members to the presence of Miss Marlene Steppan, president of the Franco-TeNoise Federation of the Northwest Territories.

---Applause

Item 6, written questions. Item 7, returns to written questions. Mr. Clerk.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, a return to Question W7-91(1), asked by Mr. Gargan to the Minister of Social Services concerning data on adult offenders in the correctional system.

Return To Question W7-91(1): Data On Adult Offenders In Correctional Centre

Hon. Jeannie Marie-Jewell's return to Question W7-91(1), asked by Mr. Gargan on March 12, 1991: In response to Mr. Gargan's request, I would like to inform him that it would take a great deal of time to collect and organize the data as he has requested. To collect information which summarizes the average length of offenders' sentences and the types of offences served by inmates presently at the Yellowknife Correctional Centre, South Mackenzie Correctional Centre and Baffin Correctional Centre would require each inmate file to be reviewed manually to collect the information. This would be time-consuming as we do not have the capabilities to collect all the information on our corrections information system. The information that is entered into this information system is entered at one source, so in actual fact we are usually two to three months behind in data-entering information. This would also apply to the comparison of sentence lengths served by male and female incarcerates at each territorial correctional facility.

To provide a summary of the inmates who have been granted early release or day parole within the last 24 months, broken down according to the inmate's home community, the gender of the inmate, the ethnic affiliation of the inmate, Dene, Metis, Inuit or non-native, the length of inmate sentence and type of offence for which the inmate has been incarcerated, would again require an intensive manual search of inactive inmate files.

The data requested regarding inmates serving sentences less than two years in length that have been transferred either to provincial or federal corrections facilities in southern Canada under various exchange of services agreements would again require a manual collection of data. I can say that there are 13 inmates in southern Canada serving two years less a day: four from Inuvik; one from Coral Harbour; one from Tuktoyaktuk; one from Broughton Island; one from Fort McPherson; one from Coppermine; one from Fort Smith; one from Fort Rae; one from Arctic Red River; and one from Spence Bay.

I would like to inform the Member of the House that our corrections information system is used to collect data from our centres and can provide the following reports: admissions by age; admissions by aggregate sentences length; admissions by ethnicity; admissions by fine default and intermittent sentence; admissions by marital status; admissions by native status; admissions by sex, male and female.

It can also provide admissions by types of offences committed which are categorized as such: Criminal Code -- against person, against property, drinking/driving, other criminal offences; federal statutes -- drug offences, other federal statutes; provincial statutes -- liquor offences, other provincial statutes; and municipal by-laws.

These reports can be produced by region and community for any period of time except for a two to three-month period which it takes to collect locally and mail the information to the data entry clerk. Officials are looking into ways to overcome this time lag, but this issue will most probably continue to exist due to the limited resources of the department.

MR. SPEAKER: Thank you. 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 Nahendeh.

ITEM 10: REPORTS OF STANDING AND SPECIAL COMMITTEES

Motion To Move Report Of The Standing Committee On Public Accounts, To Committee Of The Whole, Carried

MR. SIBBESTON: Mr. Speaker, I move that the report of the standing committee on public accounts, the Review of the Financial Statements of the Government of the Northwest Territories and the Report of the Auditor General of Canada on Other Matters for the Year Ended March 31, 1990, be received and moved into committee of the whole for discussion.

MR. SPEAKER: Motion is in order. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Reports of standing and special committees. Item 11, tabling of documents. The honourable Member for Kivallivik.

ITEM 11: TABLING OF DOCUMENTS

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I wish to table Tabled Document 88-91(1), Response of the Government of the Northwest Territories to the Recommendations of the Special Committee on the Northern Economy, in English and Inuktitut. Thank you.

MR. SPEAKER: The honourable Member for Nahendeh.

MR. SIBBESTON: Mr. Speaker, I wish to table Tabled Document 89-91(1), Proceedings of the Standing Committee on Public Accounts on the Review of the Financial Statements of the Government of the Northwest Territories and the Report of the Auditor General of Canada on Other Matters for the Year Ended March 31, 1990. Mahsi.

MR. SPEAKER: Mahsi. Tabling of documents. Tabling of documents.

Item 12, notices of motions. Notices of motions. Item 13, notices of motions for first reading of bills. The honourable Member for Yellowknife North.

ITEM 13: NOTICES OF MOTIONS FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 37: Judicature Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, I give notice that on Wednesday, April 17, 1991, I shall move that Bill 37, An Act to Amend the Judicature Act, be read for the first time.

MR. SPEAKER: Thank you. Notices of motions for first reading of bills. The honourable Member for Kivallivik.

HON. GORDON WRAY: Thank you, Mr. Speaker. I give notice that on Wednesday, March 20, 1991, I shall move that Bill 31, Northwest Territories Business Credit Corporation Act, be read for the first time. Thank you.

MR. SPEAKER: The honourable Member for Kivallivik, that particular bill has already been given notice of and is already in this first reading stage.

HON. GORDON WRAY: Thank you, Mr. Speaker.

MR. SPEAKER: Notices of motions for first reading of bills. Item 14, motions, Motion 10-91(1). The honourable Member for Yellowknife North.

ITEM 14: MOTIONS

Motion 10-91(1): Adoption Of Statute Roll

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker.

WHEREAS the Statute Roll of the Revised Statutes of the Northwest Territories, 1988, in the English and French languages, was deposited with the Clerk of the Legislative Assembly on April 9, 1991, pursuant to subsection 8(3) of the Statute Revision Act, subsection 3(3) of The Adoption of the French Version of Statutes Statutory Instruments Act;

AND WHEREAS the Statute Roll has been laid before the Legislative Assembly as required by subsection 12(2) of the Statute Revision Act and subsection 3(1) of The Adoption of the French Version of Statutes and Statutory Instruments Act;

NOW THEREFORE, I move, seconded by the honourable Member for Iqaluit, that the Legislative Assembly hereby approves the Statute Roll.

MR. SPEAKER: Thank you. Motion is in order. To the motion. The honourable Member for Yellowknife North, to the motion.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, the Revised Statutes of the Northwest Territories, 1988, represent the combination of many years of work by Deborah Meldazy, statute revision commissioner and the staff of the legislation division; special recognition to Giuseppa Bentivegna and to Miles Pepper who have done a lot of work in this. The revision comprises all the statutes of the Northwest Territories in force as of December 31, 1988, and those not yet brought into force. The supplement adopts the 1989 statutes to the revision by renumbering them, providing a French version. Two further volumes of the supplement will be prepared covering the statutes passed in 1990 and at this session. After this session, all bills will be presented in terms of the revision. Thank you very much, Mr. Speaker.

MR. SPEAKER: The honourable Member for Iqaluit.

AN HON. MEMBER: Question.

MR. SPEAKER: The honourable Member for Yellowknife Centre. To the motion.

MR. LEWIS: Mr. Speaker, we have been told that this work has been done, but although we would not want to read through all data to make sure everything is in place, at least Members should be given some visible demonstration that this work has been done somehow. I would assume that would be five or six volumes of stuff and for us to vote on something, assuming that it has happened, is not good enough for me.

MR. SPEAKER: The honourable Member, the documentation has been tabled in this House for all Members and copies are available for all Members and they are in the library. In fact they are on both sides of the Speaker's chair. Order please. To the motion.

AN HON. MEMBER: Question.

Motion 10-91(1), Carried

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

---Carried

Item 14, motions, Motion 11-91(1). The honourable Member for Yellowknife North.

Motion 11-91(1): Adoption Of Formula Financing Agreement

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker.

WHEREAS the Formula Financing Agreement, made on April 3, 1991 between the Government of Canada, represented by the Minister of Finance for Canada, and the Government of the Northwest Territories, represented by the Minister of Finance for the Northwest Territories, has been laid before the Legislative Assembly pursuant to subsection 5(2) of the Financial Agreement Act;

NOW THEREFORE, I move, seconded by the honourable Member for Iqaluit, that the Legislative Assembly hereby approves Tabled Document 87-91(1) titled Formula Financing Agreement.

MR. SPEAKER: To the motion.

AN HON. MEMBER: Question.

MR. SPEAKER: Question has been called. To the seconder of the motion. The honourable Member for Iqaluit.

AN HON. MEMBER: Question.

Motion 11-91(1), Carried

MR. SPEAKER: Question. Question has been called. Final remark. The honourable Member for Yellowknife North. Question. Question. All those in favour of the motion? All those opposed to the motion? Motion is carried.

---Carried

Item 15, first reading of bills. The honourable Member for Kivallivik.

ITEM 15: FIRST READING OF BILLS**First Reading Of Bill 31: NWT Business Credit Corporation Act**

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Nunakput, that Bill 31, Northwest Territories Business Credit Corporation Act, be read for the first time. Thank you.

MR. SPEAKER: Thank you. The motion is in order. To the motion. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 31 has had first reading. Item 16, second reading of bills. The honourable Member for Slave River.

ITEM 16: SECOND READING OF BILLS**Second Reading Of Bill 16: Locksmiths, Security Guards And Other Security Occupations Act**

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Inuvik, that Bill 16, Locksmiths, Security Guards and Other Security Occupations Act, be read for the second time. The purpose, Mr. Speaker, is to provide for the regulation and licensing of locksmiths, private investigators, security guards and security alarm agents and businesses which provide these services; to provide for the posting of a bond by licensees; to provide for the appointment of a registrar; to provide the registrar with power to make inquiries and conduct investigations of applicants and licensees, to refuse to issue or renew a licence and to cancel or suspend a licence; to provide an appeal procedure where a licence has been refused, cancelled or suspended; to establish offences and punishments and to provide a regulation-making power. Thank you.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 16 has had second reading. Second reading of bills. The honourable Member for Sahtu.

Second Reading Of Bill 30: Teachers' Association Act

HON. STEPHEN KAKFWI: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 30, An Act to Amend the Teachers' Association Act, be read for the second time. The purpose of this bill is to permit an association president who retires at the end of his or her term of office to continue to be an active member for a period of one year; and to provide that a teacher who is employed by a board of education, the government of the Territories or a private school, while on leave of absence continues to be an active member of the association.

MR. SPEAKER: The motion is in order. To the principle of the bill. Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Bill 30 has had second reading. Second reading of bills. The honourable Member for Nunakput.

Second Reading Of Bill 15: Northwest Territories Power Corporation Act

HON. NELLIE COURNOYEA: Mr. Speaker, I move, seconded by the honourable Member for Iqaluit, that Bill 15, An Act to Amend the Northwest Territories Power Corporation Act, be read for the second time. The amendments set out in this bill would establish the Public Utilities Board as the sole regulator of the Northwest Territories Power Corporation and would repeal spent provisions of the act.

MR. SPEAKER: The motion is in order. To the principle of the bill. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 15 has had second reading.

Second reading of bills. The honourable Member for Yellowknife North.

Second Reading Of Bill 2: Department Of Justice Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Kivallivik, that Bill 2, Department of Justice Act, be read for the second time. The purpose of this bill is to set out that the Department of Justice is continued under this act; to state that the Minister of Justice presides over the Department of Justice; to provide that the Minister of Justice is ex officio Attorney General for the Territories; and to set out the powers, duties and functions of the Minister of Justice and the Attorney General.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill. Question has been called. All those in favour? Opposed, if any? The motion is carried.

--Carried

Bill 2 has had second reading. Second reading of bills. The honourable Member for Yellowknife North.

Second Reading Of Bill 29: Public Utilities Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Inuvik, that Bill 29, An Act to Amend the Public Utilities Act, be read for the second time. The purpose of this bill is to amend the Public Utilities Act to make the chairperson chief executive officer of the board and to exclude the chairperson from payment of an honorarium; to require the recommendation of the chairperson for the appointment of the secretary and to provide that the secretary is a member of the public service.

MR. SPEAKER: Thank you. The motion is in order. To the principle of the bill. Question has been called. All those in favour? Opposed, if any? The motion is carried.

--Carried

Bill 29 has had second reading. Second reading of bills. Bill 16, Bill 30, Bill 15, Bill 2 and Bill 29 are referred to committee of the whole for today. The honourable Member for Kivallivik.

HON. GORDON WRAY: I would like to seek unanimous consent to proceed with second reading of Bill 31.

MR. SPEAKER: The honourable Member is seeking unanimous consent to proceed with second reading of Bill 31. Are there any nays? There are no nays, proceed.

Second Reading Of Bill 31: Northwest Territories Business Credit Corporation Act

HON. GORDON WRAY: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Amittuq, that Bill 31, Northwest Territories Business Credit Corporation Act, be read for the second time. The purpose of this bill is to establish the Northwest Territories Business Credit Corporation; to set out the powers and duties of the corporation, its board, its employees and the regional business loans boards; to establish a fund, based on which loans may be made, bonds may be issued and guarantees for loans and indemnities for bonds may be given by the corporation to stimulate economic development and employment in the Territories; to set out the procedure for application for a loan, bond, guarantee or indemnity; to set out regulation-making authority; to make a consequential amendment to the Financial Administration Act.

MR. SPEAKER: The motion is in order. To the principle of the bill. Question has been called. All those in favour?

Opposed, if any? The motion is carried.

---Carried

Bill 31 has had second reading and is referred to committee of the whole for today. Second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Tabled Document 22-91(1), Bill 3, Bill 4, Bill 5, Committee Report 2-91(1), Bill 8, Bill 9, Bill 10, Bill 18, Bill 23, Bill 24, Bill 25, Bill 26, Bill 32, Bill 16, Bill 30, Bill 15, Bill 2, Bill 29 and Bill 31, with Mr. Zoe in the chair.

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

CHAIRMAN (Mr. Zoe): The committee will come to order. We concluded on Friday with Bill 7, Appropriation Act, 1991-92. We are also dealing with Committee Report 2-91(1), Standing Committee on Finance Report on the Review of the 1991-92 Main Estimates. Does the committee agree that Committee Report 2-91(1), Standing Committee on Finance Report on the Review of the 1991-92 Main Estimates is now concluded?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Could the Government House Leader give direction to the Chair as to which bill he would like the committee to consider at this time? Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Chairman, with the committee's concurrence, perhaps I could read off about 10 bills here and we could get into those 10 bills in this order: Bill 8, Bulk Sales Act; Bill 9, Financial Administration Act; Bill 2, Department of Justice Act; Bill 5, Reciprocal Enforcement of Judgments Act; Bill 29, Public Utilities Act; Bill 3, Liquor Act; Bill 23, Property Assessment and Taxation Act; Bill 4, Medical Profession Act; and Bill 15, NWT Power Corporation Act. Maybe we could start off with those and see how we make out today.

CHAIRMAN (Mr. Zoe): Does the committee agree that we consider these bills in this order?

SOME HON. MEMBERS: Agreed.

---Agreed

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

---SHORT RECESS

Bill 8: Bulk Sales Act

The committee will come to order. We are dealing with Bill 8, An Act to Repeal the Bulk Sales Act. Mr. Minister, are you prepared to make your opening remarks? Mr. Ballantyne.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. This act is ancient, it is redundant, and it is ineffective. It was developed and introduced during the 1920s and 1930s across Canada, at the time it was required to protect creditors. It was enacted in the Northwest Territories in 1948. The act was originally developed to protect creditors from unscrupulous businesses who might bulk sale their goods and walk away from the business, leaving their creditors with no assets to collect against. The act required any purchaser of a bulk sale

to stock in bulk and, before completing the sale, to obtain a list of creditors from the seller. Before final payment, the seller needed to show proof either that the creditors were paid or that they, the creditors, approved of the sale. Final payments, et cetera, were to be handled by a trustee.

Since this act was developed, several changes have been made to the retail processes, and other methods and enactments are available to protect creditors. These include the Bankruptcy Act, use of guarantees, the credit agencies and others.

As I understand it, British Columbia has already repealed their act; the Manitoba law reform commission has recommended that theirs be repealed, and here our Northwest Territories committee on law reform have recommended repeal. The Northwest Territories law reform committee circulated this pretty widely, and the repeal of this act met with universal support from lawyers who have been involved in these processes. Not only is it redundant; in fact, it has the potential of being a negative factor. It is pretty well universally accepted that this act should be repealed. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Lewis, as deputy chairman of the standing committee on finance, does your committee have any comments on Bill 8? Mr. Lewis.

Comments From The Standing Committee On Finance

MR. LEWIS: Thank you, Mr. Chairman. The standing committee on finance looked at this piece of legislation for its deep, financial implications and we had no recommendations but we did have some questions as to why we would ever need such a piece of legislation as this in the Northwest Territories to begin with. We had no recommendations to make about it. Thank you.

CHAIRMAN (Mr. Zoe): Thank you. General comments.

AN HON. MEMBER: Clause by clause.

CHAIRMAN (Mr. Zoe): Is the committee ready to go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Does the committee agree that Bill 8, An Act to Repeal the Bulk Sales Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 9: Financial Administration Act

CHAIRMAN (Mr. Zoe): We will now proceed to Bill 9, An Act to Amend the Financial Administration Act. Mr. Minister, are you prepared to make your opening remarks? Mr. Ballantyne.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Mr. Chairman, the purpose of this act, An Act to Amend the Financial Administration Act, is to provide the Workers' Compensation Board with increased authority to approve write-offs of assets, debts and obligations. Currently all boards can approve write-offs to a maximum of \$20,000, with write-offs exceeding this amount requiring the approval of the Legislative Assembly. The Workers' Compensation Board has requested an increase of its authority to \$50,000. This increase not only reflects the high degree of autonomy the board currently has in its day-to-day administrative operations, but also reflects the fact that, unlike boards that receive funding from the government, the WCB receives its funding through employer contributions. The board has the responsibility to these employers to provide maximum protection for this funding. To do this, the board requires the authority to make timely financial decisions. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. Mr. Lewis, as the deputy chairman of the standing committee on finance, does your committee have any comments on this bill?

MR. LEWIS: Again, Mr. Chairman, there were no recommendations or resolution to bring in front of the Assembly, but the government was going to provide the standing committee on finance with more information on other government departments and the accountabilities; for example, of the WCB to the government, and various other relationships between arm's-length agencies and the government. We did not get that kind of information.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Member for Yellowknife South.

MR. WHITFORD: Thank you, Mr. Chairman. I would like to know from the Minister, what kinds of debts would be written off, at that amount of money, by the WCB? Would this be in the area of premiums that have not been paid by corporations or companies, or something like that, Mr. Chairman?

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

HON. MICHAEL BALLANTYNE: For example, if a company goes bankrupt and that company still owes money to the Workers' Compensation Board for the charges that they are asked for under the act -- each company, depending on how many employees they have, has to make a WCB contribution; so if a company goes bankrupt and still owes money, they can write off that debt.

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

MR. WHITFORD: Mr. Chairman, if I buy insurance from an insurance company against my house, but I do not pay them right away for the policy, and my house burns down, it is not valid. Does this affect the worker that should have been insured by this company that did not pay its premiums? If they get hurt -- some of them are long-term disabled employees and recipients of moneys from WCB -- would that affect the employee?

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

HON. MICHAEL BALLANTYNE: No. Under the act the board would still carry out its obligation of paying whatever pension or remuneration would be going to an employee who had been injured. If, in the opinion of the Workers' Compensation Board, they are not able to collect a debt from a company, then they could write it off, but it has no impact

whatsoever on an injured worker.

CHAIRMAN (Mr. Zoe): Thank you. Are there any further general comments on Bill 9? Is the committee ready to go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Does the committee agree that Bill 9, An Act to Amend the Financial Administration Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 2: Department Of Justice Act

CHAIRMAN (Mr. Zoe): Thank you. We will now proceed to Bill 2, Department of Justice Act. Mr. Ballantyne, are you prepared to make your opening statement?

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Mr. Chairman, the purpose of this bill is to formalize and clarify the role of the Government of the Northwest Territories in relation to the administration of justice in the Territories. Its role has evolved substantially over the last 20 years, and the Minister of Justice now carries out virtually all the functions and responsibilities of a provincial Minister of Justice and Attorney General except, of course, for criminal prosecutions which are still conducted by the federal Justice ministry. The bill serves to cure some confusion at the national and provincial levels by confirming, through the use of the traditional title of "Attorney General", that the Northwest Territories is legally empowered to carry out these functions, and has actually been doing so for several years.

This confusion has arisen in the case of constitutional references to the Supreme Court of Canada and the appeal courts of the provinces in areas where our interests, like those of a province, can be affected by the outcome and we have a legitimate right to be heard.

The negotiations for the transfer of criminal prosecutions have been ongoing now for some 10 years, and this bill will provide

a vehicle or a vessel to receive the prosecution responsibilities when and if the federal government sees the good sense of transferring them. The Department of Justice Act will describe the court duties of the Minister of Justice and Attorney General, but will not affect the carrying out of other traditional justice tasks such as policing, land and legal registries and so forth. The lack of a formally recognized attorney general in the Territories has increasingly caused difficulties in carrying out this part of the role. When provincial governments put constitutional references to the court, the Attorneys General of all provinces receive notice and are invited to consider whether they wish to intervene and be heard. We have received such notices only sporadically because of the confusion of over whether we have an attorney general or whether we are legally able to intervene.

The same holds true for cases from the provinces which reach the Supreme Court of Canada. That court gives notice to all provinces when a case before it has constitutional implications which are of interest to or affect provinces. This could include the scope of environmental review of pulp mills or hydro dams, aboriginal treaty rights and land claims, reduction in payment by the federal government under the Canada Assistance Plan and countless other issues which affect the Territories equally with the provinces.

Increasingly we have seen that our legitimate interests could be overlooked by not assuming a right and responsibility for the function of the Attorney General. There is no good reason for this, given the full and equal participation that we have in all federal-territorial Justice Ministers and Attorneys General conferences and consultation, and given our legislative authority for the administration of justice which is set out in subsection 16(1) of the NWT Act, in the same terms as it is set out in subsection 92(14) of the Constitution Act, 1867, for the provinces. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Member for Aivilik, does your standing committee on legislation have any comments on Bill 2?

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Speaker. This is a good bill, Mr. Chairperson. The Department of Justice Act was initially included in the legislative calendar for the seventh session and was submitted to the standing committee on legislation last summer. Because of the wide-ranging implications of this particular legislation, the standing committee asked the Minister of Justice, the Hon. Michael Ballantyne, to create an additional opportunity for research and review by tabling the bill and dealing with it during the current 1991 budget session. I am glad to report that the Minister agreed to comply with our request and, as a result, I believe we now have a bill that represents the benefits of public input and a thorough committee review.

Mr. Chairperson, the new legislation proposed in this bill can be viewed as another important step in the political evolution of the NWT. Its purpose is to formalize and clarify the role of our government in the administration of justice. It is an establishment act which confirms that the NWT is formally empowered to carry out its own legal affairs.

The proposed Department of Justice Act would clearly define the duties and responsibilities of the Department of Justice within our governmental framework and the duties and responsibilities of the Minister in relation to the department.

Mr. Chairperson, this is important, since much federal legislation and many of the structures for interprovincial contact refer to the provincial Attorney General as the key functional representative of his or her jurisdictions legal

interests. To date, other jurisdictions have recognized the Minister of Justice for the NWT as equivalent in standing to a provincial attorney general in most legal matters.

AN HON. MEMBER: Hear, hear!

MR. ERNERK: This has allowed the NWT to take an active part in constitutional references before the courts. While the Minister has been able to function so far as a de facto attorney general, we have been persistently at risk that our status may be challenged. The new Department of Justice Act will remedy that by allowing us to clarify and formally legitimize that status.

Members of the standing committee were interested when the Minister advised that this could have been a factor in our recent Supreme Court intervention in the Oldman River case. Passing this bill will increase the likelihood that other jurisdictions will not be able to block our government's ability to take legal action to protect the environmental integrity of the NWT.

Members of the standing committee on legislation were also very interested in the Minister's efforts to secure the transfer of prosecutorial responsibility from the federal government. At the present time, Mr. Chairman, honourable Members will recall that authority for criminal prosecutions lies with the federal government. Crown attorney's are federal employees. The policies they follow are federal policies.

This state of affairs exists only in the NWT and the Yukon. Many people have suggested that an important next step in the development of a judicial system will be to work toward the transfer of the authority for criminal prosecutions to the Government of the NWT. Mr. Chairperson, this bill is not directly connected with negotiations for the transfer of this authority. However, it is necessary to have a basic framework in place before we can carry these negotiations to their successful conclusion. This bill would establish such a framework.

The standing committee on legislation wishes to note, however, that as these negotiations proceed, it will be necessary to continue developing a framework for the Department of Justice which meets the special needs of a justice system that truly reflects the needs and cultural basis of our northern lifestyle. It may be important to consider whether there should be a role for a director of public prosecutions, and it may be valuable to explore British models for the administration of justice which provide structural separation of political and administrative functions.

These are considerations that will not need to be addressed until we are at a point when transfer arrangements are nearing final agreement. However, I do want to raise them for today's record and trust that future legislators will be aware that such issues were considered in the initial review of this establishment legislation.

Mr. Chairperson, at its pre-session meeting on January 14, 1991, the standing committee on legislation agreed to recommend this bill to the Legislative Assembly. Thank you, Mr. Chairman.

---Applause

CHAIRMAN (Mr. Zoe): Thank you. General comments. Member for Yellowknife North.

HON. MICHAEL BALLANTYNE: At the suggestion of the committee, when we look at models for the office of the prosecutor, we agree with the committee's recommendation and we are looking at different models, including the models

that the committee have recommended. So we welcome that advice. It is sound advice.

CHAIRMAN (Mr. Zoe): General comments. Is the committee ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed.

CHAIRMAN (Mr. Zoe): Clause 1, Department of Justice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 4, duties of Minister of Justice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 5, duties of Attorney General. Member for Yellowknife South.

MR. WHITFORD: Yes, just move back to clause 3, Mr. Chairman. "The Commissioner in Executive Council may appoint a deputy minister of Justice." This is in consultation, Mr. Chairman, with the government?

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

HON. MICHAEL BALLANTYNE: Employment of the deputy by the Commissioner acting with the advice and consent of the Executive Council is normal practice followed in Canada. We will be following that practice, yes.

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

MR. WHITFORD: Thank you, Mr. Chairman, for that clarification because it did not say that, and I was just curious as to whether that is what it meant. Thank you.

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

MR. LEWIS: Thank you, Mr. Chairman. In a jurisdiction like ours, although we are blessed with people with legal training at the moment, people that do have law degrees and so on and are legal experts, when this Assembly does not have that kind of expertise, would it be, then, not possible to have someone acting in the capacity as it is described here? Would that mean that we could not have an official member on the Executive Council who is the legal member of that council, if for some reason there was nobody in the House who had legal training? How would we handle that?

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

HON. MICHAEL BALLANTYNE: Thank you. It is an interesting question. When I first became Minister of Justice, I was the only non-lawyer Minister of Justice in the country. Prior to that there had been examples of Attorneys General, Ministers of Justice without legal training. Manning in Alberta was one example, and there are other examples in Newfoundland, but recently there is a growing realization that it is not necessary that the Attorney General of a province be a lawyer. It is interesting enough that at the federal level, Joe Clark, who is not a lawyer, was the Attorney General for a short period of time. Presently, the Attorney General of Manitoba is not a lawyer. The Attorney General of British Columbia is a non-lawyer. The Minister of Justice of Yukon is a non-lawyer. In a way, I feel a little bit like Jackie Robinson, breaking the mold.

I think the Members should understand that though the Attorney General is the official legal adviser in that position and is the legal adviser to the cabinet, the fact is that the Attorney General will be giving advice having received legal advice himself or herself. I think the question is a question that has been asked across the country. It has been my own personal experience that in my relationships with other provinces or with the federal government or in undertaking my duties here, there really has not been a handicap in any way not to be a lawyer. I do depend on excellent staff; and I think in many cases it is probably better to have somebody that is not a lawyer and understands and respects their own limitations, than somebody who may be a lawyer but only be conversant with one part of the discipline and think they have competence to make decisions on all parts of the discipline of law. I hope that answers the Member's question.

CHAIRMAN (Mr. Zoe): Thank you. General comments. Clause 5, duties of Attorney General. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Clause 6, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Does committee agree that Bill 2, Department of Justice Act, is now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Thank you. Committee will now proceed to deal with Bill 5, An Act to Amend the Reciprocal Enforcement of Judgments Act. Mr. Minister.

Bill 5: Reciprocal Enforcement Of Judgments Act

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. The amendment to the Reciprocal Enforcement of Judgments Act amends the act to allow a person to file with the courts a

judgment written in French. The act that is now written requires any judgment written in a language other than English to be translated prior to being filed. Some examples of that would be maintenance enforcement judgments. Basically this follows standard practice across the country and these reciprocal arrangements that if an act, for instance, comes in French from a court from Quebec, here it can be filed without being translated. If there is a request for translation, then the department would respond positively to that request. This is a standard way it is done across the country.

CHAIRMAN (Mr. Zoe): Thank you. Member for Aivilik. Mr. Ernerk, does the standing committee on legislation have any comments on Bill 5?

Comments From The Standing Committee On Legislation

MR. ERNERK: (Translation) Thank you, Mr. Chairman. Mr. Chairman, An Act to Amend the Reciprocal Enforcement of Judgments Act, deals with the laws the amendments in regard to the judgments act in the Northwest Territories. We are at the stage where the person has to pay for the victim and that victim that is being assisted can try, after six years, can state to the court where the person that is being tried -- asked to pay a certain amount of money and if this is amended, then and if there is no English, they would require written material in English if it is to be approved by the territorial judges.

According to the present system, if it is written in French then it would have to be translated to English if it is going to be enforced in the NWT. The amendments to the act, if they are approved, would be come law. The French and English would have to be written.

Mr. Chairman, the legislation committee considered this bill before the session started, on January 14, 1991. The committee was happy that the Minister of Justice, Mr. Michael Ballantyne, and his staff were able to attend our meeting to put in their views to this act. They were able to respond to the questions that came up in committee.

The standing committee on legislation recognized that this act was in place and also said that they can support this act to amend the bill, using the power of the courts, and they will be working closely together with Justice. The Minister and the Members of the standing committee on legislation were able to indicate about similar items with the Quebec justice system. Mr. Chairman, the standing committee on legislation agreed to amend this act.

CHAIRMAN (Mr. Zoe): Member for Yellowknife North.

HON. MICHAEL BALLANTYNE: I want to make sure the correct interpretation is on the record. Maintenance enforcement orders fall under their own act. This bill deals with other civil judgments, but maintenance enforcement orders are under an act itself. I just want to make sure that is clear, because I cannot remember how I expressed it in my opening statement.

CHAIRMAN (Mr. Zoe): General comments on Bill 5. Is the committee ready to go clause by clause? Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 2, where judgment is in a language other than English or French. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Does the committee agree that Bill 5, An Act to Amend the Reciprocal Enforcement of Judgments Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 29: Public Utilities Act

CHAIRMAN (Mr. Zoe): The committee will now proceed to deal with Bill 29, An Act to Amend the Public Utilities Act. Mr. Minister, are you ready to make your opening remarks?

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. The purpose of this bill is to amend the act to make the chairperson chief executive officer of the board; to exclude the chairperson from payment of an honorarium; to require the recommendation of the chairperson for the appointment of the secretary and to provide that the secretary is a member of the public service. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Any comments from the standing committee on legislation?

Comments From The Standing Committee On Legislation

MR. ERNERK: This bill would amend the Public Utilities Act to change the status of the chairperson of the Public Utilities Board. With this amendment the chairperson would also become the chief executive officer and would receive a full-time salary instead of an honorarium. Other amendments would require the Minister to consider the recommendation of the board chairperson prior to appointing the secretary of the board and would make the secretary a member of the territorial public service.

The standing committee on legislation reviewed this bill on March 14, 1991. Members were grateful to the Hon. Michael Ballantyne, Minister responsible for the Public Utilities Board, for agreeing to appear and present the bill for committee review. Generally, the standing committee was supportive of the proposed legislation. However, Members were concerned that ministerial responsibility for the Public Utilities Board and the NWT Power Corporation should always remain separate.

Members were also interested in details pertaining to the chairperson's new roles and responsibilities, including his remuneration. The Minister indicated that he would make this additional information available, and I trust that some Members of the Legislative Assembly will wish to discuss this in detail during committee of the whole today.

Mr. Chairperson, the standing committee on legislation agreed to recommend this bill for consideration of the House. That concludes my comments on the matter at this point. Thank you very much, Mr. Chairperson.

CHAIRMAN (Mr. Zoe): Thank you. Could the chairman of the standing committee on finance indicate if there are any comments from his committee?

Comments From The Standing Committee On Finance

MR. POLLARD: Thank you, Mr. Chairman. The standing committee on finance reviewed this act on March 7th and asked for information with regard to the chairman's position, salary, and so on and so forth. That information was provided to us on April 2nd by the Minister responsible, Mr. Ballantyne. I think all the questions asked by the standing committee have been answered to our satisfaction. So we would recommend the bill to this House.

CHAIRMAN (Mr. Zoe): Mahsi cho. General comments on Bill 29. Is the committee ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

--- Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 2, chief executive officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Member for Pine Point.

MR. McLAUGHLIN: Thank you, Mr. Chairman. When the committee was reviewing this bill, one of the things we discussed was the fact that the Public Utilities Board will basically be overseeing all of the public utilities in the NWT providing electrical energy to people once the NWT Power Corporation comes under the board. Obviously, a lot of times these public utilities boards, in reviewing the expenditures that public utilities have, find that these utilities may have made mistakes in their accounting procedures, or they may have made major blunders in construction or something like that, and they may take the corporation to task. They may even refuse to allow rate increases if they feel that the utility is using some sort of artful accounting procedures.

Because of the fact that the chairperson who is going to be the chief executive of this board is going to be appointed by the Minister, I would like to ask Mr. Ballantyne if there has been any consideration to a long-term situation of who will be the Minister ultimately responsible for appointing this chairman and overseeing this board? Given that the Minister responsible for Energy, Mines and Petroleum Resources would have the responsibility for the public utilities company, who is going to have responsibility for this board? It would be a concern to me that, once the utility corporation comes under this board's duties, to have the chairpersons of both those boards appointed by the same Minister might put us in a difficult situation in the future.

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

HON. MICHAEL BALLANTYNE: Thank you. Indeed the Executive took seriously the concern of Members on this issue and, I guess, the largest concern, the possibility that you could have a Minister responsible for both the PUB and the Department of Energy, Mines and Petroleum Resources. So how we decided to deal with it, and what we are looking at right now, is to move the administrative services of the PUB from the Department of Executive to the Department of Safety and Public Services; then the Minister responsible for the Department of Safety and Public Services would be

responsible for the Public Utilities Board.

CHAIRMAN (Mr. Zoe): Thank you. Clause 3, member of public service. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Clause 5, commencement. Agreed?

SOME HON. MEMBERS: Agreed.

--- Agreed?

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Does the committee agree that Bill 29, An Act to Amend the Public Utilities Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 3: Liquor Act

CHAIRMAN (Mr. Zoe): The committee will now proceed to deal with Bill 3, An Act to Amend the Liquor Act. Mr. Butters, are you prepared to make your opening remarks?

Minister's Opening Remarks

HON. TOM BUTTERS: Mr. Chairman, this amendment has been jointly drafted by an MLA, Mr. Gargan, and the government, and it comes as a result of discussions that we had at the previous session, following his withdrawal of his Private Member's Bill to effect the same objectives.

The bill contains one house-cleaning matter which the department has added to the legislation, and I will identify that when we get to that point. It is in clause 3. The main objective of the act is to give the residents of communities an opportunity to affect the terms and conditions of licences currently in place. I believe that possibly, before we have a response from the chairman of the standing committee on legislation, we might give the courtesy of some remarks to Mr. Gargan as well, because as I say, it is a joint bill.

CHAIRMAN (Mr. Zoe): Is the committee agreed that I proceed with opening remarks from the Member for Deh Cho at this time?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Zoe): Mr. Gargan.

Member's Opening Remarks

MR. GARGAN: Thank you, Mr. Chairman. Mr. Chairman, about two years ago there was a standing committee on

legislation motion recommending that a clause should be added in the Liquor Act to address the length of hours that an established bar could operate. The act before that required that you had to have a plebiscite for prohibition and then, following the prohibition, you could have another plebiscite for the restriction of bar hours. So you had to go through two really difficult things to control the length of hours that licensed premises could operate.

It was about a year ago that I came up with a Private Member's Bill regarding this and the government decided that they could sponsor something like this; I would like to thank Mr. Butters for doing that. Basically, the government has followed up on the recommendations by the committee. Pretty well, the idea behind it was that we would not have to go through two processes but actually one process. In the event that a group of people in the community decide that maybe there should be a plebiscite to restrict bar hours, you have to have 20 per cent of the eligible voters in order for it to happen. The act itself is restrictive enough so that every time a person gets angry at a licensed premises he does not just get 20 signatures and, boom, you have a plebiscite, but rather you have to have 20 per cent of the eligible population in order for a plebiscite to happen to restrict bar hours. I think the act should satisfy a person that would like to hold a plebiscite, and with the difficulty they might have in getting the number of signatures required to hold a plebiscite, I think both parties would be pretty happy with the way that the act is being drafted. I just want to request Members to support it, and I would like to thank Mr. Butters for sponsoring, it too. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Zoe): Thank you. The standing committee on legislation. Mr. Ernerk, does your committee have any comments?

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. This bill would amend sections of the Liquor Act which deal with some aspects of liquor plebiscites in the Northwest Territories. One amendment deals with liquor plebiscites, to establish the hours that licensed premises can stay open. Currently a municipality or settlement can vote by plebiscite as to whether it wishes licensed premises to follow a restricted hours system at the time when additional licences are granted. However, the act does not allow this sort of plebiscite to be held if there is a cocktail lounge licence, a dining room licence or cabaret licence already in force. This bill would alter that. If 20 per cent of the eligible voters in a community sign a petition, the Minister could hold a plebiscite aimed at finding out whether a change in the hours of operation would be favoured for operators with certain types of licences. The result of the plebiscite would be binding on all operators with that class of licence. If 60 per cent of the plebiscite voters favoured a change in hours of operation of a certain class of licensed premises, the Liquor Licensing Board would have to amend the licences to conform with the change indicated in the plebiscite.

The standing committee on legislation felt that this amendment would provide communities with a valuable tool for ensuring that the operation of each type of licensed premises conformed with local values and living standards. In addition to changing plebiscite provisions, this bill also addresses some current inefficiencies which pertain to club licences. Currently, as well, our existing Liquor Act contains no requirement that a secret ballot should be used during plebiscites. This bill would change that by including a provision that all plebiscites should use a secret ballot.

The standing committee on legislation reviewed these draft amendments in detail during its meeting on January 14th. We

were grateful to the Minister of Government Services, the Hon. Tom Butters, and his officials for presenting this bill and responding to Members' questions. We would also acknowledge the special interest demonstrated by the honourable Member for Deh Cho, Mr. Sam Gargan, in encouraging the development of new plebiscite provisions.

During our consideration of this bill, Mr. Chairman, the standing committee on legislation had questions with respect to the uncertain definition of "qualified voters" referred to in clause 45.1(1). Several Members were concerned that the Liquor Act does not provide adequate clarification of how the list of qualified voters is to be established prior to liquor plebiscites. The Minister indicated, during this discussion, that a draft regulation clarifying this could be developed and made available at the time the legislation comes forward. I will be asking the Minister to review the draft regulation within the context of our committee of the whole discussion this afternoon, and I trust that his additional work in this area will satisfy any continuing uncertainty about the eligibility of plebiscite voters.

As we expect that this is a minor concern and could be easily resolved when the Minister had an opportunity to present his draft regulation to the committee of the whole, the standing committee on legislation agreed not to delay the referral of this bill. At its meeting on January 14th, the standing committee on legislation recommended that this bill proceed for consideration to the House this afternoon. Thank you very much, Mr. Chairperson.

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

MR. ZOE: Thank you, Mr. Chairman. The chairman of the standing committee on legislation brought up a point that I would like to also raise. Once a petition is forwarded to the Minister, the act reads that it requires 20 per cent of the eligible voters. How would the Minister determine if that petition meets that 20 per cent? How is he going to determine that?

CHAIRMAN (Mr. Gargan): Mr. Minister.

Eligible Voters Determined Through Municipal Process

HON. TOM BUTTERS: Mr. Chairman, in responding to the Member and also to the chairman of the committee with regard to that specific issue, at the standing committee on legislation, when I was present with legal counsel, Mr. Aitken, we did, in responding to the question, indicate that we thought that by regulation those individuals eligible to participate could be identified. I have subsequently been advised by legal counsel, on review of the particular situation, that it would not be possible to prepare a regulation that accomplishes that particular objective. The reason that it would not is that it would conflict with the criteria set out in the statutory definition. While we would not proceed with the regulation, we would have to then carry out an enumeration, as is required, to determine eligible voters, and I would expect that, to save time and funding, that would be carried out the same time as the municipal election. We would use the municipal process to determine and identify those eligible voters.

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

MR. ZOE: Mr. Chairman, is it my understanding, then, that through regulation you are going to say something to the effect that this -- and maybe I am not getting through to the Minister -- if I go around with a petition and I get X number of voters signing the petition, how would I know, or how would you know, that those voters equal 20 per cent? The act

reads, "at least 20 per cent of qualified voters of the municipality area petition the Minister" -- then you can call for a plebiscite. To determine if my petition meets the requirement for 20 per cent of the eligible voters, I would not know and you would not know unless it is spelled out somewhere, either in the act or through regulation, as to what you would base that on. My question to the Minister was, I can collect a number of signatures through the petition, but how would the Minister determine if I meet 20 per cent or not? I would like to know how he is going to do that. Is it going to be based on the municipal voters list? Is that how it is going to be spelled out in regulation? If not, should it not be in the act?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: We would carry out the enumeration. The government would enumerate the community to determine whether or not the eligible voters met the criteria that has been established by definition.

CHAIRMAN (Mr. Gargan): Mr. Zoe.

MR. ZOE: Mr. Chairman, I am not too sure if the Minister understands what I am suggesting here. In the act, section 45.1(1) says, "where at least 20 per cent of the qualified voters in the settlement, municipality or area petition the Minister to hold a plebiscite to determine whether the hours of operation of a licensed premises of a certain class", et cetera. Pertaining to that clause it says that I can give the Minister a petition with so many signatures on that petition. How would one determine the 20 per cent? Twenty per cent of what? What lists are we basing the 20 per cent on? How is the Minister going to determine that, once he receives the petition from the community? It does not specify, in the act or through regulations. I assume the government is going to do it through regulations.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: I am not sure if I understand the Member's question or if he is having difficulty with my answer. The term "qualified voter" is defined in subsection 2(1) of the act. I hope I do not have to go through all of that definition, but a qualified voter means a person who is a Canadian citizen and has attained this status. So you enumerate the community and you determine how many people fall within that definition and then you take 20 per cent of those enumerated to determine that the person collecting the signatures on the plebiscite have met that requirement.

CHAIRMAN (Mr. Gargan): Mr. Zoe.

MR. ZOE: Mr. Chairman, I think the steps that the Minister has just indicated are after he receives the petition from the community. Then you would either do your enumeration, and so forth. But the petition that is given to the Minister, according to the act, requires 20 per cent of eligible voters. Now what list are we using? Twenty per cent of what? Of eligible voters; but what is the number? It changes from year to year. So how would you determine if the petition that is forwarded to your office meets 20 per cent of the eligible voters? How would you determine if it meets 20 per cent of the eligible voters of that particular municipality?

CHAIRMAN (Mr. Gargan): Mr. Butters.

HON. TOM BUTTERS: Well, I know what I would do if I were collecting the signatures. I would determine who had been identified as eligible voters in the past and I would make very sure that I had many more names on my list than 20 per cent. I do not really see a great problem there. We will then check and carry out an enumeration to ensure that that 20 per cent

figure is correct.

CHAIRMAN (Mr. Gargan): Mr. Zoe.

MR. ZOE: That is my question. How are you going to check that it is 20 per cent? Mr. Chairman, I assume that it is going to be done through regulations, something saying that it will be based on the last municipal election enumeration list. I assume that is how it is going to be drafted, by the municipal electoral lists. Is that how it is going to be done?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: That was the problem in committee. That is the answer that I gave, that we would use that list; but it was pointed out that you cannot very well use that list because it is dated; therefore if your petition is going to accurately reflect 20 per cent of the eligible voters, in accordance with the definition, the enumeration has to be carried out just about at the same time as the petition is circulated.

CHAIRMAN (Mr. Gargan): Mr. Zoe.

MR. ZOE: So my understanding is that if a municipality petitions the Minister, the Minister is going to do enumeration of all eligible voters. Once he establishes that list, he is going to see if the petition that was submitted to him meets 20 per cent of the enumerated people. Is that correct?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: Yes, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Zoe.

Financial Implications Of Enumeration

MR. ZOE: Mr. Chairman, could the Minister indicate what the financial implications would be? What type of costs are we looking at? Why could we not go the other route where it is done through regulations rather than conducting an enumeration? And say only if the percentage of eligible voters meets the previous electoral lists of the municipality, then he can call for a plebiscite. If not, then he has to go through it twice, basically, and it is going to be costly.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, our expectation before the committee is that that process could be used, and legal counsel did examine the possibility of doing exactly that, by regulation. But I am advised, and I quote from the information I have been provided by our legal counsel, that the regulation which permitted the person organizing a petition drive to rely on the list of voters prepared for the last municipal election would conflict with the criteria set out in the statutory definition. And that particular aspect in the definition is 22(3), which says, "a qualified voter". That means "a person who has been ordinarily resident in a settlement, municipality or area in which a petition arises for a period of not less than one year immediately preceding the date on which he signs the petition." So the status of the person at the time of the last municipal election is really not relevant to that determination. That is why we were not able to use the process of a regulation.

CHAIRMAN (Mr. Gargan): Mr. Zoe.

MR. ZOE: Thank you, Mr. Chairman. I am not too sure if the standing committee on legislation has brought this up, but it is time-consuming and it is costly to go the route that the government is proposing. Clause 45.1(1) should be made

even simpler. Why not just specify the number of petitioners or the number of qualified voters in order to hold a plebiscite? Say 25 or 30, like we do in the general election. If you get so many people nominating you, then you can run for office. Make it simpler in that respect, rather than saying so much of a percentage, because it is going to be costly just to hold an enumeration, and if the petition does not meet that 20 per cent, then we have done the enumeration for nothing.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: Yes, we did give a lot of consideration to the fact that a percentage was used. The main reason a percentage was used is because communities vary in size, and if you used 25 names, then a community such as Yellowknife could find themselves constantly being petitioned to change hours of various licensees. The 20 per cent is sufficient so that anyone who is seeking to get such a change made will have to do a lot of homework in the community, will have to consult a lot of people and obtain their permission to even put the request, in the first instance. So that is why a number of qualified voters was not chosen and a percentage was, so that it would reflect, in a balanced degree, the desire of that community to amend the hours.

I do not think it will be costly. Every year there is an enumeration and, using that enumeration, we could work in the plebiscite relative to the hours or the specific requests that the community may wish to put to the voters.

CHAIRMAN (Mr. Gargan): Mr. Zoe.

MR. ZOE: The Minister mentioned that enumerations take place every year. Not under this act. It does not take place every year. Only when you are petitioned can you call for enumeration to determine if that petition meets 20 per cent of the people enumerated.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: Where it coincides with the municipal enumeration. Then that municipal enumeration can be used. If it does not, and there is a requirement to move earlier on it, then I would imagine we would have to develop the enumeration ourselves. I do not see that as a very great problem, because the number of times you are going to get 20 per cent of the eligible voters that are going to be calling for such a petition will be rare indeed.

CHAIRMAN (Mr. Gargan): Mr. Zoe.

MR. ZOE: Mr. Chairman, I am just trying to make it easy for the Minister to administer this whole business of plebiscite and enumeration. But that 20 per cent is causing me a problem. The Minister indicated that if it coincides with a municipal election, then the enumeration from the municipal elections would be considered. If that is the case, could the legal people that drafted this bill come up with some wording where we could do it for each municipality, saying something to the effect, "Where enumeration of the municipal election" -- because it is done on a yearly basis -- saying that that enumeration would be deemed for the purpose of this act. And then once the petition is received by the Minister -- it does not matter which community it is -- he can just refer to, say, Providence. Look under Providence and say here is the last enumeration done for Providence; there are so many qualified voters, and the petition received could be 20 per cent of that number. If it meets the percentage, then he just calls a plebiscite.

I am trying to make it simpler for my colleague on the other side of the House. That is all I am doing, Mr. Chairman. Surely there are enough people, between his department and

the Department of Justice, that they could figure out something in legal terms to make it simpler. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, I have had discussion with the legal counsel. We could probably develop a piece of legislation which would be more specific with regard to that particular concern on enumeration and when one would be eligible to be considered as a qualified voter. But it cannot be done immediately. I would have to have the legislation held over until tomorrow.

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

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. Further to the bill as introduced. I think that what is being introduced right now, at least for myself, has been a concern because of the hours of operation of licensed premises. I think the abuse of alcohol has been a common concern here in the North. Too many communities do not have enough control. Alcohol is too easily accessed. People are allowed to order the liquor they want. Or bars are open. Especially in the smaller communities, there are not that many licensed establishments, but they are allowed to order alcohol and this is a concern by community residents.

Percentage Requirement In Plebiscite Vote Too High

The communities are interested in having more control over the transportation of alcohol into the communities. I think this is similar in the bill that we are looking at right now, whereby if 60 per cent vote in favour, they can be authorized to control the hours of operation or the sales of liquor in their communities.

We had a real problem in Resolute Bay because of this. There are two communities closely linked together in the Resolute Bay area. We have the community itself and the airport base. I am sure we have smaller communities that have similar problems. I think this 60 per cent is just too high for those communities, to enable them to have more control. I think the recommendation of 60 per cent is too high. My reason for that is that it has been an ongoing concern in Resolute Bay, and we decided that we should decrease the 60 per cent requirement down to about 52 per cent for our communities to be able to exercise more control over the consumption of alcohol. The main reason is that alcohol is being shipped into communities. Obviously it is not distilled or made in the NWT. Today it is as though we are having a reawakening of bad effects and the problems that can stem from the abuse of it.

I realize a lot of communities have full control, and they are starting to get alcohol committees formed in the communities. Many of these committees are operating very well; however, I think they should have a plebiscite. I mean, this is the procedure right now; and they should also hold elections on what types of controls should be introduced. This 60 per cent requirement sometimes is not able to be reached by the smaller communities. The 60 per cent figure has been a concern of mine. I think it is much too high and just wanted to make comments on that. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Pudluk. Mr. Minister, would you like to respond?

HON. TOM BUTTERS: No, I understand the Member to be making a comment on the situation. I would indicate, though, that should this legislation pass, it would give a community a greater degree of control than it had before, where the hours that a licensee was operating under are inconvenient or

inappropriate in one specific, particular community; and to improve the quality of life, those hours, through a plebiscite, could be amended and be made more reasonable.

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

MR. POLLARD: Thank you, Mr. Chairman. I would like to state to the House that I do own 50 per cent of a company that does hold a liquor licence with this government. It is a guest room licence at a fishing lodge, so I will declare that before I speak.

The question that I would like to ask, through you, Mr. Chairman, to the Minister is, What does "area" mean? How is an area determined? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, it would be a group of individuals who are really not formed into any organized municipality or settlement. I guess it would refer to an outpost camp or something like that, which has no organization.

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

MR. POLLARD: Mr. Chairman, I do not have to tell you that the Minister's command of the English language is a whole lot better than mine, but I would determine an area to be any area, and if that happened to include Fort Smith and Hay River, then I can see Fort Smith getting involved in Hay River's liquor licences and vice versa. I would ask the Minister if area is defined somewhere in this bill, or in the bill that is being amended. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: No, Mr. Chairman; "area" is not defined. However, as settlements and municipalities are described, one would assume that it is the particular definition that I gave earlier on.

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

MR. POLLARD: Mr. Chairman, I would seek clarification, through you, sir, from our Law Clerk, sitting at the table, on that particular issue. Thank you.

CHAIRMAN (Mr. Gargan): Thank you. Madam Law Clerk, will you give us an opinion on "area"?

LAW CLERK (Ms. MacPherson): Mr. Chairman, "area" is undefined in this legislation and to my knowledge is not defined in the Interpretation Act either. I would point out that if municipalities, or a group of municipalities, sought to use this section inappropriately, the Minister does have some discretion in terms of ordering a plebiscite. The Minister is not bound to order that a plebiscite be held; there is some discretion.

As to whether by virtue a settlement or municipality -- the inclusion of the words "settlement" and "municipality" does not mean either of those two. I would have to say that it is not very clear in this legislation as to whether an area would exclude a settlement or a municipality. It is just not very clearly worded.

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

MR. POLLARD: I wonder, Mr. Chairman, if the Minister could tell us if area is mentioned in the Liquor Act that is being amended by this bill? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, the word is contained in the definition of a qualified voter and also in the amendment which is before the House.

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

MR. KILABUK: (Translation) Thank you, Mr. Chairman. Regarding the comment on the 60 per cent that was made by the Member for High Arctic, I think it is fine for the larger communities. I do not mind this 60 per cent requirement for the larger communities, but perhaps the government can consider, for the communities with less than 500 population, maybe they could have a smaller percentage requirement to have a plebiscite. If a community has a population of 500 or more, I think the 60 per cent requirement would be just fine.

Problems With Alcohol In Dry Communities

Further to Mr. Pollard's comments, I would want clarification on the word "area". I know in the Baffin Region there are three communities that do not allow liquor in the communities, those being Lake Harbour, Pangnirtung and Clyde River. When people from the South travel to the North they often have to go through these smaller communities that ban liquor; what kind of authority does the government have. If a person is just going through a community that does not allow alcohol, and this person stays overnight in the community, what kind of authority does the government have, or is it up to the community for them to accept or not accept a person who has liquor in the community?

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

HON. TOM BUTTERS: Mr. Chairman, just to reiterate that the petition would require at least 20 per cent of those qualified to vote in the municipality, settlement or area. To pass, it would require at least 60 per cent of the votes cast in a plebiscite; 60 per cent of the votes of those people that came out to vote -- not 60 per cent of the qualified voters in the community.

CHAIRMAN (Mr. Ningark): (Translation) Thank you, Mr. Chairman. Mr. Kilabuk.

MR. KILABUK: (Translation) I do not think he understood my question. In Pangnirtung they have voted not to have liquor in the community. Through the plebiscite they have had in the past does not seem to give them control over the liquor that is coming into the community. What kind of authority does the community have even though a community is supposed to be a dry community, there are some people that often come into a dry community and still have liquor. I still do not understand this. Even though a community is supposed to be dry, there are still some people coming in with alcohol. What kind of control does the community or hamlet council have over this? Thank you, Mr. Chairman.

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

HON. TOM BUTTERS: Mr. Chairman, the question deals with an aspect of the act which is not under consideration at the present time. But the answer to the Member's question is that a person acting in the manner that has been described would be liable under the act and could be and should be charged. Information should be laid against that individual.

I would point out, too, that this petition and this plebiscite does not deal with the situation in dry communities. It really relates to and amends and affects a situation in communities where a licence has already been approved; and it is directed to changing the conditions of that licence.

CHAIRMAN (Mr. Ningark): Thank you. Mr. Kilabuk, ... (No translation)

This is what we are dealing with right now. We are specifically talking about dealing with licensing within the given community. I do not think we are talking about dry communities, are we? I just wanted to correct the Member. Mr. Gargan. Go ahead, Mr. Ernerk.

MR. ERNERK: A point of privilege, Mr. Chairman. The honourable Member for Baffin Central asked a question of the Minister. Surely he has a right to receive an answer for his question, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Ningark): I was just pointing out to the Member. Mr. Minister, would you like to respond, please?

HON. TOM BUTTERS: Mr. Chairman, I did answer the question. I indicated that the situation as described by the Member for Baffin Central was clearly an infraction of the existing Liquor Act, and the individual who created that situation should be charged under the act and could be charged under the act as it currently exists. I answered that first before I indicated this dealt with licences.

CHAIRMAN (Mr. Ningark): Mr. Kilabuk.

MR. KILABUK: (Translation) Thank you, Mr. Chairman. I know for a fact as do the RCMP that they do not bother the people that have liquor in their luggage even though they know it is there when they are travelling from one community to another as long as the person is not going to be in the dry community for long. The RCMP, particularly in Lake Harbour, Sanikiluaq and other communities that are dry, have notices there stating that there is no alcohol allowed in this community. When tourists come into these communities I know for a fact that they bring in alcohol when they are travelling through these dry communities even if they stay overnight and even though the community has requested to be a dry community. The authorities do not seem to have any control over the people that come into the dry communities with alcohol. I know this has been an ongoing problem. Thank you.

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

HON. TOM BUTTERS: I understood that to be a comment. I do know that signs as described by the Member are posted in many communities so that people that are travelling into these communities with alcohol are duly warned that carrying alcohol into the community is breaking the law. People are aware that it is against the law in the community and should govern themselves accordingly.

CHAIRMAN (Mr. Ningark): Mr. Kilabuk.

MR. KILABUK: (Translation) Thank you, Mr. Chairman. My last comment. Can the Minister consider putting into the act how the community can have more authority over the control of liquor? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark): Mr. Minister.

HON. TOM BUTTERS: This concern has been raised before. I have heard it when I travelled to Pelly Bay and I have looked into the matter. I do believe there is sufficient strength in the current act to provide the community with the control it requires. However, I will, at the Member's request, examine the act to see whether it could be made stronger or individuals could be informed of the particular provisions so that they could be enforced to a greater extent than they are currently. Sure, we will look at it.

CHAIRMAN (Mr. Ningark): Thank you. I am having a little difficulty here. We are talking specifically to the club licensing, I think. I think we should stick to the content of the bill.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ningark): That is what I was trying to raise earlier. (Translation) Mr. Kilabuk, we are dealing with the licensed premises not with the dry communities at this time. Do you understand this? We are trying to deal with licensed lounges and clubs. Do you have any further comments, Mr. Kilabuk?

MR. KILABUK: (Translation) Thank you, Mr. Chairman. I just want to make a comment. I am sure there are a lot of communities that do not have licensed premises. The communities that I have mentioned do not have licensed premises. Thank you.

Communities Do Not Have Control Over Licensed Premises

CHAIRMAN (Mr. Ningark): Member for Deh Cho.

MR. GARGAN: Mr. Chairman, one of the main reasons for requesting the government to make amendments to the Liquor Act is basically because presently the act itself calls for a plebiscite for prohibition. So it addresses certain communities. Also under the same section, paragraph 46(2)(b) was repealed basically because that was a section that dealt with licensed premises and where there are licensed premises the act does not allow for a plebiscite to happen. It exempts those communities who have licensed premises, bars, so that they are not allowed to hold a plebiscite in those communities. Also the only way to get around that is if you decide to hold a plebiscite, you can only hold a plebiscite for prohibition. So it only addresses one type of prohibition or restriction.

The reasons I requested the government look at amending the Liquor Act is basically to give those communities, where there are licensed premises, not prohibiting them from selling alcohol, but actually to find an avenue for restricting the amount of hours that a licensed premises could operate. Then the communities are given the opportunity to address that issue. If a number of people in the community decide the licensed premises operating until 2:00 in the morning is not good for the children, it also raises concerns for senior citizens that are going to be caught 2:00 or 3:00 in the morning, walking home or freezing to death. You could address it through a plebiscite to restrict bar hours, perhaps even during the winter months. That is basically the intent of the amendment itself.

Also, Mr. Chairman, on a number of occasions I have lost several people because they were not being watched after the bar closes. Last year a senior citizen died and a year before the same thing happened. So you run into these kinds of situations. And basically the intent of the amendment addresses a certain situation in my own constituency, while other constituencies are not being affected by the amendment itself. Where they do not have licensed premises, the issue for them is to review whether or not they should be supporting me with regard to addressing my particular concern. Because the act itself allows for prohibition to still occur in communities where they do not have licensed premises.

The other thing is that rather than going through an expensive process of having a plebiscite for prohibition and then a plebiscite to restrict bar hours, you eliminate that type of a situation by having one plebiscite. But you could only have it if you have 20 per cent of the eligible voters. In order to

justify your expenditure, 20 per cent is a large number. In my community we have 360 eligible voters, in Fort Providence. So I need at least 75 signatures in order to justify my plebiscite, rather than 20 persons.

So I think we have addressed the situation of expenditures because you reduce your process by only having one plebiscite and asking the eligible voters that affects my own constituency.

So basically the intent of the amendment is to address a situation in my constituency where people do not have the political process to address a problem and bring the people out to express that opinion through a plebiscite. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, as the Member pointed out, we are not talking about all the communities in the NWT, we are just talking about those communities in which licensed premises exist. Probably seven or eight communities only. Let us take for example the specific and particular situation he described, where we would require 75 signatures. I put this to the Member for Rae-Lac la Martre. Say, as Minister, I get 80 signatures on a petition. To get 20 per cent you need the 75, as Mr. Gargan has pointed out. That will be 20 per cent of the eligible voters.

CHAIRMAN (Mr. Ningark): Order please. The Minister has the floor.

HON. TOM BUTTERS: Well we will look at the signatures provided. All those names that appear on the previous voters list obviously are eligible voters. If there are five names that are not eligible, then we will just check those five out and if they meet the criteria that is contained in the act, then we will go ahead with it. It is at ministerial discretion and we will examine the particular situation very carefully. I think we would best go with the legislation we have and allow the Minister of the day to determine how he will deal with it.

CHAIRMAN (Mr. Ningark): Mr. Zoe.

MR. ZOE: Mr. Chairman, I am not disagreeing with my colleague for Deh Cho on the intent of the bill. It is an administrative thing I am pointing out to the Minister. One, is the method of how they are going to determine that 20 per cent of qualified voters, because eligible voters change from day-to-day. I think we can make it simpler if the legal people can word it some way that they make reference to the electoral lists of the municipality. Because that occurs from year to year and if the municipal election lists from Providence is 325, I think you indicated you need 75 voters to make the 20 per cent, then that is where you base your 20 percentage on. The guy that is walking around collecting signatures would know that you require 70 or 75 signatures to make 20 per cent. Once you receive it as Minister, you can refer to the last municipal election list from the municipality and say they had 300 and some eligible voters and the petition is 75, so they meet 20 per cent of that particular list. You still have to check the others out to see if they meet the criteria of eligible voters. You can do that to all of them. That is not the point I am getting at. It is the way you are going to determine that 20 per cent.

Secondly is the question of area. It is a legal question that has to be clarified, Mr. Chairman, it is the definition of area. I am having difficulty with the question of area. Say for instance, a lodge just north of Yellowknife -- I consider that to be in my area, in the North Slave region area -- so if I get a petition from my community saying, "Those people operating a licence, their hours are too long, we should cut them back"

and I give a petition to the Minister, does that constitute that they are in my area? My understanding is that there is no legal definition of area. That is another area I have problems with, Mr. Chairman. I think, Mr. Chairman, that it would be appropriate at this time if I move a motion.

Motion To Defer Bill 3, Ruled Out Of Order

Mr. Chairman, I move that Bill 3 be deferred until all other matters in committee of the whole are dealt with.

CHAIRMAN (Mr. Ningark): Order please. I am being told by my advisers here that the motion is out of order. General comments. Mr. Zoe.

Chairman's Ruling Challenged

MR. ZOE: Mr. Chairman, I challenge your ruling.

CHAIRMAN (Mr. Ningark): My ruling has been challenged. I will rise and report to the Speaker.

MR. SPEAKER: The honourable Member for Natilikmiot.

MR. NINGARK: Thank you, Mr. Speaker. I was chairing the committee of the whole and my ruling was challenged. Thank you.

MR. SPEAKER: Life as a chairperson. I will consider the matter and report back to the House tomorrow. I will now ask that you return to committee of the whole, with Mr. Ningark in the chair.

After consideration again, the matter before you is a matter of a motion to defer the item and until I report with a ruling it is not possible to return to that particular item. After I report with a ruling, it is not possible to return to that particular item.

Item 19, third reading of bills. The honourable Member for Yellowknife North.

HON. MICHAEL BALLANTYNE: Mr. Speaker, I seek consent to proceed to third reading of Bill 2, Department of Justice Act.

MR. SPEAKER: The honourable Member for Yellowknife North, the matter of third reading of bills cannot be considered with regard to any of the bills because the matter has not been reported out of committee of the whole.

Third reading of bills.

HON. DENNIS PATTERSON: Point of Order

MR. SPEAKER: Point of order. The honourable Member for Iqaluit.

HON. DENNIS PATTERSON: Mr. Speaker, I wonder if I might humbly seek unanimous consent to go back to petitions?

MR. SPEAKER: The honourable Member for Iqaluit is humbly seeking unanimous consent to return to Item 9, petitions. Are there any nays? There are no nays. Proceed.

ITEM 9: PETITIONS

HON. DENNIS PATTERSON: (Translation) Thank you, Mr. Speaker. I would like to table Petition 13-91(1), a petition from Iqaluit. The residents of Iqaluit have a concern with regard to the drug use in Iqaluit and they would like to use a dog to sniff the drugs that are coming into the community. (Translation ends) They would like to protest the decision

preventing dogs in assisting with drug searches and call for an appeal. Thank you.

---Applause

MR. SPEAKER: Item 20, orders of the day. Mr. Clerk.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, there will be a meeting of ajauqtit at 9:00 a.m. tomorrow morning; at 10:00 a.m., caucus; and at 11:30 a.m., a meeting of the special committee on constitutional reform.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Tuesday, April 16th.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Oral Questions
6. Written Questions
7. Returns to Written Questions
8. Replies to Opening Address
9. Petitions
10. Reports of Standing and Special Committees
11. Tabling of Documents
12. Notices of Motions
13. Notices of Motions 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: Tabled Document 22-91(1); Bills 3, 4, 5; Committee Report 2-91(1); Bills 8, 9, 10, 18, 23, 24, 25, 26, 32; Committee Report 6-91(1); Bills 2, 13, 16, 15, 29, 31
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 1:30 p.m., Tuesday, April 16th, 1991.

---ADJOURNMENT

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