



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

8th Session

11th Assembly

HANSARD

Official Report

DAY 40

TUESDAY, JULY 2, 1991

Pages 991 - 1016

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

Cournoyea, 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)

Ermerk, 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
(Natilikmiot)

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

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

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

TABLE OF CONTENTS
TUESDAY, JULY 2, 1991

	PAGE
Prayer	991
Ministers' Statements	
- 83-91(1) Aboriginal Constable Development Program	991
- 84-91(1) "Masters of the Arctic" Exhibition, Tokyo, Japan	991
Members' Statements	
- Mr. Pudluk on Recovering Lost Equipment, Arctic Bay Hunters	991
- Mr. Ernerk on Canada's Birthday	992
- Mr. Whitford on Presentation of Canada Day Youth Awards	992
- Mr. Crow on Rejection of Sanikiluaq Nominee Re Environmental Review Panel	992
- Mr. Pedersen on Kitikmeot Conference of Elected Leaders	992
- Mr. Ningark on Future for Kitikmeot Region	993
- Hon. Jeannie Marie-Jewell on Float in Canada Day Parade, Fort Smith	993
- Hon. Titus Allooloo on Praise for Rescuers Re Stranded Hunters	993
- Hon. Dennis Patterson on Award for Nunatta Campus	993
Returns to Oral Questions	993
Oral Questions	994
Written Questions	1001
Returns to Written Questions	1001
Tabling of Documents	1001
Notices of Motions	1002
Notices of Motions for First Reading of Bills	1016

TABLE OF CONTENTS, JULY 2, 1991 (continued)

	PAGE
First Reading of Bills	
- Bill 36 - Borrowing Authorization Act, 1991-92	1003
- Bill 46 - Supplementary Appropriation Act, No. 1, 1991-92	1003
Second Reading of Bills	
- Bill 40 - Public Service Act	1003
- Bill 45 - Wildlife Conservation Act	1002
Consideration In Committee of the Whole of	
- Bill 44 - Access to Information Act	1004
Report of Committee of the Whole	1016
Orders of the Day	1016

YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, JULY 2, 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. Whitford, Hon. Gordon Wray, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Orders of the day for Tuesday, July 2, 1991. Item 2, Ministers' statements. The honourable Member for Yellowknife North.

ITEM 2: MINISTERS' STATEMENTS

Ministers' Statement 83-91(1): Aboriginal Constable Development Program

HON. MICHAEL BALLANTYNE: Mr. Speaker, on May 8 and 9, 1991 the Royal Canadian Mounted Police in the Northwest Territories took a significant step in attracting aboriginal persons to join the force in the North. Constable Bella Snowshoe from Fort McPherson and Constable Tim Cook from Fort Good Hope became the first applicants in the Northwest Territories to be sworn in under the new aboriginal constable development program. Bella and Tim were formerly supernumerary special constables under the RCM Police student summer program. Constable Cook follows a career also taken by his brother, Wilbur, who served with the force as a special constable until 1987.

This program is designed to support and facilitate basic recruit training entrance standards for aboriginal candidates interested in a career in the force who do not necessarily meet these requirements. The aim of this initiative is to allow these new recruits to compete on an equal basis with other candidates at basic training in Regina. It is likely that five additional candidates will be accepted by "G" Division into this program by the end of the summer. This year the Northwest Territories was allotted a quota of seven applicants out of 20 nationally in the implementation of this new career option for aboriginal persons. Thank you.

MR. SPEAKER: The honourable Member for Kivallivik.

Ministers' Statement 84-91(1): "Masters Of The Arctic" Exhibition, Tokyo, Japan

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I would like to inform Members about the recent success of the Amway-sponsored "Masters of the Arctic" exhibit at the Canadian Embassy in Japan.

Mr. Speaker, the official opening of the exhibit last May 27 has generated great interest and enthusiasm about the Northwest Territories among the Japanese people. The prestige of this exhibit is underscored by the fact that the "Masters of the Arctic" exhibit was officially opened by the Prime Ministers of Japan and Canada, with the Emperor and the royal family of Japan also present. The Government of the Northwest Territories was represented at this event by the Government Leader, the Hon. Dennis Patterson.

Mr. Speaker, I am pleased to announce that our government has provided this outstanding exhibit with curatorial and other support which has contributed greatly to the success of this event. Travel assistance was provided for the exhibit curators; Deputy Commissioner Ann Hanson; Chris Stephens, director

of the Northern Heritage Centre; and Helen Webster of Iqaluit, as well as two Inuit artists, Kelly Pishooktee of Iqaluit and David Ruben Piktouqen of Toronto. The presence of these Inuit artists at the opening helps to underscore the fact that this artwork is the product of a living culture.

I have been informed by Embassy staff, Mr. Speaker, that since the opening of the exhibit, attendance has averaged more than 250 people per day and that the total number of visitors to the exhibit is now in excess of 5000. I was also informed that the Canadian Embassy has had to hire additional temporary staff to handle the many requests for more information about Inuit art and the Northwest Territories. Evidently the Japanese language brochures developed by my department and distributed at the exhibit have also proved to be extremely popular with the visitors to the Embassy.

There have been many Japanese media reports about the "Masters of the Arctic" exhibit, Mr. Speaker, including a six minute prime time television feature on the Nippon Broadcasting Service, NHK. This newscast also featured Arctic Co-operative's commercial exhibition and reached millions of Japanese viewers. Mr. Speaker, it is this kind of promotion which we will continue to encourage in our efforts to develop the Japanese market place.

In order to take advantage of the publicity surrounding the opening of the Canadian Embassy and the opening of the "Masters of the Arctic" exhibit, my department provided contribution assistance to Arctic Co-operatives for their \$130,000 commercial exhibit at the Kurashino Teccho Gallery in Tokyo. Preliminary figures obtained by my staff indicate that at least 60 per cent of the exhibit has been sold and that negotiations are continuing for the sale of the remaining balance of the exhibit.

Mr. Speaker, the Japanese market has enormous potential for a wide variety of NWT products, including tourism packages, food items, and other natural resources as well as arts and crafts products. My department will be playing a lead role in assisting the private sector to reap the benefits of this market. A large commitment in terms of energy and resources will be required to tap into this marketplace, but I believe that the long-term payoff for this government will contribute to a strong and stable economy.

Mr. Speaker, I will continue to keep the Members informed about the "Masters of the Arctic" exhibition and our progress in establishing new markets for NWT products in Japan. Thank you.

---Applause

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Recovering Lost Equipment, Arctic Bay Hunters

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I rise

today to express my concern about a situation in my constituency. On June 31, some hunters in Arctic Bay had to be rescued from the floe edge and taken back inland by helicopter while they were hunting on the floe edge. There were about 54 of them that had to be taken inland, and I am happy to say there was no loss of life. The bad part of this was their hunting equipment; over 15 items in all, such as skidoos and komatiks, are lost on the ice, and they have not been able to find them as yet.

The reason why ice around that area breaks up so early is because the ship that picks up ore from Nanisivik Mine travels near the floe edge in May, contributing to the early break-up of ice where hunters normally hunt for belugas for food. The people of Arctic Bay would like to know if they can get assistance to locate the hunting equipment they lost or if anyone can tell them where the equipment is. They are trying their best at this time to look for their lost equipment, but it is not a good time of year because they cannot travel by ice and they cannot travel by boat because of ice conditions. Thank you, Mr. Speaker.

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

Member's Statement On Canada's Birthday

MR. ERNERK: Thank you, Mr. Speaker. The residents of Rankin Inlet celebrated Canada's birthday on July 1, yesterday, with all types of recreation, games, dancing and square dances. Although I am very proud to be a Canadian, Mr. Speaker, I took my Inuit homeland for granted when I was a boy growing up in Naujaat, Repulse Bay, and did not know much about the rest of Canada. I first learned the words to "O Canada" when I attended school in Chesterfield Inlet in 1958. "The true north strong and free" -- how true it was and how true it is today!

Mr. Speaker, I find that whenever we travel outside of Canada, people always treat us as special because we are Canadians. They know that Canada is one place in the world where a person has always had the freedom to do anything he or she wants. Canada is also a very proud nation made up of many different cultures. Despite our diverse backgrounds, Canadians have always fought to hold this nation together.

Last night, Mr. Speaker, I watched television coverage of Canadians from all walks of life celebrating Canada's birthday and also of new Canadians being sworn in as citizens. One man was asked by a reporter how he felt. He said he was happy. The reporter asked him why, and the man said, "Because I am free now." Mr. Speaker, let us all try to ensure that we always have this great country as our home, prosperous and special with security, happiness and freedom for all. Thank you, Mr. Speaker.

---Applause

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

Member's Statement On Presentation Of Canada Day Youth Awards

MR. WHITFORD: Thank you, Mr. Speaker. Today, I would like to recognize nine young people from across the Northwest Territories who on Canada Day received a newly established Canada Day Youth Award. The award, Mr. Speaker, is designed for young people who are making outstanding contributions to their community, to special groups or individuals within their community, toward improving the environment or toward promoting Canadian values in some special way. Requests for nominees were sent to all of the

communities in the NWT earlier this year, Mr. Speaker. Nine nominations were received, and consequently nine awards were given this year. They are: Raurrie Ellsworth of Iqaluit; Marlene Kanayuk of Pangnirtung; Celestine MacCauley of Fort Norman; Philip Inuktalik of Holman; Kim Deneron of Fort Liard; Dolphus Nitsiza of Lac La Martre; Kim Falconer of Yellowknife; Scott Robertson of Yellowknife; and Janet Hewitt of Yellowknife.

I would like to offer, on behalf of constituents of mine, congratulations to those young people and their exemplary contributions to Canada and Canada Day, and also the year.

---Applause

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

Member's Statement On Rejection Of Sanikiluaq Nominee Re Environmental Review Panel

MR. CROW: Thank you, Mr. Speaker. Mr. Speaker, I was absolutely shocked on June 28 when the Minister of Renewable Resources announced that the federal and Quebec governments have turned down the Sanikiluaq nominee for the James Bay II environmental review panel. I respectfully disagree with the Minister's statement that it is a major accomplishment for our nominee to be considered as a technical adviser. The people of the Belcher Islands and the NWT are going to be directly affected by Hydro-Quebec's greedy assault on the environment. It is critically important for us to have adequate representation on the panel itself and have a vote. A technical adviser is not enough.

I was pleased to hear that the Minister intends to address this matter further with his federal and provincial counterparts. I would urge him to be forceful in his dealings with them and to let them know that the NWT will not accept their decision. We will not accept the sort of disrespect we have been shown by Ottawa and Quebec City throughout this prolonged nomination process. Thank you Mr. Speaker.

AN HON. MEMBER: Hear, hear!

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

Member's Statement On Kitikmeot Conference Of Elected Leaders

MR. PEDERSEN: Thank you, Mr. Speaker. I rise today to inform the House of a conference I attended over this weekend. I travelled to Bathurst Inlet, in my constituency, accompanied by the other two MLAs from the Kitikmeot, the Hon. Nellie Cournoyea and the honourable John Ningark.

We attended a conference that was called for Kitikmeot elected leaders. Those in attendance, Mr. Speaker, were the regional council, represented by the speaker of the council, and all the mayors of the communities in the Kitikmeot Region except for Holman. The mayor of Holman, unfortunately, had damaged his leg falling off a roof. Also in attendance was the president of the Kitikmeot Inuit Association and the elected heads of the divisional board of education, the regional health board the regional hunters and trappers, the regional housing, the regional tourism association -- everyone who regionally represents and is elected in the Kitikmeot. There was no staff present, Mr. Speaker, except for recording staff.

Mr. Speaker, this conference was first discussed earlier this spring when we had some difficulty achieving agreement on support for the Economic Development Agreement, and the main topic of discussion was how the region could go about

development, both economic and social, in the immediate future and how we could ensure that governments would listen to the region so we would get a more equitable share of expenditures in the NWT.

Mr. Speaker, I would like to point out that this conference was not a government conference; it was not funded by the government, each participant was responsible for funding their own participation and did so. Thank you.

---Applause

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

Member's Statement On Future For Kitikmeot Region

MR. NINGARK: (Translation) Thank you, Mr. Speaker. I would like to make a brief statement with regard to the meeting that we had as Kitikmeot MLAs. We had a meeting with regard to what the future will hold for us. We were not told by the government what to do, so we met as Kitikmeot people. There are not many people in Bathurst Inlet, but I would like to thank them and the people who assisted in making the conference possible. I am sure that in the Kitikmeot Region there is not very much employment at the present time like they have in Yellowknife. There are not as many buildings in our region, such as hotels and other infrastructure, like they have in Yellowknife. There are also not very many scheduled aircraft and, therefore, not as many charter flights as around Yellowknife. When we talk about creating employment, I always think that Yellowknife is very fortunate because there is employment and other infrastructure, but in the smaller communities in the Kitikmeot Region we do not have any employment readily available to us, so that is what the meeting was all about -- what the future holds for us in the Kitikmeot Region. As a Member of the Legislative Assembly, after the next territorial election, once you come back, we would like your assistance in helping us out in that endeavour. Thank you.

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

Member's Statement On Float In Canada Day Parade, Fort Smith

HON. JEANNIE MARIE-JEWELL: Thank you. First of all, Mr. Speaker, I would like to take this opportunity to thank my constituents of Fort Smith who put a lot of time and effort into making a float for me to take part in yesterday's community events on Canada Day.

---Applause

I was very pleased with all the work that they did. They had a float that reflected the theme of a garden. My children all participated, and we were able to see all the constituents that came out for the parade, but most surprising is that we also took first prize in the individual category, which we did not expect.

---Applause

I certainly would like to take the time to thank my constituents for all the work and effort they did, in particular a special thank you to Joe Bird, and I thank Fort Smith for having such a good Canada Day for all of the community residents.

In closing I would also like to wish my husband, Malcarm Jewell, a happy birthday on behalf of myself and my children, Clinton, Trina, Shelly, and Melanie. Thank you, Mr. Speaker.

---Applause

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

Member's Statement On Praise For Rescuers Re Stranded Hunters

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I also wish to join my colleague, the Member for High Arctic, to congratulate those people who have been working vigorously this weekend trying to retrieve people from Arctic Bay, and from Pond Inlet who were drifting on the ice floe, dealing with winds from 50 to 80 kilometres per hour. Fortunately, people were able to get back to safe ice. First of all, I would like to congratulate the hamlet of Pond Inlet, HTA from Pond Inlet, and the RCMP, who were able to work together to strategize how they could get those people, who were drifting out toward Greenland from North Baffin, back to the safe ice. Also, I would like to congratulate hunters and trappers who had organized people from Pond Inlet to go down to the floe edge with their canoes and to try and retrieve the equipment that was drifting.

I would especially like to send a message to the people who have been attacking our hunting. Hunting is not always fun. In hunting you take your chances in order to keep your people alive and to feed them. Hunters take an awful lot of chances with their own lives.

I would also like to send a message to the people of the communities, that traditional knowledge is very important and it is needed; and in these types of events we should ask our elders what would be the best tools that we could use. Thank you.

MR. SPEAKER: I would like to remind the honourable Member that one should stick to one particular item in your Member's statement. Members' statements. The honourable Member for Iqaluit.

Member's Statement On Award For Nunatta Campus

HON. DENNIS PATTERSON: I am very pleased to announce a very significant achievement by the vice president and staff of Nunatta Campus at Arctic College in Iqaluit. The Nunatta Campus, Mr. Speaker, and the Atii program, won the 1991 National Award for Excellence in the business education, post-secondary category of the Conference Board of Canada. They won the award for the Atii program, which I think is an excellent example of co-operation between aboriginal organizations and the college. I want to especially give credit to the vice president of Nunatta Campus, Don Couch, and his excellent staff for this distinction. Thank you.

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

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question O504-91(1): Actual Costs Of Grade Extensions

HON. STEPHEN KAKFWI: This is in response to a question asked by Mr. Pedersen on June 25 in regard to funding to the Kitikmeot for grade extensions. The Kitikmeot Divisional Board of Education submitted a funding request to the Department of Education for \$204,000 earlier this year for the implementation of grade 10 for nine students in Cambridge Bay in the 1991-92 school year. Since this request was received after the main estimates were completed, it was forwarded to the Financial Management Board, who were

unable to provide the necessary funding.

In Yellowknife the cost to provide grade 10 to these nine students would amount to \$35,000 for teacher costs and \$79,200 for residence costs, totalling \$114,200. In Cambridge Bay the cost would amount to \$164,000 for teacher costs, and there would be no residence costs. Sir John Franklin High School in Yellowknife is more cost effective because it is large enough to use the 16 to one pupil-teacher ratio. The school in Cambridge Bay is small and would require two additional teachers to deliver the grade 10 program for the nine students. The overall cost analysis reveals that a \$50,000 savings would be realized by having the students attend Sir John Franklin High School. Thank you.

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

Further Return To Question O494-91(1): Victims Of Assault To Remain In Their Residence

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I have a return to an oral question asked by Mr. McLaughlin in respect to victims of assault remaining in their residences. The issue of securing safe living spaces for victims of family violence is of particular concern in the NWT communities. Housing of all kinds is in exceptionally short supply, and victims are often forced to choose between continuing to live with a batterer or leaving their home, family and even community.

As part of the family law review being conducted by the Department of Justice with the participation of the Department of Social Services, issues of family property, including possession of the family home, have been identified as requiring legislative change. The report of the family law review working group is now anticipated for August 1991. Legislative changes will be brought forward based on the recommendations of this report and their impact on programs and policies.

I am in agreement with the position stated by the Member for Pine Point. I, too, would like to see batterers removed from homes, rather than victims, and I am confident that members of the family law review working group will be suggesting a similar approach when we receive their report. Thank you.

MR. SPEAKER: Returns to oral questions. Returns to oral questions. Item 5, oral questions. The honourable Member for Deh Cho.

ITEM 5: ORAL QUESTIONS

Question O566-91(1): Victim Of Assault Appearing In Court

MR. GARGAN: Mr. Speaker, I would like to direct my question to the Minister of Justice. Last fall I made a Member's statement with regard to a woman that was supposed to appear in court as a witness and was taken to Iqaluit. Also, last month, on June 25th, there was a woman that was also supposed to testify against a gentleman that abducted her and assaulted her in Lakeview Cemetery. I would like to ask the Minister whether or not this woman has been located and whether she has been brought back as a witness to the trial that should have taken place on June 25th.

MR. SPEAKER: Honourable Member for Yellowknife North.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I will take the question as notice.

MR. SPEAKER: Thank you. The honourable Member is

taking the question as notice. Oral questions. Honourable Member for Baffin South.

Question O567-91(1): Drug-Sniffing Dog, Iqaluit

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Justice. Just before I came to Yellowknife, I attended a meeting on alcohol abuse. The Baffin Alcohol and Drug Committee invited me to come to their meeting last month. I was asked to ask the Minister of Justice a question regarding the RCMP dog that has sniffed out drugs at the airport. The committee heard that this dog violated the Charter of Rights for this particular person. The Baffin Alcohol and Drug Committee wants this dog to stay in Iqaluit. I am asking the Minister of Justice if he can support this request. Thank you.

MR. SPEAKER: Honourable Member for Yellowknife North.

Return To Question O567-91(1): Drug-Sniffing Dog, Iqaluit

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. The particular case referred to by the honourable Member is under appeal, but I would like to state the government's position, that we think the use of trained dogs as a tool in the battle against drugs is a very useful tool, and we have every intention, unless courts ultimately tell us otherwise, to use dogs in the battle against drugs. Thank you.

MR. SPEAKER: The honourable Member for Natilikmiot.

Question O568-91(1): Gjoa Haven Social Worker

MR. NINGARK: Thank you, Mr. Speaker. When I attended the meeting over in Bathurst Inlet, I had the opportunity to have a discussion with some of the mayors. I would like to direct my question to the Minister responsible for Social Services. The mayor from Gjoa Haven indicated to me about his concern with regard to the social worker being moved out of Gjoa Haven to Cambridge Bay. He figured he should be in Gjoa Haven because he was hired for that community. Madam Minister, when will this social worker be back to Gjoa Haven? Thank you, Mr. Speaker.

MR. SPEAKER: Honourable Member for Slave River.

Return To Question O568-91(1): Gjoa Haven Social Worker

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I met with the mayor of Gjoa Haven in April and indicated to him our desire to move the social worker from Gjoa Haven to Cambridge Bay, on a temporary basis, because of the personal problems the social worker was encountering with the community. We anticipate to move that position back to Gjoa Haven once the issues we are dealing with appear to settle down with the community. We hope we can look at the community social worker going back to Gjoa Haven by this fall. Thank you.

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

Question O569-91(1): Future Of The Canadian Economic Union

MR. LEWIS: Thank you, Mr. Speaker. My question is to the Minister of Finance. Since the collapse of the Meech Lake Accord, there have been several reports about the future of the Canadian economic union. The Allaire report, for example, and the Belanger Campeau Commission both argued that if Canada were to survive it has to do something about removing interprovincial barriers to the movement of labour

and also to the movement of goods and services across boundaries. I would like to ask the Minister of Finance, since our whole economic future in the Territories depends upon incentive programs, northern preference programs, and so on, has he made this position known to Ministers of Finance when he has met them?

MR. SPEAKER: Honourable Member for Yellowknife North.

Return To Question O569-91(1): Future Of The Canadian Economic Union

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. The whole issue of the future economic and fiscal potential of the country is an issue that is more and more on the agenda of Ministers of Finance meetings. This, in particular, is coming up more and more.

Starting in the fall, the Ministers of Finance will be discussing the fundamental elements of equalization and transfer payments. There are obviously different schools of thought across the country. The richer provinces, obviously, are looking at a way of taking some of that burden away from themselves. The poorer areas, including the NWT, are looking for some safeguards because we are very vulnerable economically.

The issue of interprovincial trade barriers is a very important one for us in the Territories. The Minister of Economic Development has been involved in those discussions with his colleagues. The Government Leader has been involved in discussions with premiers. What we are looking for from the NWT is a balance, whereby if we agree in the gradual reduction of trade barriers across the country, we will maintain a high degree of protection in our own particular area. I think that is the viewpoint of other, less fortunate, regions in the country. I understand that the proposed agreement, which has not been signed yet, has built-in protection for the NWT, which gives us some protection as a region.

In all my dealings with Finance Ministers on a range of issues like this, we have made it very clear that it is very important for us that our region is recognized as being vulnerable and as a region that will need, for many years to come, special federal government assistance, and that is the point that we are pushing.

All of us, any cabinet Minister around this table and any at meetings dealing with regional disparities or the long-term economic and fiscal viability of the country, know that it is very important to the less fortunate areas that a mechanism is maintained whereby we can at least maintain some sort of equitable standards of service delivery with the more fortunate areas in the country. I hope that answers the honourable Member's question.

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

Supplementary To Question O569-91(1): Future Of The Canadian Economic Union

MR. LEWIS: We have a special relationship with the federal government, Mr. Speaker. On May 13 in the Throne Speech, and I quote -- these words give me some trepidation and concern for the future because the Throne Speech says that it was the intention of the federal government "to eliminate hiring policies that give preference to provincial residents over those from other provinces." Has the Minister, then, conveyed to the federal government, with whom we have an awful lot of dealings, that this would really severely upset the program of this government to provide affirmative action programs so that we have more northern residents doing northern jobs?

MR. SPEAKER: Honourable Member for Yellowknife North.

Further Return To Question O569-91(1): Future Of The Canadian Economic Union

HON. MICHAEL BALLANTYNE: I am told by the Government Leader that the issue was discussed at the Western Premiers' Conference. It has been discussed at the Ministers of Economic Development conferences and the particular issue as it pertains to the NWT obviously gives us some concern, and as I understand it all the issues have not been totally resolved as of now. But the position that the honourable Member is referring to is a position that we are very strongly putting forward. Thank you.

MR. SPEAKER: Honourable Member for Yellowknife Centre.

Supplementary To Question O569-91(1): Future Of The Canadian Economic Union

MR. LEWIS: Thank you, Mr. Speaker. In view of the fact, Mr. Speaker, that particularly the affirmative action program, which we have gradually fine tuned and which seems to be working, since it is such a crucial issue that northern people, as much as possible, are worked into northern jobs so that they can become productive people in our work force, become consumers and so on, will the Minister undertake, today, to tell those people with whom he discusses issues like this, that our own affirmative action program is not subject to negotiation?

MR. SPEAKER: The honourable Member for Yellowknife North.

Further Return To Question O569-91(1): Future Of The Canadian Economic Union

HON. MICHAEL BALLANTYNE: Thank you. In co-operation with the other Ministers responsible for this area, I can tell the Member, yes.

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

Question O570-91(1): Advising Assault Victims When Perpetrator Is Released

MR. McLAUGHLIN: Thank you, Mr. Speaker. As part of my preamble, I would like to commend the Minister of Social Services for her positive remarks regarding the retention of housing for victims of spousal assault. By coincidence, I gave the Minister of Justice verbal notice that I was going to be asking a similar question today related to assault.

Victims of assault across Canada are asking for information on the sentencing and parole of their attackers. Some time ago a young lady who is a resident of the NWT was put in a dramatic and life-threatening situation. Her ex was subsequently sentenced and held in a Northwest Territories correctional facility, and she is convinced that her life will be in danger upon his release. What policy is in place to advise victims that the perpetrator of their misfortune has been released so that they can take precautions to safeguard themselves and their children? Thank you, Mr. Speaker.

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

Return To Question O570-91(1): Advising Assault Victims When Perpetrator Is Released

HON. MICHAEL BALLANTYNE: I would like to say to the honourable Member, Mr. Speaker, that this particular issue is

one that at the national level has given Attorneys-General, Ministers of Justice, and everyone involved in the justice system grave concern because the issue of which the Member speaks is an issue which has come up many times in southern Canada and goes to the very heart of the rights of victims. I will undertake to talk to the Crown and the RCM Police on the particular case that the Member refers to.

On the larger issue, I can tell the Member that it is a subject of very vigorous discussion and debate at the Attorneys-General and Ministers of Justice table, with every aspect and every component of the justice system. We will continue to make every effort to improve the rights of victims here in the Territories and across the country. Thank you.

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

Supplementary To Question O570-91(1): Advising Assault Victims When Perpetrator Is Released

MR. McLAUGHLIN: Thank you, Mr. Speaker. In this particular case, the young lady's ex recently escaped from the territorial facility in which he was incarcerated, and she only found out about it third-hand. Can the Minister of Justice and the Minister responsible for corrections possibly get together and maybe establish some sort of protocol, at least, dealing with territorial prisoners in our system? Thank you, Mr. Speaker.

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

Further Return To Question O570-91(1): Advising Assault Victims When Perpetrator Is Released

HON. MICHAEL BALLANTYNE: Thank you. I will say to the Member that we will definitely take the suggestion under consideration.

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

Question O571-91(1): Compensation To Rescued Hunters For Lost Equipment

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I am not sure who I will direct this question to, but I guess you will give me a reply. The people from Arctic Bay who have lost their skidoos and their equipment are quite concerned. I wonder how the Baffin Region government is going to deal with this matter. I would also like to ask about the people that were airlifted from the ice floe. Will they be advised about the equipment that was left behind on the floe edge in Arctic Bay? Thank you.

MR. SPEAKER: The honourable Member for Inuvik.

Return To Question O571-91(1): Compensation To Rescued Hunters For Lost Equipment

HON. TOM BUTTERS: Thank you, Mr. Speaker. Before I address the question, I, with my colleagues for Amittuq and High Arctic, wish to extend congratulations to the emergency measures organizations of Pond Inlet and Arctic Bay, the RCM Police and the hamlet officials who worked together so cooperatively over the long weekend to effect a rescue in what could have been a very serious situation had they not acted so expeditiously.

AN HON. MEMBER: Hear, hear!

—Applause

HON. TOM BUTTERS: In response to the Member's direct question with regard to the loss of some 15 skidoos, some komatiks and rifles, we are certainly looking at identifying the degree of loss. I think the Member is aware that the disaster policy of the Department of Municipal and Community Affairs does not reimburse hunters or trappers on the loss of equipment on which insurance can be carried. However, in so saying, I would add that I will be looking into the matter with my officials from Iqaluit, and have done so. I do believe on two separate occasions in the past there has been some suggestion that the early arrival of the ore boat to Nanisivik has created problems for the people that are hunting at the floe edge north from Arctic Bay. I believe that on those occasions the hamlet itself has approached the mine and has received some type of compensation for losses. At the present time I do not know what is happening, but I will monitor the situation and I will advise the Member of what is occurring.

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

Question O572-91(1): Statistics On Leadership Training Program

MR. KILABUK: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Education. Most of us have been sitting in this Assembly learning about being leaders. I know that we have been training in leadership. I know that the Minister will not reply immediately, but it has been four years, and in our sessions we have always been saying that we definitely want the leadership training. I wonder if you know exactly how many there are who have achieved the leadership training to date. Thank you.

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

HON. STEPHEN KAKFWI: Mr. Speaker, I will take the question as notice and provide a thorough report to the Member on numbers and locations, names of candidates, and the regions and communities where they come from. Thank you.

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

Question O573-91(1): Possible Destruction Of Historical Sites

MR. ERNERK: Thank you, Mr. Speaker. I would like to direct this question to the Minister of Economic Development and Tourism. It has to do with the Ijralik Park area in Rankin Inlet, the Meliadine Esker. Mr. Speaker, I understand that some months ago the Department of National Defence wanted to do some work within that area in terms of hauling gravel from the area to the airstrip site in Rankin Inlet. Mr. Speaker, for your information and Members' information, this is an historical area and a Thule site. The hamlet and people of Rankin Inlet are very much opposed to any destruction of that area.

Mr. Speaker, my question to the Minister is this: What has the Minister done to speak on our behalf to the Government of Canada on this issue? Thank you, Mr. Speaker.

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

Return To Question O573-91(1): Possible Destruction Of Historical Sites

HON. GORDON WRAY: Thank you, Mr. Speaker. Unfortunately, I have sent for that information to Rankin Inlet and I will not have it for another 20 minutes yet. To date, as far as the briefing note that I have, there are continuing discussions. This has been a fairly hot and heavy topic. We support the hamlet's position that the site not be disturbed. We have informed Indian Affairs that we are not in favour of gravel being taken from that location. We have suggested to DIAND that they look for alternate gravel sources. We also have a proposed territorial park there which this may conflict with.

The ideal solution would be if Gely-Gautec would select another gravel site. However, I am told, or at least as far as I know, up until a few days ago, DND and the contractor are still determined to go after gravel on that site. I do not know what the latest is as of today because these things are breaking on a daily basis, but if DND and Gely are not prepared to compromise, then I would suggest that this government and the hamlet are heading for a collision with Indian Affairs and DND and the FOL, forward operating location, contractor because our position is consistent with the hamlet's that no gravel is to be taken from that site. Thank you.

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

Supplementary To Question O573-91(1): Possible Destruction Of Historical Sites

MR. ERNERK: Thank you, Mr. Speaker. I thought they had to get permission from the hamlet as well as from the Government of the Northwest Territories, at least get a permit to haul gravel from certain areas in any community in the Northwest Territories, Mr. Speaker. Thank you.

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

Further Return To Question O573-91(1): Possible Destruction Of Historical Sites

HON. GORDON WRAY: As far as I know, they are attempting to obtain gravel from federal crown land, land that we do not control, and as such that is why they are going through the land use permit with Indian Affairs. It has been common courtesy to involve the hamlet and this government, but I guess technically and legally speaking, they could obtain gravel without our permission. While most people are cooperative, I do believe that they have the legal authority to select gravel through a permit from Indian Affairs. Thank you.

MR. SPEAKER: Thank you. Oral questions. The honourable Member from Rae-Lac la Martre.

Question O574-91(1): Construction Of Rae Lakes School

MR. ZOE: Thank you, Mr. Speaker. My question will be directed to the Minister of Education. Mr. Speaker, it has been a number of months since the budget was passed. I would like to ask the Minister, what is the overall plan for the construction of the Rae Lakes school? I have not seen it being tendered yet. Can I get the Minister to give me the overall plan as to when they are anticipating tendering the construction, and so forth? Thank you.

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

Return To Question O574-91(1): Construction of Rae Lakes School

HON. STEPHEN KAKFWI: Mr. Speaker, I do not check the newspapers every day myself, but I understand that it is tendered and the tender date closes on July 22, so we are proceeding as we had indicated we would earlier this year. Thank you.

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

Question O575-91(1): Date Of Rejection Of Environmental Review Panel Nominee

MR. CROW: Thank you, Mr. Speaker. Mr. Speaker, I wish to ask the Minister of Renewable Resources about the shameful decision of the federal and Quebec governments to refuse to appoint the Northwest Territories nominee to the environmental assessment panel for the proposed James Bay II project. On February 20, 1991, the people of Sanikiluaq were given two days to forward the nomination to our Minister of Renewable Resources. Mr. Speaker, my question is this: On what date did the federal government advise Mr. Alloo of the decision to reject this nominee as a Member of the panel? Thank you.

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

Return To Question O575-91(1): Date Of Rejection Of Environmental Review Panel Nominee

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I have not been informed officially of the federal government's rejection of our nominee to be a member of the panel, but they have informed me unofficially that the nominee that we suggested to the federal and provincial governments will not be accepted.

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

Question O576-91(1): Metis Health Benefits

MR. MORIN: Thank you, Mr. Speaker. My question will be for the Minister of Health. Madam Minister, back in 1987 there was a motion passed for Metis health benefits requesting the government to look into the cost of Metis health benefits, and in 1989 there was another motion passed requesting a look into starting Metis health benefits, and in 1990 there was also another motion passed requesting the start of Metis health benefits. Up to today, Madam Minister, what have you done to start Metis health benefits?

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

Return To Question O576-91(1): Metis Health Benefits

HON. NELLIE COURNOYEA: Mr. Speaker, although the extension to health benefits was an overall extension which included Metis and non-aboriginal people, the Government of the Northwest Territories did extend a number of benefits that included Metis and people over 60. However, in terms of dealing with the special Metis benefits that the honourable Member is referring to, we are presently working with the Metis Association to determine the cost of those benefits. The reason it is taking a bit longer is mainly because of the issue of who is determined as a Metis. Just recently in cabinet we dealt with it and the decision was to go with costing, three different options, so therefore when we come forward, we would have all the answers in terms of the three different positions on who are Metis. We will be dealing with this as

soon as we can get those cost calculations, over the next couple of months. We are actively working with the Metis Association of the Northwest Territories.

DEPUTY SPEAKER (Mr. Gargan): Thank you. Mr. Morin, supplementary.

Supplementary To Question O576-91(1): Metis Health Benefits

MR. MORIN: Thank you, Mr. Speaker. Supplementary, Madam Minister. A motion was passed here in 1987. I asked you then to look into finding out the costs of Metis health benefits. What is it, a lack of commitment by this government or just a lack of will from you as a Minister to get this thing rolling? That is three years it has taken for you to even initiate any action on it. Why is that? Thank you.

MR. DEPUTY SPEAKER: Madam Minister.

Further Return To Question O576-91(1): Metis Health Benefits

HON. NELLIE COURNOYEA: Mr. Speaker, I feel a bit dismayed that the honourable Member is not appreciative of the fact that we did extend benefits, although it was not clearly defined to go to Metis; but there were extended benefits to all people 60 and over and some of the special areas that were of concern to people, and we have extended the criteria of special medical terms and extended those benefits. I am sorry to hear that that is felt as though it is not adequate. However, we are committed to dealing with the issue of determining additional benefits for Metis people. As the honourable Member realizes, had the Dene/Metis claim gone forward, it would have been far easier for us to take that determination. However, I know that when we come forward in dealing with the number of Metis people, those figures are going to have to be accurate enough to put into the planning process for extra expenditures of this Legislative Assembly.

I would like to say once more that we did go as far as we can in trying to establish those extra benefits and as the Member knows, they were put into the budget almost immediately. However, we are committed to work with the Metis Association. I am committed personally to providing that information to the rest of my cabinet colleagues, so that we can make those decisions and put that in the planning process of budgetary priorities.

MR. DEPUTY SPEAKER: Mr. Morin, supplementary.

Supplementary To Question O576-91(1): Metis Health Benefits

MR. MORIN: Thank you, Mr. Speaker. Let me just reassure the Minister that I am appreciative of the extended health benefits to all the elderly people of the NWT, but I still do not understand why Metis health benefits would be tied into the Dene/Metis claim. She is basically saying that if you have a claim then you will get health benefits.

The other question I would like answered is a time frame. If it is not in the life of this Assembly, how early in the life of the next Assembly will we expect to address this issue in this House? Thank you.

MR. DEPUTY SPEAKER: Madam Minister.

Further Return To Question O576-91(1): Metis Health Benefits

HON. NELLIE COURNOYEA: Mr. Speaker, why am I tying the deliberation of the Metis benefits to the Dene/Metis claim?

In the Dene/Metis claim there was a criterion of who is a Dene/Metis according to the term set, in which I believe you had to be tied to someone that had been here in 1921 and onward and living. But that criterion was one criterion. However, given that at this point in time there is no Dene/Metis claim and the fact that the resources are limited, I have been asked by cabinet colleagues as to what are the criteria, how many people in option one, how many people in option two, how many people in option three? I intend to carry out that work, and it is my intention to put that in the budget planning process as we move along to the first of the meetings. As soon as we have that information, I plan to put that in this year's planning process and request cabinet to deal with it.

MR. DEPUTY SPEAKER: Mr. Arlooktoo.

Question O577-91(1): Change In Policy For Assistance To Trappers

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Renewable Resources. I asked this question during the winter session; it is in regard to the hunters that sell fur. At the end of the year they usually get an assistance from the government according to how much they turned in when they sold their fur. Could they be given assistance right at the end of the year rather than waiting? What has the Minister done about my question? He was supposed to look into it and let me know as soon as possible.

MR. DEPUTY SPEAKER: Mr. Alloofoo.

Return To Question O577-91(1): Change In Policy For Assistance To Trappers

HON. TITUS ALLOOFOO: (Translation) Thank you, Mr. Speaker. After I talked to the member for South Baffin, I asked my department to give me information on the trappers incentive grants with a view to change the policy, but I have not yet received the necessary information to guide my discussion. Thank you.

MR. DEPUTY SPEAKER: Supplementary, Mr. Arlooktoo.

Supplementary To Question O577-91(1): Change In Policy For Assistance To Trappers

MR. ARLOOKTOO: (Translation) Thank you. I wonder if you, Mr. Minister, are going to be involved. You just said your officials are looking into it, but as a Minister will you be directly involved in finding this out or will you let your officials work on it instead?

MR. DEPUTY SPEAKER: Mr. Alloofoo.

Further Return To Question O577-91(1): Change In Policy For Assistance To Trappers

HON. TITUS ALLOOFOO: (Translation) Thank you, Mr. Speaker. I said I am waiting for information from my department about the program we are talking about, which is the incentive grants given out to trappers, and my officials are trying to find ways to amend the policy so that trappers will get their assistance sooner. (Translation ends)

I have asked my department to look into the possibility of changing the way in which we give incentive grants to local hunters. Since the communication I had with the Member, I have asked my department to see if they could change the policy so that rather than giving it out once a year, to look at the possibility of giving it out every six months. My department has not come back with the necessary information

that would guide me to make the decision.

MR. DEPUTY SPEAKER: Oral questions. Mr. Pedersen.

Question O578-91(1): Facelift For Detoxification Centre, Yellowknife

MR. PEDERSEN: Thank you, Mr. Speaker. I do not know if this question is to the Minister of Social Services, DPW or Health, so I will direct it to the Government Leader and he can distribute it. Mr. Speaker, in Friday's newspaper, the "Yellowknifer", I noticed an item that stated that \$725,000 would be spent to give the detoxification centre on Franklin Avenue a "facelift". Could the Government Leader inform me if this funding was provided either in whole or part by our government?

MR. DEPUTY SPEAKER: Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I am not aware of our government contributing to the project, but I want to double check on that. I will take the question as notice and get an answer to the Member tomorrow.

MR. DEPUTY SPEAKER: The Minister is taking the question as notice. Mr. Ernerk.

Question O579-91(1): Ownership Of Ijiralik Park And Meliadine Esker

MR. ERNERK: Thank you, Mr. Speaker. I would like to direct this question to the Minister of Municipal and Community Affairs. The Ijiralik Park area and the Meliadine Esker, that whole system, do these areas not belong to the hamlet land? Right? Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Mr. Butters.

HON. TOM BUTTERS: Mr. Speaker, I will have to check the reference provided me by the honourable Member and reply tomorrow.

MR. DEPUTY SPEAKER: Thank you. The Minister is taking the question as notice. Mr. Ningark.

Question O580-91(1): Correcting Spellings Of Inuit Names

MR. NINGARK: Thank you, Mr. Speaker. My question is directed to the Minister responsible for Justice. Around 1970, during the Centennial year, there was a project undertaken to get rid of the identification numbers of the Inuit people and replace them with the proper names. The commendable point from that was that now we did not have to wait around for our masters to call us by the name tag numbers. Mr. Speaker, my question is: What is the procedure if individuals want to change their name spelling to the original spelling? There has been some confusion about individuals having two name spellings in some communities. What is the procedure now to go back to the original spelling?

MR. DEPUTY SPEAKER: Mr. Ballantyne.

Return To Question O580-91(1): Correcting Spellings Of Inuit Names

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. This is something that has been discussed in his House on a number of occasions and something that the department has been grappling with. What I will do is make available to the Member exactly what we have done up until now and the avenues that are open to anybody to pursue those changes. Thank you.

MR. DEPUTY SPEAKER: Mr. Ningark, supplementary.

Supplementary To Question 580-91(1): Correcting Spellings Of Inuit Names

MR. NINGARK: Supplementary. In some communities some people have their names spelled two different ways in their social insurance numbers and identification numbers. Would the Minister give me all this information before Friday, July 5th?

MR. DEPUTY SPEAKER: Mr. Ballantyne.

Further Return To Question O580-91(1): Correcting Spellings Of Inuit Names

HON. MICHAEL BALLANTYNE: I have no problem with that deadline.

MR. DEPUTY SPEAKER: Thank you. Oral questions. Mr. Ernerk.

Question O581-91(1): Aircraft Accident, Coral Harbour

MR. ERNERK: (Translation) Thank you, Mr. Speaker. I have a question to the Minister of the Department of Transportation. He is aware of my question. On April 29th when we landed in Coral Harbour we had a rough landing. I would like to ask the Minister, for what reason did we get off the runway?

MR. DEPUTY SPEAKER: Mr. Wray.

Return To Question O581-91(1): Aircraft Accident, Coral Harbour

HON. GORDON WRAY: Thank you, Mr. Speaker. The jurisdiction for investigation and reporting of aircraft accidents lies with the Canadian Aviation Safety Board, which is a federal responsibility. We have made the CASB aware that we are interested in this particular accident, and we have asked them to forward to us any results of their investigations as soon as they are completed. To date we have had no response from them.

These things do take some time, and in my own personal experience, it can sometimes take from nine to 12 months before you will get a report from the Canadian Aviation Safety Board. So it could be a fairly lengthy wait.

MR. DEPUTY SPEAKER: Supplementary, Mr. Ernerk.

Supplementary To Question O581-91(1): Aircraft Accident, Coral Harbour

MR. ERNERK: (Translation) Supplementary, Mr. Speaker. Does the Minister know that when there are those kinds of accidents, if any part of the aircraft came off, such as the wheel -- the wheel did come off -- is it not true that no part of the plane is to be touched until the investigators have come to investigate?

MR. DEPUTY SPEAKER: Mr. Wray.

Further Return To Question O581-91(1): Aircraft Accident, Coral Harbour

HON. GORDON WRAY: Thank you, Mr. Speaker. I really could not say. I am not familiar with the accident investigation techniques of the Canadian Aviation Safety Board. I do know, personally, of incidents where a plane has been damaged and in fact has taken off with damaged parts to airports in the South for repairs. I know in my previous life in the private sector, a couple of planes that crashed inland and they were

allowed to fly south for repairs. So I believe there are some times when they will allow planes to do that, but I really am not aware of what laws govern, and what rules govern, these types of incidents. I suspect that there are, but I just do not know of them.

MR. DEPUTY SPEAKER: Mr. Lewis.

Question O582-91(1): Addressing The Needs Of Youth

MR. LEWIS: Thank you, Mr. Speaker. My question is to the Minister responsible for youth. When we were working on our special committee for the northern economy report, we identified people development as being a crucial issue. I notice that Mr. Wray has also recognized this in the work he is doing with his department in Economic Development. However, our recommendation was to develop something for young adults and youth who dropped out of school and are lacking the education skills necessary for successful development. In the government's response to the SCONE report, all they talk about is the leadership program in Fort Smith, and that does not deal with the problem that we identified in SCONE. I would like to ask the Minister, what has this Minister responsible for youth done to address the development needs of youth?

MR. DEPUTY SPEAKER: Mrs. Marie-Jewell.

Return To Question O582-91(1): Addressing The Needs Of Youth

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, there have been many different initiatives that have been taken over the past few years in respect to youth. First of all, when we reflect back, this government has made substantial increases in participation of youth to become fairly independent and to also allow them to develop leadership qualities. We have had a tremendous increase in our budget over the past few years, thanks to Members of this Assembly; however, at the same time, we have allowed this funding to be utilized by youth for those types of events that they want to take on and participate in. This allows youth to enhance their leadership skills, enhance self-esteem, enhance many other qualities that youth need.

Not only is the leadership school a part of what my colleague has taken upon himself to initiate, but there have been many youth groups formed across the Territories; there have been many different initiatives that youth have partaken in across the Territories; and as the department's sign of support, we have supported youth in partaking in many different events. However, we have stressed to the youth that in order for them to fully take advantage of the funding that is available, it would be their responsibility to co-ordinate their events, to develop their own ideas, and to fulfil what they want to do. This, I believe, is very important. It does not allow youth to rely only on government for what they want to complete. It certainly assists them in being able to pursue many of their different goals and ideas that they have, which I think is very important. Thank you.

MR. DEPUTY SPEAKER: Thank you Madam Minister. Mr. Lewis.

Supplementary To Question O582-91(1): Addressing The Needs Of Youth

MR. LEWIS: Will the Minister confirm then, Mr. Speaker, that she sees her role, as the Minister responsible for youth, as simply being a funding agent to provide young people with the money they need in order to carry on projects that they themselves have identified?

MR. DEPUTY SPEAKER: Madam Minister.

Further Return To Question O582-91(1): Addressing The Needs Of Youth

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. No. I do not believe that we are considered a funding agency. Our department is basically encouraging youth to partake in events to develop their own ideas and to pursue their goals. It encourages many different qualities in youth. It certainly encourages not only leadership but the participation of youth in the development of the Territories. So I do not believe that it is just a funding agency, but it has many other components that are advantageous for youth.

MR. DEPUTY SPEAKER: Thank you. Oral questions. Mr. Lewis, supplementary.

Supplementary To Question O582-91(1): Addressing The Needs Of Youth

MR. LEWIS: Thank you, Mr. Speaker. The government has established a mandate of responsibility for youth. I would like to ask the Minister, since we have all kinds of young people with brilliant ideas, and so on, is there an established criteria or some system whereby the Minister can judge the merits of one particular proposal against another?

MR. DEPUTY SPEAKER: Madam Minister.

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. We were trying to develop some type of policy to determine the criteria for the funding available for youth to take advantage of, and I am just trying to determine the status of that particular policy; therefore, I would have to get back to the Member on that question.

MR. DEPUTY SPEAKER: Thank you, Madam Minister. Oral questions. Item 5, oral questions. Mr. Crow.

Question O583-91(1): Funding From Justice Department Re Intervention In James Bay II Project

MR. CROW: Thank you, Mr. Speaker. My question will be directed to the Minister of Justice. On March 6, 1991, I asked the Minister if his department would make funds and professional resources available for court action to intervene in the development of the James Bay II project. He stated that he would need to study and report back because these are complex matters which have to be considered on a case-by-case basis. Since that time, we have waited patiently for him to tell us the results of his review, but he remains silent on the issue.

Mr. Speaker, my question is this: What has delayed him from telling the House what options may be available to the Government of the Northwest Territories for court intervention against development of James Bay II? Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Mr. Ballantyne.

Return To Question O583-91(1): Funding From Justice Department Re Intervention In James Bay II Project

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. As I said to the House, in response to the honourable Member's question, there are indeed complex issues. We have been looking into these issues. I also thought it was the wish of this House that caucus would be meeting with representatives of Hydro-Quebec. I thought that there were other processes taking place other than just a legal process. So I was not aware that there was a pressing demand for a response on

the legal question. I thought that we, as a government and as an Assembly, were addressing the issue of James Bay on a much broader front than that. If there is to be any type of legal action, as you know, there is an aboriginal justice challenge fund which is set up; applications would be received by that advisory committee. Knowing that the Member would now like more specific details as to the legal implications for the Government of the NWT to become involved in this process, I will get back to my department and attempt to speed up the process. Thank you, Mr. Speaker.

MR. DEPUTY SPEAKER: Thank you. Item 5, oral questions. Mr. Lewis.

Question O584-91(1): Appointment Of Woman To Constitutional Commission

MR. LEWIS: Since we have a few seconds left, Mr. Speaker, I would like to ask the Government Leader whether there has been any consideration given to at least advising those people that are trying to put together a constitutional commission that there should be a woman on this particular commission.

MR. DEPUTY SPEAKER: Mr. Kakfwi.

Return To Question O584-91(1): Appointment Of Woman To Constitutional Commission

HON. STEPHEN KAKFWI: Mr. Speaker, we have received a request from the Status of Women and the Native Womens' Association of the NWT to consider submitting at this late stage a request to the other political leaders representing the Dene Nation, the Metis Association and the Inuvialuit Regional Corporation -- to ask them if they would support including a woman on the commission. The Minister for Justice and I supported the suggestion, and although it is late, we suggested it. It is the right thing to do. The other western leaders did not support the request. Thank you.

MR. DEPUTY SPEAKER: Thank you. The time for question period has now expired. Item 6, written questions. Mr. Lewis, Item 6, written questions.

ITEM 6: WRITTEN QUESTIONS

Question W15-91(1): Outward Bound Program Statistics

MR. LEWIS: Thank you, Mr. Speaker. My question is for the Minister responsible for youth. Would the Minister please provide the following information:

- a) the amount of funding provided under the youth initiatives and other contribution programs under her authority which have been used for the establishment and delivery of programs by "outward bound" organizations in 1988-89, 1989-90, 1990-91 and 1991-92 fiscal years;
- b) a listing of the age, educational status and home community of all NWT residents who have been able to participate in programming offered by outward bound organizations within the NWT;
- c) the number of international participants who have taken part in outward bound activities funded by the GNWT contribution moneys and a list of their home countries; and
- d) a listing of the age, status and home community of all NWT residents who have been able to participate in international exchange programming co-ordinated by outward bound organizations.

I realize that this may take some time, Mr. Speaker, so maybe it could be supplied to me back through the Clerk of the

House. Thank you.

MR. SPEAKER: Thank you. 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 W12-91(1) asked by Mr. Crow to the Minister of Social Services on the matter of the Department of Social Services' assistance to projects in Sanikiluaq.

Return To Question W12-91(1): Department Of Social Services' Assistance To Projects In Sanikiluaq

Hon. Jeannie Marie-Jewell's return to Question W12-91(1), asked by Mr. Crow on April 18, 1991: The Member for Sanikiluaq asked a three-part question. I should like to respond as follows:

1) There have been no projects funded by alcohol, drugs and community mental, family and children's services or corrections divisions in the past four years. The youth initiatives program has provided funding for participation of two youth in the "Youth Fair '90" in Iqaluit and for one other to attend an Arctic outward bound program.

2) The following visits have been made to the community of Sanikiluaq in the past two years: The Baffin South supervisor visited on five occasions; November 25 to December 2, 1989; January 2 to January 11, 1990; February 27 to March 10, 1990; May 2 to May 16, 1990; July 9 to July 12, 1990. The regional worker visited November 10 to November 15, 1990. A contractor visited February 25 to March 1, 1990 to assist in the investigation of allegations of sexual misconduct.

One local resident is currently contracted to provide one-to-one counselling/supervision/role modelling to a child in care. The community corrections specialist travelled into Sanikiluaq May 1990, June 1990 and November 1990. There were no visits by the alcohol and drug consultant and divisional director in this period. As the alcohol and drug specialist was only recently hired, he has not yet been able to visit.

3) The department funds no shelters for victims of violence or child care facilities but does fund two foster home placements.

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

ITEM 11: TABLING OF DOCUMENTS

MR. ERNERK: Thank you, Mr. Speaker. I would like to table two letters, both addressed to myself. I would like to table Tabled Document 111-91 (1), a letter from the Mayor of Rankin Inlet, Paul Kaludjak, whose council is very much opposed to any construction work within the Ijralik Park area we well as the Meliadine Esker system.

I would also like to table Tabled Document 112-91(1), a letter from Arctic Co-operatives Limited, concerning their support for the establishment of a credit union development for the Northwest Territories. This is from Eva J. Klaassen, business support officer, dated June 21, 1991. Thank you, Mr. Speaker.

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

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I have two documents to table. Pursuant to subsection 8(3) of the Statute Revision Act and subsection 2(3) of the Adoption of the French Version of Statutes and Statutory Instruments Act, I wish to table Tabled Document 113-91(1), Statute Roll of the Second Volume of the Supplement to the Revised Statutes of the Northwest Territories, 1988.

Mr. Speaker, in accordance with section 39 of the Interpretation Act, I wish to table Tabled Document 114-91(1), Registers for Regulations and Statutory Instruments. Thank you.

MR. SPEAKER: Thank you. Tabling of documents. Tabling of documents. Item 12, notices of motions. Notices of motions. The honourable Member for Inuvik.

ITEM 12: NOTICES OF MOTIONS

Notice Of Motion 23-91(1): Appointments To The NWT Housing Corporation Board Of Directors

HON. TOM BUTTERS: Mr. Speaker, I would like to give notice that on Thursday, July 4, 1991, I intend to move the following motion. Now therefore I move, seconded by the honourable Member for Rae-Lac la Martre, that the Legislative Assembly recommends the appointment of Mr. Joe Rabesca to the board of directors of the NWT Housing Corporation for a term of three years; and further recommends the reappointment to the board of directors of Mr. Phillip Nukapiak, Mr. Gerry Cheezie, Mr. Stephen Brooks, Mr. Charlie Barnaby, and Mr. Simonie Alainga, each for a term of three years.

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

Notice Of Motion 24-91(1): Additional Sitting Hours

HON. NELLIE COURNOYEA: Mr. Speaker, I give notice that on Thursday, July 4, 1991, I wish to move the following motion: I move, seconded by the honourable Member for High Arctic, that the Speaker be authorized to set such additional sitting hours as he deems fit to assist with the business of the House.

MR. SPEAKER: Thank you. Notices of motion. The honourable Member for Deh Cho.

Notice Of Motion 25-91(1): Territorial Tobacco Tax Exemption For Senior Citizens

MR. GARGAN: Mr. Speaker, I give notice that on Thursday, July 4, 1991, I will move the following motion: Now therefore, I move, seconded by the honourable Member for High Arctic, that the Legislative Assembly request the Executive Council to consider amending the territorial Tobacco Tax Act to exempt NWT senior citizens from paying the territorial tobacco tax. Thank you.

MR. SPEAKER: Thank you. Notices of motions. The honourable Member for Deh Cho.

Notice Of Motion 26-91(1): Old Catholic Church In Fort Providence

MR. GARGAN: Mr. Speaker, I give notice that on Thursday, July 4, 1991, I will move the following motion: Now therefore, I move, seconded by the honourable Member for Rae-Lac la Martre, that this Legislative Assembly strongly urges to the

Minister of Culture and Communications to take the necessary steps to have the old Catholic church in Fort Providence designated as a historic site of the Northwest Territories; and further, that this Legislative Assembly recommends that the Minister of Culture and Communications consider committing the necessary funds to restore this historic church to its original state. Thank you.

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

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

Item 14, motions. Motion 22-91(1), Prohibition of Incarcerates from Voting in Territorial Elections. The honourable Member for Nunakput.

HON. NELLIE COURNOYEA: Mr. Speaker, I seek unanimous consent to deal with the motion put forward earlier.

MR. SPEAKER: Thank you. The honourable Member for Nunakput is seeking unanimous consent to deal with Motion 24-91(1) concerning additional sitting hours. Are there any nays?

AN HON. MEMBER: Nay.

MR. SPEAKER: I hear a nay. Unanimous consent has not been given. Motions.

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

ITEM 16: SECOND READING OF BILLS

HON. MICHAEL BALLANTYNE: Mr. Speaker, I move, seconded by the honourable Member for Iqaluit, that Bill 36, Borrowing Authorization Act, 1991-92, be read for the second time. The purpose of this bill, Mr. Speaker, is to authorize the Commissioner to borrow an amount not exceeding \$19 million to fund loans to municipalities.

MR. SPEAKER: The honourable Member for Yellowknife North, the matter of Bill 36 is not ready for second reading. It has not passed first reading. Second reading of bills. The honourable Member for Amittuq.

Second Reading Of Bill 45: Wildlife Conservation Act

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Yellowknife North, that Bill 45, Wildlife Conservation Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to repeal and replace the Wildlife Act to ensure the protection and preservation of wildlife. Part I applies to persons in the Territories other than the Inuvialuit in the Western Arctic region and any other aboriginal persons, if any, to whom the same rights have been extended under the Inuvialuit final agreement, and sets out the licensing system, the rules for hunting wildlife and related activities, and provisions for wildlife management. Part II applies to the Inuvialuit and to other aboriginal persons to whom the same rights have been extended under the Inuvialuit final agreement and incorporates into the bill the provisions of the Inuvialuit final agreement respecting wildlife harvesting and provides for rules for hunting wildlife that are for the purpose of public safety or conservation. Part III sets out administrative provisions and Part IV sets out offences and penalties that apply to all persons in the Territories. Thank you.

MR. SPEAKER: Thank you. Motion is in order. To the

principle of the bill. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 45 has had second reading. Second reading of bills. The honourable Member for Yellowknife North.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to return to Item 15, first reading of bills.

MR. SPEAKER: Thank you. The honourable Member for Yellowknife North is seeking unanimous consent to return to Item 15, first reading of bills. Are there any nays? There are no nays. Proceed.

ITEM 15: FIRST READING OF BILLS

First Reading Of Bill 36: Borrowing Authorization Act, 1991-92

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I apologize. I thought this bill had gone through first reading on Friday. Mr. Speaker, I move, seconded by the honourable Member for Iqaluit, that Bill 36, Borrowing Authorization Act, 1991-92, be read for the first time.

MR. SPEAKER: Thank you. 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

Bill 36 has had first reading. First reading of bills. The honourable Member for Yellowknife North.

First Reading of Bill 46: Supplementary Appropriation Act, No. 1, 1991-92

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Amittuq, that Bill 46, Supplementary Appropriation Act, No. 1, 1991-92, be read for the first time.

MR. SPEAKER: Thank you. 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 has been carried.

---Carried

Bill 46 has had first reading. Item 17, consideration in committee of the whole of bills and other matters. The honourable Member for Iqaluit.

HON. DENNIS PATTERSON: I am sorry, Mr. Speaker. Did we pass second reading of bills?

MR. SPEAKER: Yes, we did. We went from second reading and returned with unanimous consent to first reading after conclusion of second reading of bills. Thank you. The

honourable Member for Iqaluit.

HON. DENNIS PATTERSON: I am sorry, Mr. Speaker. I would then ask unanimous consent to go back to second reading of bills.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to return to second reading of bills. Are there any nays? There are no nays. Proceed.

REVERT TO ITEM 16: SECOND READING OF BILLS

Second Reading Of Bill 40: Public Service Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I would move, seconded by the honourable Member from Yellowknife North, that Bill 40, An Act to Amend the Public Service Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Public Service Act to add definitions including "deputy head"; to clarify the definition "public service"; to set out powers and duties of deputy heads and deputy ministers; to require the Minister to report annually to the Legislature; to remove provisions respecting procedures for classification of positions, determination of pay, development of positions in a department or other portion of the public service and laying off of employees and to add regulation-making powers respecting such procedures; to provide that the Commissioner in Executive Council, on the recommendation of the Government Leader, may appoint deputy ministers; to provide for varying probation periods and that rejection of employees on probation need be in good faith; to reduce the amount of time an employee may be suspended; to allow a deputy head to suspend or demote an employee; to provide that an employee may be paid during a suspension pending an investigation; and to provide a mediation procedure for resolving disputes respecting a collective agreement. Thank you.

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

AN HON. MEMBER: Question.

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

---Carried

Bill 40 has had second reading. Second reading of bills. Item 17, consideration in committee of the whole of bills and other matters. Prior to proceeding with that item, Bills 40 and 45 are referred to committee of the whole for today. Item 17, consideration in committee of the whole of bills and other matters: Bills 44, 39, 40, and 45, with Mr. Ningark in the chair.

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

CHAIRMAN (MR. NINGARK): I would like to call the committee to order. Before we take a break, there is a committee on legislation that will be meeting during the 15 minute break. I would like the committee to recess for 15 minutes.

---SHORT RECESS

The committee will come to order. We are dealing with Bill 44, Access to Information Act; Bill 45, Wildlife Conservation Act; Bill 13, Labour Standards Act, No. 2; Bill 39, Certified General Accountants Association Act; and Bill 40, Public Service Act. What is the wish of the House? Mr. Lewis.

MR. LEWIS: This Bill 44 is a Private Member's Bill, Mr. Chairman, so on behalf of myself, anyway, I would like to see this bill dealt with as the first item of business.

CHAIRMAN (Mr. Ningark): Is the committee agreed?

SOME HON. MEMBERS: Agreed.

—Agreed

CHAIRMAN (Mr. Ningark): Mr. Gargan.

Private Member's Bill 44: Access To Information Act

MR. GARGAN: Mr. Chairman, before I make my opening statement, may I ask my legal adviser to be in the House with me at the witness chair?

CHAIRMAN (Mr. Ningark): Does the committee agree?

SOME HON. MEMBERS: Agreed.

—Agreed

CHAIRMAN (Mr. Ningark): Go ahead, Mr. Gargan. You may bring your adviser to the witness table. Please introduce your witness.

MR. GARGAN: Mr. Chairman, my witness is legal adviser, John Vertes.

CHAIRMAN (Mr. Ningark): Welcome to the committee, Mr. Vertes. Mr. Gargan, would you like to make an opening statement?

Mr. Gargan's Opening Remarks

MR. GARGAN: Thank you, Mr. Chairman. The purpose of this Private Member's Bill is to enact an access to information act. Such an act would give to the public, access to information in government records. Every jurisdiction in Canada, federal and provincial, including the Yukon, has similar legislation or is planning to enact a similar act.

The bill is based on the principle that in a democratic society the public has the right to be informed about the activities of its government. As part of that right, the public is entitled to access to information in government files. To deny such access limits the knowledge that the public has about the activities of its government. At the same time, the bill recognizes the legitimate right to personal privacy.

Through the use of exemptions set out in the act, information about an individual's private life is kept confidential. The proposed act sets out simple procedures to access information in government records. Any individual seeking information from a government office first makes an informal request to the office in question. If the request is not answered within 30 days, that individual can make a formal request under the act for the information. This request is made to the Minister or other senior executive officers in charge of the office in question. That formal request must be answered within 30 days.

If the Minister or other officers refuse to disclose the information, reasons must also be given for the refusal. The applicant can then apply to the Supreme Court of the NWT. That appeal can be done in an informal way so that a decision can be made quickly and cheaply.

All government departments and offices would be subject to the act. All territorial agency boards and Crown corporations would be subject to the act. In addition, records of decisions

by cabinet or the Management and Services Board of the Legislative Assembly would be subject to release under this act.

The act would not change the method by which Members of the Legislative Assembly or the general public now obtain information from the government. All the rights and privileges of an MLA are preserved. The act does, however, set up a mechanism whereby government must release information about its activities. To date there is no such mechanism except to a limited extent in the Environmental Rights Act passed in 1990.

Exemptions. The act seeks to protect legitimate privacy and confidentiality interests through a series of exemptions. The following types of information cannot be disclosed: a) any information that is held to be confidential by any law currently in force, such as hospital records; b) personal information about age, residence, family, employment and other items of a purely personal nature, unless the applicant is seeking information only about himself or herself or with the other person's consent. The act would also enable an individual to correct any errors in personal information kept by the government; c) information that would give economic advantage to anyone, such as details of audits or contract negotiations; d) trade secrets such as patents or other scientific data held by anyone, unless there is an important public interest in his release. The act specifies all of these types of information that would not be subject to disclosure, but the emphasis of the act would be on the disclosure of information unless it fits into one of the specified exemptions.

Administration. There is no new bureaucracy created to administer this act. There is no requirement for a large expenditure of government moneys. The administration is kept as simple as possible. There are no new positions created by the act; instead, responsibility for compliance with the act rests with the Minister responsible for the various offices of government. Each Minister will have to make sure that his or her department is satisfactorily complying with requests for information under this act. The Executive Council is required to designate a Minister to be responsible for this act, who will have to prepare a report each year to the Legislative Assembly under the administration of the act.

Mr. Chairman, in conclusion, the bill attempts to create an opportunity for NWT residents to access government information in a simple and straightforward manner. It has gone through numerous changes since it was first introduced last January, and many of the changes have been the result of public meetings held by the standing committee on legislation in January and May, as well as consultation with the government. There have been no significant defects identified in the bill, and it has become obvious that the public supports it.

Mr. Chairman, further, the act itself has been brought to the attention of the government. The government's legal advisers have worked closely with myself and Mr. Vertes to ensure that, in the event that the bill goes forward, the government would be satisfied that the bill meets with their approval. This we have done to date, and the only difficulty, when we consulted with the government last, was with regard to the dates on which the act would come into force. The government had difficulty with the time when the act would come into force not being in the act. With that, Mr. Chairman, we responded by putting in what the government requested. The coming into force of this act is January 1, 1992. So we have complied and co-operated with the government, and I would request that the government support me on this bill. Thank you, Mr. Chairman.

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

Mr. Ernerk.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you, Mr. Chairman. I would like to make some remarks as the chairperson of the standing committee on legislation. The standing committee on legislation has considered the bill before us at various stages throughout its lengthy process of development. The standing committee notes that the process through which this bill has developed is somewhat unique, both within Canada generally and for our legislative system in particular. It is rather unique in comparison with other jurisdictions because this is a Private Member's Public Bill, sponsored by the honourable Member for Deh Cho, Mr. Sam Gargan. Generally right-to-information legislation across Canada has come into being as a result of government initiatives. It stands out with respect to our legislative process because of the great deal of public input that has been received throughout the development of this bill.

Public hearings were held by the standing committee on legislation on January 17, 1991 and again on May 16, 1991. It was finally considered by the standing committee on legislation on June 24th. Presentations were received at these public hearings from a wide range of witnesses, including the Executive Council, individual Members, representatives of organized labour, media representatives and private citizens. Written briefs have also been received from interested community groups and individuals, including the NWT branch of the Canadian Bar Association.

The standing committee thanks each of those individuals who have agreed to participate in this very public process of legislative review. Members are aware of the long hours of work that presenters must have invested in the preparation of their briefs and in the special effort it requires to appear as a witness at a public hearing, sir. The standing committee also noted that, for the most part, the majority of presentations were quite supportive of the principles which Mr. Gargan's bill represents.

There were also a number of comments about specific procedures and drafting within the bill, and the standing committee notes that Mr. Gargan has been very responsive in making many of the changes recommended by both the public and the government.

Now it is time for the next stage in the consideration of this bill. On June 24th the standing committee indicated to Mr. Gargan that Members would be interested in seeing the bill introduced before the Legislative Assembly for today. Thank you very much, Mr. Chairperson.

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

MR. LEWIS: Thank you, Mr. Chairman. This particular bill is in response to the perception and the reality that we really do not have the kind of access to information act that exists in every other jurisdiction and that it was a gap in our legislation that we really have to fill. So I think the Member should be complimented on bringing this bill forward.

However, Mr. Chairman, I think that anyone that takes on this responsibility is very much aware of the difficult job that you have to achieve to balance the need to make sure that the public is well served, that it can get the kind of information that it needs, and at the same time that it protects individuals, every right of an individual to be protected. Private interests are fundamental to our society, and those have to be very clearly protected.

So I see a big balancing act that has to be done in putting an

act like this together. I am fully aware, also, that ordinary Members may not see the value of this act in the same way an Executive Council Member sees it, because when you are on the other side, then you have to perform the executive function, then you do not want to be really burdened down by a tremendous amount of paper work, huge volumes of requests, and so on, so that you cannot get on with all the other tasks that you want to perform.

So that was something that if you are on the other side you would be very concerned about, that you do not want to be suddenly burdened with a huge volume of work on top of the huge volume of work that already exists. There may be other concerns, too, that you would have if you were a government Minister, about what needs to be protected if you could have performed your functions.

Public's Right To Know Balanced With Protection Of Individual Citizens

So maybe this particular bill, because of the process that we have gone through – it has been a public document now for several months; there has been a public process; there has been an opportunity for people to express their opinions. On the one hand you may have the Union of Northern Workers saying that this act does not go far enough, that the government still really controls it and can really protect itself from the demands of the public to get the information it wants. On the other hand you may have government Ministers saying that this act goes too far and really exposes us in a way we do not find very palatable. But having read through it myself, I think it has been very cleverly done.

The major concern that I have heard expressed by ordinary Members is the fundamental one about privacy, that there are some things, personal records and so on – there is a whole list of things here which are private that would be protected. Since those privacy provisions are in there, it seems to me that this balancing of the public's right to know and also the obligation to protect individual citizens has been achieved. For that reason, if there are to be changes, I would see them to be of only a minor or modest nature. I do not see huge changes being needed in this act for it to be our own first Access to Information Act. So those are just some general comments.

CHAIRMAN (Mr. Ningark): Thank you. I would like to formally recognize Mr. David Searle, former Speaker of this House, in the gallery.

--Applause

We are discussing Bill 44. General comments. Mr. Minister.

HON. MICHAEL BALLANTYNE: Mr. Chairman, as you know, and as we have said a number of times in this House, the government does have some major concerns about the way Private Member's Bills come through the House. We still do not think that a process for dealing with Private Member's Bills has been formalized or is clearly agreed to and understood by all Members. We see some major potential difficulties unless that process is standardized. For example, the very principle that only a government can bring forward money bills is very fundamental to the workings of a legislative assembly with an executive branch.

Whether one agrees or not with the decisions made by the Executive, the Executive Members are, in fact, put in their positions by Members of the Assembly and have to consider the totality of government needs and government policy and formulate a budget based on many many different issues. The danger is if through a Private Member's Bill the issue is so focused that, in fact, the larger picture is lost in the

process. We have some major concerns with that element of Private Member's Bills, and I hope and trust that the next Legislative Assembly will deal with that in more detail and more adequately than we have dealt with it, because it has the potential to cause this government major difficulties in the future.

The second aspect of this bill, specifically, is that, as Mr. Lewis said, we and many people in the public had a concern about the proper balance and how you ensure that there is a free flow of pertinent information from the government to the public and at the same time protect confidences, protect individuals' rights and protect some elements of cabinet secrecy. Though the word "secrecy" is held in disrepute during the 1990s, the reality is that the only way that a cabinet can operate, the way that cabinet Members can be frank with each other, is knowing that individuals will not be singled out for a government decision. We were concerned about that aspect of this particular bill.

Free Vote On Bill By Executive Council Members

To give Mr. Gargan his due credit, Mr. Gargan has been very open with our department as far as having our lawyers work with Mr. Vertes to try to deal with some of these very difficult and very fundamental issues. We, as a government, do have some problem with exactly how to deal with this bill and we have decided, because it is a Private Member's Bill and because there are different opinions as to what should be happening in this sort of a bill, there will be a free vote on this particular bill by the government. Each government Member will vote as an MLA according to his or her conscience on this particular bill. I just wanted to clarify that at this particular time.

I would like, though, again to add some praise for Mr. Gargan. Mr. Gargan has attempted in this exercise to fully involve as many interested parties as could be involved. I think, whether or not one agrees with the philosophy of this bill, one should commend Mr. Gargan's thoroughness in allowing interested parties -- the standing committee on legislation and the government all had adequate opportunity to have input into this bill. Although ultimately the fate of the bill will be decided by individual Members, as I said, voting according to their conscience, I think we should acknowledge the very responsible approach taken by Mr. Gargan in introducing and following through with this particular bill.

I would put on the record now as an MLA, speaking as an ordinary MLA, that I will support the bill. Thank you.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Ballantyne. General comments. Mr. Pedersen.

MR. PEDERSEN: Thank you, Mr. Chairman. I would like to support some of the comments Mr. Ballantyne made. I would have liked to see this as a government bill, as well. In fact, there are many bills I would like to see the government bring forward that never do get brought forward. I suppose that is why they end up as Private Member's Bills. The majority of bills that we have dealt with in the last four years have, in fact, never been requested by this Assembly to be introduced. Some have been requested and have not been introduced and that is, of course, why we have Private Member's Bills. That is on the technicalities of it, and if the next Legislature can come up with a formula that would better facilitate this, then that would be an improvement.

I agree that the bill has had a thorough distribution and has been made available to all Members through various stages of its development, and I appreciate that. In my career as an MLA I have had a number of requests from constituents and frustrations expressed by constituents that they cannot find

things out they feel they want to find out nor get information they feel they should have the right to access. Mr. Chairman, this has never been information that concerned cabinet secrecy or what goes on in the Executive Council, or anything like that. It has never been at that level. The information that people who have approached me are seeking is information that is contained within the depths of our bureaucracy such as a person saying, "Why was my application for a loan refused? Why was I turned down for social assistance? Why can I not get a job with this government? It seems every time I apply, although my qualifications are what the job competition calls for, I never get considered; I never get an interview. Why do others get housing and I do not? Why can I not get the licence that I was looking for? Why does the bureaucracy seem to hound me by insisting that I come up to every standard and code there is, and yet my next door neighbour gets away with similar things?"

I think that our population has a right to this kind of information. We should operate a far more open government than we do. There are many cases, as I say, that I know of, where I am convinced that the bureaucratic end of our government has no right not to let the people wanting that information have that information about themselves. It is not information about other people. I agree that there is some information that cannot be divulged, but I think that the bill adequately takes care of that.

Mr. Chairman, I welcome this bill and I am prepared to support it as is. I think there may be ways to improve it, but I think it is a good bill as it stands, and I do not propose to move any amendments. When we are ready, I shall be happy to go through it clause by clause and vote, and vote in support of the passage of this bill. Thank you.

CHAIRMAN (Mr. Whitford): Any other general comments? Before I ask for the next speaker, the Chair would like to recognize in the Speaker's gallery, the Hon. Howard Dirks, Minister of Development, Trade and Tourism for the province of British Columbia, Member of the Legislative Assembly representing the constituency of Nelson/Creston in British Columbia;

---Applause

and the Hon. Donald Sparrow and Mrs. Sparrow, Minister of Tourism for Alberta, Member of the Legislative Assembly, representing the constituency of Wetaskiwin/Leduc, province of Alberta. Welcome to the House.

---Applause

The Chair recognizes the honourable Member for Nunakput.

Legislation Will Cost Money

HON. NELLIE COURNOYEA: Thank you, Mr. Chairman. Just a few general comments in regard to Bill 44, Access to Information Act. One thing that I feel we should not suffer under any illusions about, in going ahead with this bill, is that it is not going to cost us some money. Every time we get legislation, we hire a few more lawyers to make sure that our legislation works. I think that if we proceed with this legislation, it is going to cost us money. People sitting in positions are going to be much more careful in what they provide, because under legislation you are required to protect the legislation and operate within that legislation. So certainly we should not suffer under that illusion.

One of the areas that I am a bit concerned about, is that if information was not forthcoming, I do not know whether passing legislation is going to help or not. I believe that we are fairly easy in providing information. I realize there are

some problems, but I do not believe that legislation is going to help them or make them any easier.

Over the number of years that we have had this type of legislature -- we are not like legislatures down south; we are different, and I believe that certainly there should be less secrecy. I certainly believe that we should be more trusting of each other and work harder in trying to produce information that people really want to get.

With this legislation I find that there are more things protected than there were previously. There is more in this legislation that says what we cannot do or what information we can provide. So therefore I feel that we will be having to do extra work to make sure that we live by these provisions in this legislation, that we do not release information according to the various sections of this legislation. And I really do not know what information is allowed, because there are more specifications on what we cannot release. Those are my general comments.

CHAIRMAN (Mr. Whitford): Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I would first of all like to commend the Minister of Justice as I believe he will be the Minister who will have responsibility for this act once it is passed. I want to commend him and his officials for working with the standing committee on legislation officials and with Mr. Vertes, who was retained on Mr. Gargan's behalf to work on the bill, to make sure that when the legislation does come into place that the wordings in the proposed legislation have now been changed to accommodate whatever regimes are in place in the government and that the terminology, et cetera, is understood by everybody to mean the same thing.

I would also like to comment a bit about his comment that this might be a money bill. I am of the opinion that the government spends a lot of money, right now, actually working to provide information to the general public in the way of brochures. Also, people have to make decisions as to what is going to be given out and what is not given out. I am sure a lot of midnight oil was burned by Ministers and officials over the years when Members asked for information in this House and were not able to get it or got it watered down or got summaries. So I believe there is already a regime in place that makes sure that the general public can access information and that money is already being spent on that. It may not be a specific item in the budget, but in actual fact it takes place.

So to say that it is a money bill, I find pretty surprising. And as I said in the SCOL hearings, if this is a money bill, so would a piece of federal legislation to bring back the death penalty be, because the government might have to buy a few lengths of rope. To make that comparison, that would be the same thing; and I just do not think that this would be a money bill in any way, shape or form.

General Public Wants Access To Information Act

I think that we are one of the only jurisdictions in the Canada that does not have an access to information act. I regret that in a consensus House we are having to do it. I think that some of the information withheld from individual Members has basically been the reason why this came to the fore, because until Mr. Gargan actually became frustrated and went ahead with the Private Member's Bill, the general public was not demanding it, though now they have seen that it is on the floor and in the works and they want to see it go through.

I would like to comment in particular to the Minister of Justice and his successor in that portfolio after the next election.

What I am concerned about is that right now, I think, in general most people in the Territories who want to get access to information can do it either orally over the phone, by walking physically into a government office or by writing a letter. I think just about everybody gets the information they want. Otherwise you would have heard a pretty big scream from the general public on a lot of these issues, although a lot of people when they are frustrated go immediately to their MLAs, and the questions are asked in the House, and that is the source of information as a final resort.

What I would like to caution the government about, and even Members like myself who support the bill, is to be aware that we do not want to start a regime up where the only way you could access information is to fill out a form asking for information. I would like to hope that the present situation that exists, which is that basically people could go and get information from the government the way it is done right now, will continue, and only when they are frustrated will they then fill out some approved form which gives the government some sort of official notice that they are trying to access information and have been refused.

So I just hope that the government, when this bill passes, and I hope it does, will not put a regime in place to actually make it harder for the general public to get information than it is right now. Thank you, Mr. Chairman.

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

Possible Use Of Government Information By Poachers

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. Although I agree that we have to have some sort of avenue for the public to get information from the government, we need to rethink some of the clauses that are existing in this bill.

More specifically, Mr. Chairman, I have a concern over some clauses in this bill. To do a proper wildlife management within the NWT, we have to hold some information back to prevent poachers from locating endangered species, such as gyrfalcon or other falcons. We know their sites as wildlife managers and we know that, in the past, some groups from other countries have attempted to poach eggs as well as the birds. As managers, we will be concerned that the information that is available within our department might be accessed by those very people whom we are trying to prevent from taking some wildlife species.

I would like to ask Mr. Gargan whether under his bill that type of information now would be available to the general public. That is my first question, Mr. Chairman.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Allooloo. You are wanting to ask the witness a question. Thank you. I am going to ask the witness if he cares to answer. Mr. Gargan.

MR. GARGAN: Mr. Chairman, with regard to Mr. Allooloo's question, the information could be considered confidential and not made public if the information is made to the government in confidence by another government. In other words, if it is federal legislation that says that these are endangered species and that information is confidential, then the government has to keep that in confidence and not make that public information.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. Mr. Allooloo.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. I am asking specifically on the endangered species. That information as to where these sites are is available to our

government, but it is not available to any other government. Would we now be guided by this act to give that information to whoever requests it?

CHAIRMAN (Mr. Whitford): Thank you, Mr. Allooloo. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. I understand that if the information is with this government, then under this act, they have to provide that information, unless, I have been advised by my legal adviser, the government would like to pass a law to keep it confidential.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. Mr. Allooloo.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. I know that with the absence of that piece of legislation that will protect the information from going out to the general public in respect to endangered species, after the passage of this legislation we would then be required to give that information out.

Another thing that we do as wildlife managers is collect harvest data of all or some of the groups. Let us say we work with the Baffin Inuit Association to collect harvest information. Generally that information is not available to the general public unless it is completed. My concern is that the organizations that are opposing our harvesting as aboriginal people throughout the Northwest Territories, such as the animal rights movement, would get that information from the government to use it against our harvesting methods.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Allooloo. Mr. Gargan.

MR. GARGAN: Mr. Chairman, in response to the Minister, scientific data that is collected by a certain group and provided to the government is kept confidential.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. Mr. Allooloo.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. This data is normally scientific. It is done by local people, the local HTA, without a scientist being involved. If residents get 10 caribou, they write down 10 and once a month one person from the hunters and trappers association within the community goes into each household and asks the hunter, "How many caribou did you catch this month?", and he writes it down, and sends it down to the centre. The Baffin Inuit Association collects that information for us. There are groups like that, and it are not normally scientific information; it is general information. Would this information now become available to antiharvesting movements since we have incomplete information of these lying around in some of the offices?

CHAIRMAN (Mr. Whitford): Thank you, Mr. Allooloo. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. Under this act we would, the government would have to provide that information.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. Mr. Allooloo.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. Another question that I have is with respect to a clause, and maybe I will ask him when we get to the clause. Under the existing legislation, which is the Environmental Rights Act, under section 3.2, a person could ask for information about the environmental concerns that he or she has. If that person

does not get that information which he or she has requested, could they make the same request under section 4 of the proposed Access to Information Act? That will be my question. If he prefers to answer it now or when we get to the clauses, section 4 of the proposed bill.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Allooloo. Mr. Gargan, you have heard that question. Do you choose to answer it now or later?

MR. GARGAN: Mr. Chairman, under the Environmental Rights Act – the same request could be made under this act, although under the Access to Information Act there are more restrictions than under the Environmental Rights Act.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. Mr. Allooloo, that question has been answered. Would you like to ask any more questions, any more general comments from this Member?

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. I will wait to hear from other Members for a little while and then I might ask some more. Thank you.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Allooloo. Next I have Mr. Ningark on my list.

MR. NINGARK: Mr. Chairman, I will be speaking later after I hear from my colleagues on the other side. I have a feeling that something might come out on the other side.

CHAIRMAN (Mr. Whitford): Your colleagues across the way declined. I will move on then. Mr. Wray is next on the list, then Mr. Patterson.

People In Small Communities Will Not Benefit

HON. GORDON WRAY: Thank you, Mr. Chairman. I will not be here over the next two or three days so I want to make a few comments for the record. In principle you have to, particularly if you are a politician, support access to information. It is like going against motherhood and apple pie. But I think the way in which you do it is also very important. I worry, as I said in my reply to the Commissioner a couple of days ago, that this House is being driven to bring in legislation modelled on southern Canada's, and the test I always have is, "Will it improve the quality of life of people living in the small communities?" I believe that that, as lawmakers and in legislation that we pass, is something we should be aspiring to.

I quite frankly think this piece of legislation fails that test. I do not think it is going to improve the lives of people in the small communities. In fact, I think this information or bill will be used specifically by special interest groups in large centres like this that have access to money and lawyers. I think it is going to be used by the press to "dig up dirt", because that is the pattern we have seen in the South. The press never use it to obtain information -- or very rarely. They are always looking to see what Minister is doing what or who is going on what trip or who is spending what, because that is the nature of the press -- for controversy.

I worry that in effect this legislation will be utilized mainly by people in the larger centres. Quite frankly, I worry as a Minister because over the last eight or nine years I think I have been relatively lucky inasmuch as when I ask for information from the bureaucracy, at times they have turned over the entire files to me even with their own handwritten notes. This allowed me to dig things out that I otherwise would not have found out. I am firmly of the belief that, even with the exemptions contained in present legislation -- and I would congratulate Mr. Gargan on all the work he has done

on this -- but even with the exemptions, I believe that as Ministers, and obviously as MLAs, what we are going to see within the bureaucracy is that everything is going to be so sanitized that we are never going to be able to get to the real bottom of things. People are going to start writing things knowing that it may become public so you are never going to see true opinions put down on paper; you are never going to see facts put down that people are worried may get out; the files within the bureaucracy are going to become so sanitized as to be almost useless to try and find information out.

One other concern, and one that is not a minor concern because we have seen it happen too often in the past: We are really concerned about groups such as Greenpeace and the animal rights movement digging out facts, digging out half-completed studies and manipulating that information to their benefit; because remember, we have had experience with these groups and they are not factual and they are not logical. They will twist and manipulate any kind of information to suit their purposes. We have seen them do it time and time again. I worry that they are going to try and do the same thing again. To say that they will not -- well, history proves it is wrong. They have done it in the past and they will do it in the future. This may be a minor concern, but it is nevertheless a concern that we have; these kinds of things will happen. There may be other examples that we have not thought through yet, because remember, as a jurisdiction we are still a developing jurisdiction, we are still a growing jurisdiction. We are not as "sophisticated" as some of the southern legislatures who have had this in place for a long time.

A lot of the information that is contained within government in the North is fairly, what I call, raw data. I really worry that this is going to have the opposite effect of what it is intended to do; that in fact information will dry up. It will not be as available as before. That is the nature of bureaucracy. They are obviously not going to put things down on paper that they do not want people to see, or in many cases they will not put their true feelings down because there will always be a fear that it is going to be made public.

As Ministers it is going to be very difficult for us to decide and judge whether what we are getting is true information -- that these really are all the facts. I think it is going to be tough. In talking to provincial colleagues in the South, they tell me that in fact that is what is happening in the South and in fact access to information has become more difficult as opposed to easier. What has happened because of that is that people go after the easy stuff, the glamorous stuff. That is why you rarely see in the press anything of substance about information obtained under freedom of information. Usually it is the stuff about Don Getty's trip to Paris or so and so's trip here or there. That is the stuff they go after. I do not think that is what Mr. Gargan and we are trying to do up here. I think what we are trying to do is make sure that information the public thinks is necessary to it to judge its politicians gets out to the public.

Most of our small communities do not have the resources to do this. If you are sitting up in Grise Fiord or Lake Harbour or Repulse Bay, you do not have the resources. You do not have lawyers available to you to go after the government to find out information. But if you are sitting here in Yellowknife, it is a whole different story. That is why I think, and I worry, that this legislation is being driven purely by big city type people. It is not being driven by our smaller communities. Thank you.

CHAIRMAN (Mr. Whitford): Thank you. The Chair will recognize the Member for Iqaluit.

Correct Principle underlies Access To Information Bill

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I am going to echo some of the concerns that have already been mentioned, but I would like to put them on the record. I want to say at the outset, Mr. Chairman, in mentioning some concerns, that I think the principle is a correct one. The principle underlying this bill is more open government and better access to information, but I guess what I want to ask here, and what I am not sure if we have adequately studied is, is this the best way to do it?

The first point I want to make, Mr. Chairman, and Mr. Wray alluded to it, is that I would like to know, and maybe the Member sponsoring this bill has done this work, I would like to get some experience from other jurisdictions about how these bills have actually worked because, Mr. Chairman, my understanding is as Mr. Wray says, that in fact if this bill or any of this type of bill is passed, it will forever affect the internal workings of this government or any other government. In fact, what happens is that the free and frank flow of information that we do now have within our government, where people write comments on letters that they receive, where people put memos to their colleagues or to themselves in the files which reveal precisely how an issue is developed, may end, if our civil servants suddenly are afraid that their comments, memos or interdepartmental communications will suddenly be tabled in this Legislature. I think, Mr. Chairman, that the experience of other jurisdictions shows that this happens. If this is true -- and maybe the Member has a comment -- it ends up defeating the fundamental purpose of the bill. In fact, the public may have access to information but it becomes sanitized, edited, limited, incomplete or even cosmetic information instead of the kind of detailed information that Members of this Assembly might want to see.

So I guess what I would be saying, first of all, Mr. Chairman, is that if we have not carefully examined the experience of other jurisdictions, and my understanding is that other jurisdictions are frustrated and dissatisfied with the operations of their freedom of information bills, then we should have that information before us before we take a significant step like this. In other words, could this bill actually have the effect of limiting and not enhancing the flow of information?

Another question that I think is quite fundamental, and it has to do with whether or not we are transplanting a southern solution to the North, is how closely have we looked at how this bill affects the privileges of Members of this Assembly? Mr. Chairman, I think we have quite an open government and certainly quite an open decision-making process, and I just wonder if this bill takes into account the consensus style of decision-making that we have in the NWT. Does this bill take into account that really our cabinet, our Executive Council, is appointed by Members of this House and therefore is accountable to Members of this House and therefore Members of this Legislature have far more authority, if it comes to dissatisfaction with the government about a piece of information, because they can hold cabinet Members directly accountable for their very jobs, than Members in other Houses who may have brought forward bills, because of the relative powerlessness of a backbencher in another jurisdiction?

Information Available To Members On Communities

I would say also, Mr. Chairman, that Members of our committees of this Legislature have far more powers and far more access to information, by virtue of their membership in committees, than probably any other MLA or Member of a territorial or provincial or state legislature in North America. I wonder, Mr. Chairman, does this bill suit the consensus system and has the author of the bill, in modelling the bill on other bills from other partisan legislatures, considered the

rather unique privileges that our MLAs now have?

I guess I am wondering out loud, does this bill in some way perhaps erode the special and unique privileges that MLAs in the consensus system of government have? Maybe this matter has been considered carefully by the Member. I would like to hear his comments on it. But if it has not, it is a point that I would like to see addressed.

Mr. Chairman, in my constituency there has not been a welling of support for the Access to Information Act. I think people in Baffin Island generally, and certainly including Iqaluit, probably feel somewhat distant from the government and probably would not take the same advantage of this bill as other regions of the Territories might, in other constituencies. I know the Iqaluit Chamber of Commerce had discussed the bill briefly at one of their meetings and had come out with support for the principle of the bill, but in talking to some members I believe that they think that this bill might give them some advantages as far as being able to get information about competitors in business and what prices the government is paying on negotiated contracts and this sort of thing. I believe that the exemptions in the bill at present would in fact treat most of those kinds of dealings of the government with corporate clients, people applying to the Economic Development Department for programs or people even negotiating invitational contracts -- most of those arrangements would be privileged and would be secret anyway. So if there is some support within the Iqaluit Chamber of Commerce, it may be for the wrong reasons.

I guess I wonder, in conclusion Mr. Chairman, who are we doing this for? Where is the support for this bill? Where is the driving call for this bill? I have not heard it from my own constituency. I know there was one person who appeared before the standing committee on legislation who, I believe, bragged about the number, the dozens of applications that this individual had made for access to information to the federal Parliament. I know that this bill will immediately be greeted with great delight by people who become preoccupied with this, and perhaps, as some other Members have suggested, by some interest groups. But I have to question myself, as to the extent to which this bill is going to be utilized by my constituents, and I certainly do not detect a ground-swelling of desire that such a bill be put in place.

I guess what I am saying, Mr. Chairman, is that I think the principle of the bill is right. Open government -- who could speak against it? I certainly am in favour of more open government, although I think ours is more open than most. But I wonder if we really carefully examined whether this is, in fact, the best way. Perhaps if we need more information, or better access to information, the tools are right here in our Legislature, in our committees, in our question period, in our manner of dealing with requests for information by Members of this House.

So Mr. Speaker, for all these reasons, I guess my own feeling is that although I compliment the Member on his good work and his usual hard work in advancing the bill and modifying the bill as he has done, my own feeling is that perhaps some of these questions need to be examined more carefully. This is a big step for our jurisdiction, and I would like to see these questions answered and some more study be given before we finalize this bill. I think it is a useful draft, and it may well be the basis for further change; but I personally would like to see some of these fundamental questions more thoroughly examined than we have had the time to do since the bill was first tabled, Mr. Chairman, before it is finalized. Thank you.

CHAIRMAN (Mr. Whitford): Thank you. The Member for Iqaluit poses a lot of good questions. Perhaps Mr. Gargan would like to respond to some of those.

Access To Information Bill Defended

MR. GARGAN: Mr. Chairman, with regard to the privileges of Members. In my opening statement I stated that the flow of information, the rights and privileges of an MLA, are not affected by this bill. The information that is sought from this government -- perhaps one out of 10 times the information will be provided, but the other nine times it is not. The purpose behind this, Mr. Chairman, is for the public to get that information, and it is for the bureaucracy and the government to provide that information that is being requested.

The other thing is that if the government wants to study this bill, I do not have to make it come into force on January 1st. Perhaps we could give them an extra three months to study it further. I could consider that, if that is the kind of study that the government wants to make. But the act will still be intact. I am not going to try to change the principle of what the intent of the act is.

Also, the government made a statement about the act being southern-driven. I know that Members of the Executive made statements that too many times the legislation is bureaucracy-driven. I want to say that a lot of legislation, in fact 99 per cent of all legislation, is bureaucracy-driven. But for an act like this to be implemented, it is not going to be bureaucracy-driven. I do not think the bureaucracy would want to have that kind of legislation, and they would not be the driving force behind it. If I did not introduce this, is the government willing to do that? There is access to information right across the provinces, and the best act so far is our act. We have done more about access to information than any other legislature. I will only be reflecting, Mr. Chairman, the consensus of the government; and if we are a consensus government then the government should be more in favour of passing such a bill so that the general public is given that opportunity to access information without going through the hurdles of being denied the information now. That is exactly what it is right now. Although we are a consensus, the government decides who gets information and what information is provided.

If we are going to be reflecting consensus government, the government should be all in favour of this bill being passed so that we could implement further our consensus government. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. General comments. Mr. Ningark.

MR. NINGARK: Thank you, Mr. Chairman. In listening to some of my colleagues, some ideas came to me more clearly than at the beginning. We are in a unique situation, especially in the small communities that I represent of Spence Bay, Gjoa Haven and Pelly Bay, where all members of the communities know where I have been and why and when I am coming back; and just about everybody knows who I went with, either by word of mouth, a local radio station or through the regional radio station. They also know how many meetings I miss in Yellowknife. Because Bill 44 does not reflect the unique situation that we are in at the present stage, I do not support the bill. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Ningark. General comments. I have Mr. Lewis next on the list. Anyone else that has not had an opportunity first time around? Okay, Mr. Lewis then Mr. McLaughlin.

Members From Small Communities Support Access To Information

MR. LEWIS: Thank you, Mr. Chairman. I listened with some

interest to the comments made by two Members of the government, first of all Mr. Wray's concern, and this has been re-echoed by some other people who represent small areas far removed from Fort Smith, Yellowknife or Inuvik.

I would like to point out to Members that the origin of this bill goes back some time, and as I recall, Mr. Nerysoo, who is from Fort McPherson, raised this issue when he was an ordinary Member and was, in fact, pursuing it as an issue. Mr. Gargan, I know, has always been interested in it, and when Mr. Nerysoo became Speaker he could see that this was a bill that had considerable ramifications, and I do not think that either of those Members could be considered as representing large urban areas. They represent people from communities that are basically rural, and for that reason I think the accusation that this is only going to be used by people from Yellowknife just does not make too much sense.

In fact, Mr. Wray has given ample evidence this week that when you just give the information straight, even if it is so-called "sexy" information, exciting stuff -- he has openly admitted in the last week that five people went to Japan and today we heard seven other people went to Japan, and nobody raised an eyebrow. It was a good project; it made sense; and he should be applauded for it; so no one says a word about that. It is only when you try to hide stuff that you need to have an access to information act. When somebody is deliberately trying to hide something, that is when you need to have an act like this. I do not agree with that perception that it is only going to be used to expose all these sorts of exciting things that will be sensationalized by the press. If you come out straight and tell the goods, it will not happen. Mr. Wray has given an ample demonstration of that both during the last week and today.

Quality Of Bureaucrats' Work May Improve

The other thing, Mr. Chairman, the concern that Mr. Patterson has raised about the bureaucracy. Suddenly bureaucrats are going to be very cagey and they are not going to commit themselves. They never want to make strong recommendations one way or the other, and you are never going to get the flavour of the emotions and so on in the same way because people are not going to write notes to maybe further elaborate in the margins of memos something of perhaps a more personal nature.

The other side of this, Mr. Chairman, is that if anybody knows that the work they are doing is work of great importance and could eventually become public property, then my guess is that the quality of work will go up. Once you know that everything you are doing is not just something you can dash off and slap together and you are in such good standing with your boss that you will not even be slapped over the wrist for it, it seems to me that if you know that what you do could, in fact, eventually be something that other people will read, except perhaps one or two other favoured people, then the quality of your work could quite easily be much better. That is another argument, in fact, for making sure that anything that the bureaucracy does could eventually become public property.

The other point I want to make, Mr. Chairman, is that it is pretty clear from the position taken by Mr. Patterson that the government as a government, if you like, does not support the bill. Although individual Members may indicate that as MLAs they have been given the freedom to vote according to their conscience, it is pretty clear that the established position is that this bill is not a good bill. The argument that has been given is that we really should know far more about bills that exist in other jurisdictions.

It strikes me that when one individual decides to spend his time on this piece of legislation because he believes it is

important, you would assume that what he would have done is to collect the bits of legislation that exist and become an expert in it. That is his thing. He has not got a pile of other legislation; he has not got a government department to run. This is his piece of work that he has decided to take on as a special project, if you like, as a private Member. You would have to have some faith, as I have heard expressed by several government Members today, that he has taken this work seriously. The Member has taken this work very seriously, and has gone to all kinds of lengths to make sure that consultation takes place, and for that reason I think the accusation that maybe this is something we should not really go into because we do not know enough about it really denies the kind of respect that a private Member should have for having taken something on and then really become an expert in it so that what we have in front of us is the best that we could possibly come up with. I think it also casts some light on the ability even of the legal counsel that we have attached to this project, who is known in this community as a very very capable and competent lawyer. For that reason, Mr. Chairman, I just dismiss that argument that we really do not know enough about this and the Member is really an amateur and we should really have a whole bunch of other people look at it because he cannot be trusted. I withdraw that last comment, Mr. Chairman.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Lewis.

MR. LEWIS: My final comment, Mr. Chairman, is that although I would not like to see Mr. Gargan withdraw this bill, perhaps what could be achieved, though, is a change in date so that instead of having it come into force on January 1st, we could simply put the date of April 1st, 1992 as a coming-into-force date for this act. But not to just withdraw it but to have it reconsidered by the next Assembly and to in fact pass it and have a coming into force period a little later on, so that if there are any other amendments that have to be made, there would be an opportunity to make them after we have had some further discussion. Thank you.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Lewis, for the comments. Mr. Gargan, do you wish to respond at all to any of what was said? General comments. The Chair recognizes Mr. McLaughlin.

Government Prefers Cabinet Secrecy

MR. McLAUGHLIN: Thank you, Mr. Chairman. Just one really general comment that made me think about why we need something like this. It has to do with a government initiative of some time ago early in the life of this Assembly. The government took some initiatives in the area. I believe they were -- and I could be wrong -- trying to bring an amendment in to the Statute Law Amendment Act. There were some aspects of that legislation which they were proposing that would deal with the storage of government documents and their eventual destruction and which ones should be kept in archives for posterity. When it came before the standing committee on legislation, we thought it was a good idea because away down in history some time from now people are going to want to know what happened in the government. It is pretty standard in most democracies that cabinet documents are kept secret for 30, 50, 70 years until all the people who were at the meeting are dead. There are all sorts of different rules that they have dealing with these types of things, but people are interested in actually what happened in history.

This piece of legislation came before the standing committee on legislation and we thought it was a pretty good idea to do something like this. Then when the government came to appear before us, they had an amendment to exempt the cabinet documents from the legislation. Committee Members

thought if any documents would be of interest to people down the road in future or in history, it would be those documents. This made me wonder if the government is now shredding all those documents before any type of legislation like this is passed or like the legislation they have proposed is passed.

There is some concern about what is handled with government documents. A couple of Ministers said that maybe the bureaucracy will handle paperwork in a different way or maybe they will start destroying it faster or maybe they will start destroying cabinet documents faster. I do not know. It is for those kinds of reasons that committee became instantly concerned when we saw that the government wanted to delete the cabinet documents from this regime. Then the government retreated and never came back again with any document ever to deal with the storage and destruction of government documents. No more proposals came to us. That was three years ago. That is another thing that makes me think or wonder if the government is worried about what is going to be kept and what is not.

I think the whole area has to be addressed. I am of the same opinion as Mr. Lewis expressed. I think it is essential that we get legislation in place, but if the government is worried, they need to see what has been done in other jurisdictions to see if they can maybe find something that Mr. Vertes or Mr. Gargan or the Law Clerk or the officials of the Department of Justice have missed. Fine. That would not bother me. I would not be too concerned about a coming-into-force date later than the one proposed in this legislation. But I would want to make sure the legislation is in place. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Whitford): Thank you, Mr. McLaughlin. General comments. Mr. Pudluk. The Member for the High Arctic gives up his spot for Mr. Ernerk, and then we will come back to you, Mr. Pudluk.

MR. ERNERK: Thank you, Mr. Chairperson. I am pleased to recognize that I am a little taller than he is, so I go first. Mr. Chairperson, firstly, Bill 44, Access to Information Act, at home in my riding is not an issue. Nobody has asked me to fully support it or to fully oppose it. What people at home have said to me – and they said this four years ago -- is to see if we could try to improve the living and social conditions and try to create more job opportunities at the community level. They have asked me to speak on women's issues, which we have tried to do in the Legislative Assembly. They have asked me to speak on improvement with regard to day-care, child care facilities, and we have tried to do that in the past four years in this House. They have asked me to speak on the improvement of housing conditions at the community level. We have tried to do that in this House for all of us in my riding.

Mr. Chairperson, I agree also with some Members of this House that we should see if we could have much more open government. I think nobody argues about that whatsoever. What I have said in the past is that we should have more accountable government, accountable to the people whom we serve in the Northwest Territories. I think that is the magic word we have been neglecting -- the accountability of this government to all the people of the Northwest Territories.

AN HON. MEMBER: Agreed.

No Secrets In Remote Communities

MR. ERNERK: In some ways, Mr. Chairperson, we have missed that. But we can do it more in the future. Like my colleague for Natilikmiot, and I am sure my colleagues from the Nunavut side of the Northwest Territories, we have always been fairly open with our constituents. That is why they

elected us in the first place – so that we are open with them and so that we communicate with them. For instance, Mr. Chairman, practically everybody knew when we were going overseas either to Isle of Man, or to Copenhagen to return the skeletal remains from Copenhagen. As my friend for Natilikmiot said, they knew either by word of mouth or through the local or regional radio station as well as a territorial radio station. Basically, from that point of view, we have no secrets from the people that we serve.

Maybe there is something here that I am missing. Maybe I do not quite understand the whole act. Maybe it is not well understood by the people in many parts of the Northwest Territories, and that is why I say it is not an issue at home. So I think that there are other ways of doing this. I think there are other ways of trying to get some information through the Legislative Assembly of the government. For some of those reasons, Mr. Chairperson, I am not going to be supporting the act at this point. Thank you.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Ernerk. Mr. Gargan, would you like to respond?

MR. GARGAN: Mr. Chairman, I do agree with Mr. Ernerk that the government must be more accountable, but the government also limits their accountability with regard to information that they could disclose or not. The whole purpose of this act is perhaps to make the burden of Members soliciting the government for information a lot easier.

In other words, Mr. Chairman, there are 24 Members here, but there are 53,000 people out there that would like to get information, and if people in large constituencies are requesting of their MLAs information, then there is a very limited time that they would have to do constituency work, and yes, accountability is very important. The reason why I am implementing this act is so that that accountability is there, and the only way you can get accountability is you have the information from this government to account to your constituency.

Mr. Chairman, I do agree with what the Member is saying, but I just do not know what his problems are in regard to not supporting the bill. I have not heard anything. He has not referred to any clause in the bill that he does not like, but rather, you know, he does not like the whole bill, period. So I cannot respond properly to that. Thank you.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. Next on my list is Mr. Pudluk, Member for High Arctic.

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I would like to make a brief statement with regard to the Access to Information Act. I would like to thank the people who were working on this and I am sure that they worked very hard on this. I was invited around May 16 to the committees while they were having a meeting in Yellowknife. At the time I thought about it and spoke about it because I did not have access to this Access to Information Act. I have not changed my mind since, and regarding their statements, I believe in those, and I believe the people that I represent will be touched by this act.

Some of the communities that we represent are very small, and some Members talked about the Greenpeace people. The Greenpeace people, I feel, are going to try to access information that they should not be getting, which they will be able to get because of this legislation. That makes it easier for them to access information.

There are also some questions that I have that I want some information on. The government, as far as we are concerned, is pretty new. They just came here recently, in 1968. That

was only 23 or 24 years ago, and they are just starting to sort of operate the government more smoothly since 1968. This legislation to access information, when it becomes law -- there might be problems that we will encounter while this present government is still trying to fix up the way they run at the present time.

We have wanted to divide the Northwest Territories. When the Territories divide, maybe we can get legislation dealing with access to information; it would be better after division. I will have to get some more information on the questions that I have with regard to this legislation before I can support it. So I will be making a motion.

Motion To Refer Bill 44, Access To Information Act, Back To Standing Committee On Legislation

Mr. Chairman, I move the following motion: That this Bill 44 be referred back to the standing committee on legislation for further review and study.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Pudluk. I will just take that under advisement for a moment here. Mr. Pudluk, we will need to have the motion written. Here it is, and it will have to be translated as well, so we will take a five minute, six minute break. We will take a short break here for probably about six or seven minutes.

---SHORT RECESS

We will come back to order. When we adjourned there was a motion on the floor. We adjourned to have it written and translated. The motion reads, "I move that Bill 44 be referred back to the standing committee on legislation for further review and study."

Motion To Refer Bill 44, Access To Information Act, Back To Standing Committee On Legislation, Ruled Out Of Order

I have reviewed the motion, and I am going to rule that the motion is out of order. Mr. Lewis, you had your hand up. General comments.

MR. LEWIS: Mr. Chairman, I have not had a chance to talk to Mr. Gargan. He really believes, as far as I can make out, that he cannot really improve this bill any more than he has. He has worked so hard on it. So I certainly respect your ruling.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Lewis. How can you improve on a work of art? General comments. Mr. Pudluk.

Before we go back to general comments, the Chair would like to recognize the Hon. Peter North, the Minister of Tourism and Recreation for the Province of Ontario. He represents the constituency of Elgin.

---Applause

Next on my list for general comments is Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I would like to make a brief statement with regard to the Access to Information Act. I know I have heard quite a number of positive comments from the Members and I also have the same feeling as my fellow eastern Members. But I have a concern with regard to the proposed legislation. I have been wondering who would be the first people to be able to access information through this legislation. If the act is passed, would the public ask the MLAs to do research? I do not have anything embarrassing in my records but I am

afraid that the public would try to access information about individual Members of the Legislative Assembly. That is one of the reasons I am not going to be supporting the bill. It seems the Access to Information Act directly involves accessing information about individuals MLAs. I know the public would be very happy to be able to access information about MLAs when the act comes into effect. Even in my constituency, the public are always forever looking for something that I might be doing wrong and trying to access information about me. That is my situation at the present time. I feel that this legislation, if it is passed, will probably create a lot of problems. I will not be supporting the act and I wanted to give you the reasons why I am not supporting it. Thank you.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Arlooktoo. General comments. Mr. Kilabuk and then Mr. Morin.

MR. McLAUGHLIN: Point of order, Mr. Chairman.

CHAIRMAN (Mr. Whitford): You have a point of order, Mr. McLaughlin. I was going to say I had erred and was going to recognize Mr. Gargan's comments back here. When you are chairman, you can do this as well. Mr. Gargan.

MR. GARGAN: Mr. Chairman, there is section in the act which exempts from disclosure of information, and that is that personal information of Members is kept confidential. But information about any public money that is spent by Members could be provided to the public. So the Member's concern regarding information about his personal life, is protected by this act. But certainly any public money spent by Members is public information under this act.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I have a question for Mr. Gargan. I understand your point, but I am not really sure who is going to be the first to get information. Is it the MLAs, the Ministers, the general public or the government?

CHAIRMAN (Mr. Whitford): Mr. Gargan.

MR. GARGAN: Mr. Chairman, this act lets anybody ask for information to be provided under this act.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. The Chair recognizes Mr. Kilabuk.

Effect Of Legislation On Hamlets Or Municipalities

MR. KILABUK: (Translation) Thank you, Mr. Chairman. I do not have very many comments to make on this act. The only thing I can say is that I am concerned about the co-operatives and the hamlets not being listed in this act. Perhaps if they too were written down in the act, that they can do this or that, I am sure the hamlets and other corporations in the communities will be asked to provide information. Perhaps if we could write them down also, stating that these places will not be able to provide information to the public and specify the reasons why.

Usually a number of people will come into the community that would like to access information from those bodies as well in the communities. Perhaps if Mr. Gargan could consider writing down these various municipal associations or whatever, or municipal councils, that way they could also be protected from giving out information to the public that might be confidential. I would be happy if he could perhaps write in his legislation these municipal bodies could distribute information only that is accessible to the public. For instance

the towns, villages and hamlets, I think they should be included in this act saying that these municipal bodies would distribute information only when it is absolutely necessary. I just want to ask Mr. Gargan if he could include those hamlets, towns and villages in his act. Thank you.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Kilabuk. Mr. Gargan, would you be prepared to answer?

MR. GARGAN: Mr. Chairman, the act itself applies only to the Government of the Northwest Territories or its agencies, boards or commissions. If Mr. Kilabuk wants to make an amendment specifically for hamlets or municipalities, then it should be specified in the act itself, if that was to be included. But right now, Mr. Chairman, at least in my own community, all information by the hamlet is public information and even their finances, their payroll, everything is basically public information on how much is being expended, and that.

So I do not know where the difficulties with regard to which areas — perhaps members of the public are being denied information with regard to municipalities or hamlets. But if the Member feels that there should be a section in there specifically for municipalities, then it is really up to the Member to make a motion to that effect.

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

MR. KILABUK: (Translation) Yes, Mr. Chairman, I am just making a comment. There are usually some people that come into the communities, and if there was an individual that comes into town and sees this legislation, then they might think that they are able to access information, confidential information. I realize that we can get any information from the hamlet or the settlement council, but I figured that this legislation is directed to all the government and the bodies that they fund.

As legislators, we always try to make a legislation that affects the whole Territories, every community. So I just wondered whether maybe there was something missing.

I am just asking whether the legislation would be better if we were to include the municipalities or hamlets. Mr. Gargan is right in saying that usually when we ask for information from the hamlets and municipal councils, we are able to access information on their financial affairs and other things that are accessible to the public. We hear from them every year. I just thought perhaps there was something missing from the legislation, because I figured that this legislation is directed to the whole of the NWT, but he is saying now that it is just for the government, to access information from the government. I thought that this was directed to all the residents of the Northwest Territories, including the municipalities and hamlets. Thank you for giving me some more information.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Kilabuk. Mr. Gargan, response?

MR. GARGAN: Well, Mr. Chairman, the bill in its present form does not include municipalities. The only other jurisdiction where there is access to information on municipalities is in Ontario. That is the only province right now that has made laws that requires municipalities to provide access to information.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Gargan. General comments. Mr. Kilabuk are you through? The Chair will recognize Mr. Morin, Member for Tu Nede.

MR. MORIN: Thank you, Mr. Chairman. The way that I understand it is that the purpose of this bill is to provide the

right of access to information and records under the control of the government institutions in accordance with the principles that government information should be available to the public. I agree fully with that statement and the statement of purpose at the beginning of this bill, and I am hoping that is what this bill will do if it is passed. I am hoping that what Ministers have said does not come true. Maybe we are making a mistake if we do pass it. I do not know, I cannot foretell the future. But I, for one, will support this bill and hope that it does work in the public's interest, and I know that in passing this bill it will not change the day-to-day life of people in my riding of Tu Nede. But if it is needed at some time, if someone does need access and is refused access, there should be a good reason why they are refused and there should be an appeal process, and I think that is what this bill does.

You know, as far as I have heard arguments of, "Well, Greenpeace can use it for information. Greenpeace can get information on the quotas, or how many caribou Snowdrift killed, how many moose Resolution killed," that is no big deal to me. We have always stated that we need to hunt animals and harvest animals. That is our traditional lifestyle; that is how we eat. I, for one, am not ashamed of shooting moose or caribou or anything to feed my family.

Suspicion Aroused When Information Withheld

Maybe it would even help to enhance our cause, because we are saying out there in public that we do harvest a certain amount of food. You know, if you keep it hidden, if Greenpeace, for example, if they requested, for example, how many caribou are shot, and we do not give them the information, then they will turn around and say, "Well, you must be hiding something." You know, it works both ways. I guess Members have to look at it that way as well.

I am hoping that it does not change the way the bureaucracy works. I am hoping that the information now available will continue to be available and more information will be available. I know that open government is better for the people that we are elected to represent, and maybe some people are afraid that someone is going to find out that you went on a trip or something like that. That does not bother me. If I travel on government business, or if I am sent somewhere to represent the Northwest Territories, I have to justify that in my own mind first before I go, anyhow. If I do not feel guilty about it, then I will stand up and protect the reason that I travelled. I will stand up and say I had to do it and that is how come it was done and this is what was gained from it. You have to do that all through life, anyhow.

I guess, generally in other jurisdictions it is government that brings a bill of this sort forward, but we are not the same as other jurisdictions. We are supposed to be a consensus government. I think that Mr. Gargan has done an excellent job. I know that they have worked many hours and spent a lot of time developing this bill.

So I guess in general, Mr. Chairman, I would just like to say I support the bill and I hope that other Members will support the bill as well. Thank you.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Morin. Mr. Gargan, do you have any comments to make on the comments of the Member?

MR. GARGAN: Just to mention, I appreciate your support.

CHAIRMAN (Mr. Whitford): Any further general comments? The Chair recognizes the honourable Member, Mr. Allooooloo.

HON. TITUS ALLOOLOO: Thank you. As I said earlier, in

questioning the author of this bill, any information that is within the government could be obtained by a person asking for that information.

I am concerned, again, that our harvest data that we get from communities could be obtained by anybody through this act. They do not have to be residents of the Northwest Territories; they do not even have to be residents of Canada, if I understand the bill correctly. At least under the Environmental Rights Act, the person has to be 19 years of age and a resident of the Northwest Territories. My daughter is a person under the access to information Act, apparently, and could request information from the government. So is my son, who is two years old. If he wants to know something about government information he could do the same. Under the definition of our act, a corporation is a person, and could ask for information as well. Also, people who are not living in the Northwest Territories could request information, such as animal rights people who are attacking our way of life. I am concerned that those types of people like to use the information that is within our departments against our own people. I am scared of that.

I am also uncomfortable giving out information to the people who might poach on endangered species like the peregrine falcon or gyrfalcon nesting areas. We have that information within our department and we do not normally give that out. In the past, the department has caught some people who were trying to poach this species, and I am afraid that if we give out the information it will become public knowledge, especially to those people who might do just that, who might want to poach different species.

I am also concerned that there might be a duplication in the Environmental Rights Act, section 3.2, and also section 4 of the proposed act. If a person requests information under the Environmental Rights Act and he does not get it, he could request it under section 4 of this proposed act.

Legislation Needs Improvement Before Passed

Mr. Chairman, I will not be supporting this legislation. I know that we need to improve on the legislation before we could pass it to make it work the way we want to see it work. We need to respect the wishes of our people to get information from the government, as well as the other agencies of the government. I think they are right, but we need to work on this piece of legislation. Thank you. As it is, I will not support the bill.

Mr. Chairman, if I may, I would like to move that we extend the sitting hours today.

CHAIRMAN (Mr. Whitford): I have a motion on the floor which is not debatable. The clock is approaching 6:30 p.m. and he is asking for time to finish this bill. Is that what you are asking? Just for clarification. The motion is not debatable. All those in favour of the motion to extend the clock?

MR. LEWIS: Point of order.

CHAIRMAN (Mr. Whitford): Mr. Lewis has a point of order.

MR. LEWIS: I would like to have this translated please.

CHAIRMAN (Mr. Whitford): Mr. Lewis, can I hear that again? You want to have this motion translated?

MR. LEWIS: I am not sure whether we are trying to extend hours just so that people can finish their general comments, or to try to finish the act. That is not clear from the motion. We are trying to extend hours to achieve what? That is why

I want it in writing, so I know exactly what the motion says.

CHAIRMAN (Mr. Whitford): Mr. Alloo, would you please make your motion so that we can have it translated?

HON. TITUS ALLOOLOO: Mr. Chairman, I wish to withdraw my motion.

CHAIRMAN (Mr. Whitford): The motion has been withdrawn by the mover. I will ask for general comments. The Chair recognizes Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, I wonder if our witnesses could give us a description of how the process of acquiring the information would work, and could they also advise us, since similar legislation has been in place in other provinces for a while, just how long it takes to get such information? Are they aware of what the process and practice is in the provinces? I guess I would like to know what the practice generally entails, whether or not there is a court document and whether lawyers argue and debate back and forth, and whether there is quite a bit of time lost in that type of a process.

The reason I am asking this is that I believe that Members of this House, certainly in my experience, when they have asked for information relative to decisions made by government or have had problems, I think they have found it almost immediately on their desks.

AN HON. MEMBER: Hear, hear!

HON. TOM BUTTERS: Admittedly, sometimes one would say that this could be a consensus approach, but in my experience information has been provided. I would like to know just how long it takes using the court process to get the information required.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Butters. Mr. Gargan, would you respond?

MR. GARGAN: Mr. Chairman, I would like Mr. Vertes to speak to that.

CHAIRMAN (Mr. Whitford): Mr. Vertes.

Existing Procedures For Accessing Information

MR. VERTES: Mr. Chairman, first of all, I think it is important to understand that this bill does not try to take away, in any way, from any procedures that are already in place for anyone, whether an MLA or a member of the public, to obtain information from the government or government agencies. There is nothing in this bill to prevent anyone from asking for that information of anyone in government. What the bill does is set up a mechanism whereby if the information is not provided, there is an obligation to provide the information.

The process that is in place, at the request of what appeared to be the majority opinion in the standing committee on legislation, was that the bill specifically has a clause that says that, initially, any person requesting information from the government will make an informal request to the government office with which that person is dealing. If the information is then not provided within 30 days, then the person seeking the information can file a formal request, in any manner, shape or form, by writing to the Minister who is responsible for that particular government body. The Minister then has a period of 30 days, either through the Minister himself/herself or through some delegate to respond to the request. Only if information is not provided or if there is a decision made to delete some information and the person seeking the information wishes to challenge that decision, then there is a

right of appeal to the Supreme Court in a informal manner to try and keep the process as efficient and speedy and inexpensive as possible.

CHAIRMAN (Mr. Whitford): Thank you, Mr. Vertes. General comments. Mr. Butters. You have 30 second.

HON. TOM BUTTERS: I welcome the witness's comments that it would keep the process as speedy and efficient as possible. But I asked whether or not this has been the experience in the provinces. My experience with courts of law is that lawyers like to argue. You have one arguing on one side of the case and one arguing the other side of the case and they like to talk. I am wondering, just how long are we going to be funding lawyers to talk, and in this case to obtain the information which might have been obtained by just a simple request to the Minister or an official?

CHAIRMAN (Mr. Whitford): The Chair recognizes the clock as 6:30 p.m. The Chair will now rise and report progress.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

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

MR. WHITFORD: Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering Bill 44, and wishes to report progress. Mr. Speaker, I move that the report of the chairman of the committee of the whole be concurred with.

MR. SPEAKER: Thank you. Is there a seconder? The honourable Member for High Arctic. To the motion.

AN HON. MEMBER: Question.

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

--Carried

The honourable Member for Nunakput.

HON. NELLIE COURNOYEA: Mr. Speaker, I would like to seek unanimous consent to return to Item 13, notices of motions for first reading of bills.

MR. SPEAKER: The honourable Member for Nunakput is seeking unanimous consent to return to Item 13, notices of motions for first reading of bills. Are there any nays? There are no nays. Proceed.

ITEM 13: NOTICES OF MOTIONS FOR FIRST READING OF BILLS

HON. NELLIE COURNOYEA: Mr. Speaker, I give notice that on Thursday, July 4, 1991, I shall move that Bill 51, An Act to Amend the Territorial Hospital Insurance Services Act, be read for the first time.

MR. SPEAKER: Thank you.

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

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

ITEM 20: ORDERS OF THE DAY

Orders of the day for Wednesday, July 3rd.

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: Motion 22-91(1)
15. First Reading of Bills
16. Second Reading of Bills: Bills 13, 36 and 46
17. Consideration in Committee of the Whole of Bills and Other Matters: Bills 39, 40, 44 and 45
18. Report of Committee of the Whole
19. Third Reading of Bills: Bill 34
20. Orders of the Day

MR. SPEAKER: Thank you. This House stands adjourned until 1:30 p.m., Wednesday, July 3, 1991.

--ADJOURNMENT

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