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

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YELLOWKNIFE, NORTHWEST TERRITORIES

SUNDAY, JULY 7, 1991

MEMBERS PRESENT

Hon. Titus Allooloo, Hon. Michael Ballantyne, Hon. Tom Butters, Hon. Nellie Cournoyea, Mr. Crow, Mr. Ernerk, 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. Pudluk, Mr. Sibbeston, Mr. Zoe

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Richard Nerysoo): Orders of the day for Sunday, July 7, 1991.

MR. ERNERK: Point of privilege.

MR. SPEAKER: Point of privilege. The honourable Member for Aivilik.

MR. ERNERK: Thank you, Mr. Speaker. I rise today on a point of privilege. Mr. Speaker, this is the first opportunity I have had to bring this issue to your attention since reviewing page 3864 of the unedited Hansard. Mr. Speaker, two days ago the honourable Member for Hudson Bay, in his reply to the Opening Address, stated, and I quote from page 3864: "When you are an MLA you have to have your head clear in order to deal with your responsibilities. I think you are all aware of this. As MLAs, I think we have all drunk at one time or another, but it has been something that held them back in a lot of areas." The honourable Member then went on to scold MLAs by telling them to take their responsibilities seriously. Mr. Speaker, I believe that the honourable Member's statement suggests that Members of this House do not take their responsibilities seriously because of abuse of alcohol.

Mr. Speaker, I have worked very hard on behalf of my constituents over the past four years and on behalf of all people of the Northwest Territories. At times the work has been difficult and exhausting, but I know my duty to the people and I do take my role as an elected politician very seriously. I know other Members do too. I have worked hard with other Members. We have had our differences, but I have always maintained a high regard for their abilities and for the hard work that they do, too, for the people of the Northwest Territories. Mr. Speaker, I regret bringing this matter to your attention, but I feel that the integrity of every Member of this House was attacked by the honourable Member's statement. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you. The honourable Member, the matter was not a point of privilege. However, your remarks are noted and could have also been made under Members' statements.

Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Yellowknife North.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Thanks For Support From Bureaucrats And Family

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Mr. Speaker, on the last day, I would like to also express my appreciation to four people who have been very valuable in assisting the cabinet in their deliberations; Louise Vertes, Dick

Abernethy, Jim Sellers and Art Sorensen. I also think it is appropriate, on which we hope is the last day, if I could properly give thanks to my wife, Penny, and my children, Nicholas, Erin and Alexandra, for the support they have shown me over the years. I think other Members have said in the House the difficult role of the spouse and family of a political figure. I owe a lot to my family for the support they have shown me, and I would like to publicly thank them here in this House. Thank you.

---Applause

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

Member's Statement On Presentation To Mr. Red Pedersen

MR. NINGARK: Thank you, Mr. Speaker. Our colleague, the honourable Red Pedersen, Member for Kitikmeot West, will not be back to this House as an MLA after this House adjourns. Mr. Speaker, on behalf of my colleagues and myself, I would like to read a plaque signed by everyone that was here yesterday. It reads: "To live your life in your own way, to reach for the goals you have set for yourself, to be the you that you wanted to be, that is the success." With your permission, Mr. Speaker, I would like one of the Pages to deliver this to Mr. Pedersen. Thank you.

---Applause

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

Member's Statement On Tribute To Mr. Pedersen

HON. DENNIS PATTERSON: Mr. Speaker, I, too, would like to rise today to pay tribute to Mr. Pedersen, who I believe is the only Member of our Assembly who has stated unequivocally that he will not be back. Mr. Speaker, I just want to simply say that I have had the pleasure of working with Mr. Pedersen on cabinet, in the Nunavut caucus, in committees and as a colleague in the Legislature when he was Speaker and when he was an ordinary Member, and although we have at times been the subject of his strong ability to criticize and draw the failings of this government to us, at all times he has been a man of honour and a man of principle whose dedication to the people of the North has been made abundantly clear. So Mr. Speaker, I want to say on my own behalf and also on behalf of cabinet and the government, that we will miss Mr. Pedersen.

He stated in his reply to the Commissioner's Opening Address the other day that a former politician quickly fades from memory and sight. I want to say that the projects he has been working on and the things that he has so consistently and eloquently brought forward to this Assembly, although they may not have borne full fruit or any fruit during his time, I am sure his concerns and his principles will not be forgotten. I am confident that in the fullness of time they will get the attention that they deserve. I would like to wish Mr. Pedersen all the best and tell him that I, for one, am sure he will not be

forgotten, and we will probably be having a lot to do with him in other capacities in the future. I wish him well on behalf of Members of cabinet in particular. Thank you.

--Applause

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

Member's Statement On Thanks To MLAs, Staff, Constituents And Family

MR. ERNERK: Thank you, Mr. Speaker. Mr. Speaker, I think it is appropriate to thank all those who are connected with my being here. I thank you, Mr. Red Pedersen. I want to thank the Government Leader and his cabinet. You have presented, in the past four years, I think, a good government. You have passed. I also want to make a particular mention to the Members of the standing committee on legislation. You have been very helpful to me.

Also two people I would like to make mention of are the director of research, Alan Downe, as well as our Law Clerk, Madam Sheila MacPherson.

I want to thank the people of Aivilik riding. I thank them for their continued moral support in the past four years.

Mr. Speaker, I also want to thank my parents. They died in 1971. Thank you for teaching me between right and wrong. I know you are watching me. I will try to continue to meet your expectations in the years to come.

I also want to thank my family; my wife, Marie, my children, Unalaq, Iquttaq, and Michelle. Thank you ever so much for your patience, for your understanding, for your support, and most of all, your love. Thank you very much.

--Applause

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

Member's Statement On Thanks To Mr. Red Pedersen

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I, too, would like to thank my honourable colleague for Kitikmeot West. When I was a Members' assistant to the MLAs he was very helpful to me in finding my way through the work of the Legislative Assembly. I was honoured later on, when I became an Executive Member of this government, to work on what he had left behind. He was one of the people who laid the foundation to start to work on the Environmental Protection Act. I was honoured to at least try to complete the act. Numerous times when we came to a difficult situation at the Nunavut caucus it was his guidance that caused us to come out together and strong. He always tried to tell us the principles of the Inuit whom he had learned from since he was very young. I was honoured to be part of the Nunavut caucus that he helped to succeed in a difficult situation.

I know he has vast experience in other areas aside from politics. I am sure that in his future when he goes back to his community, what he calls "home", his true home, Coppermine, that he will find something that will be rewarding to himself and to his family. Thank you.

--Applause

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

Member's Statement On Thanks To Colleagues

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. I should also make some comments as if I am not going to be back here. I have, as you know, served my first term as MLA and also my first term as a Minister. It has been a learning experience and also one that I think I need a little break to think about, because it has been four very hectic years for me and my family. I know this winter one day when I came home in the evening my youngest daughter met me at the door and she saw I was not smiling and she said, "Daddy, were they being mean to you again today?"

---Laughter

I do not remember exactly what I said, but it reflects how even our little children know that we have ups and downs as MLAs and Ministers.

I want to thank those people who work with me, Lynda Sorensen, Paulette Malo, Denise Lockett, and I also want to give a belated thanks to Janet Snider, who was my secretary for a number of years, and also Phyllis Vitrekwa, who is working with my staff, as well, presently.

I want to give some special recognition to Bob Overvold, the principal secretary, who has been a major player in much of the cabinet discussions and strategies we have had over the years. A very special recognition to the incredible work and energy of Steve Iveson in his work to help with the self-government initiatives we are doing with the communities and his guiding hand in the work we have been able to provide so far in establishing the commission.

I wanted to mention another very good colleague and friend of mine, Gerald Sutton, who has been an absolute miracle worker under the political and constitutional development committee, in providing us with advice and strategies in the way we have approached political and constitutional development as a committee and a cabinet.

A couple of words to thank a couple of deputy ministers, Ken Lovely and Joe Handley. They have provided a very enjoyable work relationship with me over the years and I want to say publicly how much I learned about what real work is all about in my dealings with them over the years.

I want to say that some of you may think that I am impatient, and I do not like to wait and give people adequate time to do things. I can tell you you are just about right. I do not like to wait; I am impatient -- sometimes I appear very impatient. But I tell you that I am one person who thinks that we have very little time on this good earth to do things. I do not know how much time I have. I might have another day, I might have another 20 years, but I do not know. So the things that I want to do, I want to get it done as quickly as I can. I do want to make changes and maybe it will be over the backs of some of you, maybe it will be with the support of some of you.

I do not know that, but I know there has been some suggestion that I am sometimes too critical of other leaders. I can tell you that is probably true, but I am also very quick to praise and to support people who are doing things, who are, in my opinion, working hard to effect change, to make change.

---Applause

MR. SPEAKER: Members' statements. I have been a bit lenient with the time. I just ask honourable Members to consider that in terms of their statements. The honourable Member for Pine Point.

Member's Statement On Thanks To Mr. Pedersen And Mr. Kilabuk

MR. McLAUGHLIN: Thank you, Mr. Chairman. I, too, would like to thank Mr. Pedersen for the years I have served with him, both on the cabinet and as Member of this House. He has always been able, especially on the standing committee on rules and procedures, to use his wisdom. He learned to manage us from the chair you occupy, Mr. Speaker, to help us in our standing committee's deliberations. Also, he has always been the Member who has come to the floor first to make sure that rules are fair to everybody and especially taking an interest in Members that are outside of Yellowknife by making sure they get the same services as the Members in Yellowknife and the communities near Yellowknife. I would like to thank him for that.

I would also like to thank Mr. Kilabuk as well as the deputy chairman on that committee for helping us out in that same area in making sure that all the Members in the House have rules working for them that give them access to the information that they require as well as access to powers and services that can help them serve their constituents well.

While I am on this, I would like to thank Mr. Kilabuk for hosting us in Pangnirtung for one of our meetings, which brings me to a slightly related topic that I would like to touch on briefly. It is an editorial in the Nunatsiaq News on May 17th which basically criticized the chairman of the standing committee on legislation for not holding enough public hearings recently and not holding them in the East. I think what should be mentioned is that public meetings of the committees of this Assembly are not normally held as this is not required in the rules. Mr. Ernerk took an initiative with that standing committee and caused meetings to be held outside of Yellowknife. I think that is something that bodes well for the future. Hopefully in the next Assembly there will be the funds and will-power necessary by all Members to change the rules to make it so that all standing committees have to hold public meetings. Thank you, Mr. Speaker.

--Applause

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

Member's Statement On Not Running For 12th Assembly

MR. KILABUK: (Translation) Thank you, Mr. Speaker. I was not going to say anything but I would like to say I know Red Pedersen is not coming back but maybe one of us too will not be coming back either. First of all, I would like to say I have been thinking and praying about this idea for three months. If they are going to have elections for the 12th Assembly, I have made up my mind and I know clearly what my decisions are. I do not think I will be involved in that political process any more. I will be but I have been involved in politics for 11 years, or close to 13 years. I am not tired of it but before I get too old I would like to be more involved with my children and grandchildren. I also have to teach them the ways of life while I am able to do so. I am going to take the time to teach them while I am still alive. I am not tired of politics or of being an MLA.

Being unilingual has not been a barrier to me at all in pursuing my interests. I do not see those as my barriers. I just pursue what my interests are. We have completely identified what our true interests are. Between my wife and myself, I wanted to identify to you what I want to do before I get too old.

In the future we will come back. I know you are all aware that I cannot speak English. At times I can speak a little bit of

English when we are alone with each other, but I have never really learned to speak in English at all. Most importantly, my Inuit colleagues, especially my colleague from Aivilik, jokes around quite a bit and I would like to thank him for that and for being himself. I would like to thank all of you. You have all helped me at times.

I was not going to say anything about this, but during our last day I want you all to be aware that I will not be running again as an MLA. I would like to thank you, Mr. Speaker.

--Applause

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

Member's Statement On Thanks For Family Support

MR. LEWIS: Thank you, Mr. Speaker. I rise today to give special thanks to my wife, Della. I have worked in the Northwest Territories now for 28 years. We were newly married when we came to Cape Dorset in 1963. I met Red Pedersen when I got there. Everything that I have been able to achieve I owe to my wife. I would like to apologize to my children for the more than 20 years when I was for many, many days away from home. It was my wife that brought them up, and she is still the person that runs everything in my home.

I am sometimes accused of talking too much, but I would like to assure Members that one of the reasons for that is that I am surrounded by three very active daughters, one very clever wife, and when I get into the House perhaps I am just simply enjoying the freedom to express myself that sometimes I am denied at home.

--Laughter

AN HON. MEMBER: Free at last!

MR. LEWIS: I sympathize with those younger Members who are now faced with the very, very important job of raising a family and appreciate the tremendous demands that public life has on public figures. There is not much privacy. It is a very difficult choice to make, but the choice I have always made, although I believe that for those 28 years I have been a dedicated and hard-working servant of the public, I have never lost sight of the fact that the most important thing that would endure with me would be my family. For that reason I would like to just finish by saying when I arrived at Cape Dorset I believed that I was at a point in my life when I could see all kinds of very interesting work to be done. It was a place that I wanted to be. My wife did not always agree that this is what she really wanted to do, but over the years we began to appreciate more, and more, and more that we have been part of a wonderful experience in an exciting and vibrant part of the world. Although I have had an up and down life, I suppose, when things have been good for a while and then bad, we have always been able to survive them because we have always been able to communicate with each other. I would suggest that is the secret of success. Always remain in communication with your partner and never let the sun set on your anger.

I would like to thank especially one of the first honourable gentlemen that I met when I first arrived at Cape Dorset, Mr. Pedersen, who was then in the process of leaving. But I did in fact meet him at that time, 28 years ago. Today I would like to express my appreciation to him, too, because he has been an honourable gentleman and I wish him all the best in his future endeavours. Thank you.

--Applause

MR. SPEAKER: Members' Statements. The honourable Member for High Arctic.

Member's Statement On Thanks To Family And Colleagues

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I would also like to thank my wife and my family. My children are quite big now but I have always been away from home doing my work. Kitikmeot West and Baffin Central Members, I would like to thank. I have worked with them and I know we have all worked together. I would like to thank you all for your co-operation in working with the Legislative Assembly here.

I would like to thank my parents because I have seen them go through hardships. In particular my father who used to be away a month at a time while trying to help other people. He was doing that because he had a willingness to help people and he used to be gone for many months at a time. There were no communications systems at that time. No mail. He would travel to distant communities. He taught me this value of hardship and a willingness to help other people through hardship. This is something that he taught me, and I learned that even though he was not home a great deal, if it was to help people, so be it. It is better like that.

Because of that I feel bad that I leave my children a long time but at times, too, I think they will learn from this. They will learn the value of wanting to help other people. There are many people we have to help out there. Maybe some of them will not always be that way but other people will be like that too, with a willingness to help other people and have a feeling for other people. They should have this in them. I have learned this from my father when he used to be gone for a very long time. We used to get tired of living by ourselves but it taught me that I have to help other people. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you. Members' statements. Prior to proceeding to the next item, I do not wish Members to think this is a precedent to be followed. However, I have been lenient. I also want to take the time to recognize in our gallery -- not according to the rules but I think after the remarks that have been made here by Members -- wives of Members of the Assembly are in attendance, Nellie Kilabuk and Celine Ningark.

--Applause

Just to note that there are other wives here who are not here in attendance but they are here in the community with their spouses.

---Applause

Item 4, returns to oral questions. Item 5, oral questions. The honourable Member for Aivilik.

ITEM 5: ORAL QUESTIONS

Question O655-91(1): Location Of Handicapped Adults Group Home, Arviat

MR. ERNERK: Thank you, Mr. Speaker. I would like to direct this question to the Minister of Social Services. Madam Minister, would you provide me with a copy of the study done on the suitable location for the Arviat handicapped adults group home?

MR. SPEAKER: Honourable Member for Slave River.

Return To Question O655-91(1): Location Of Handicapped Adults Group Home, Arviat

HON. JEANNIE MARIE-JEWELL: Mr. Speaker, yes.

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

Question O656-91(1): Winter Road Between Repulse Bay And Pelly Bay

MR. ERNERK: Thank you, Mr. Speaker. I would like to direct this question to the Government Leader, although I would have liked to direct it to the Minister responsible for transportation.

Mr. Speaker, this is not a new issue. It is the idea of a winter road between Repulse Bay and Pelly Bay. I am not trying to make it a political issue, but I think it is a good practical solution and I know it is workable. My question to the Government Leader is this: How much paper work has been completed to date so that the winter road can become a reality in 1992-93?

MR. SPEAKER: Honourable Member for Iqaluit.

Return To Question O656-91(1): Winter Road Between Repulse Bay And Pelly Bay

HON. DENNIS PATTERSON: Mr. Speaker, I understand that a lot of work has been done by the Department of Transportation on the issue of the high costs of supplying Pelly Bay. We fully understand the strong belief supported by the Member for Aivilik that a winter road from Repulse Bay to Pelly Bay should provide a good alternative to the high cost of air transportation. I understand that this option is being carefully studied, but it is only one of six options that the department is looking at, including the status quo, which has to be considered along with other new approaches.

The other options are sea lift from Montreal to Repulse Bay and a winter road from Repulse Bay to Pelly Bay; barge from Hay River and Norman Wells to Spence Bay and a winter road from Spence Bay to Pelly Bay; barge from Hay River and Norman Wells to Shepherd Bay, winter road from Shepherd Bay to Pelly Bay; sea lift from Montreal to Hall Beach, winter road from Hall Beach to Pelly Bay; and direct sealift from Montreal to Pelly Bay.

Mr. Speaker, I cite these options to assure the Member that the department is working hard on the issue of the resupply to Pelly Bay, but I have to say now, today, that there has been no final decision taken. The work is well under way and the Minister is committed to examining the alternatives and to making a change, if it is cost-effective, recognizing the very high cost of living in Pelly Bay, which is certainly our most remote community in the Territories. I cannot give the Member a definite answer today, but I can tell him that it is being seriously studied by the Minister, who will be making a decision in due course. Thank you.

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

Question O657-91(1): Priority To Have Barge In Pelly Bay

MR. NINGARK: Thank you, Mr. Speaker. I would like to direct my question to the Government Leader. Being a Member who has lived in Pelly over the last 30 years, and knowing the general consensus of the people is that their priority is to get the barge into the community, would the Government Leader make that priority and try to bring the

barge into the community? Thank you.

MR. SPEAKER: The honourable Member for Iqaluit.

Return To Question O657-91(1): Priority To Have Barge In Pelly Bay

HON. DENNIS PATTERSON: Mr. Speaker, this certainly is something the government is pursuing. I am told that what we need before we can be sure there is a navigable course into Pelly Bay from the Gulf of Boothia is further investigations by the Canadian Coast Guard and the Canadian Hydrographic Survey. The department is pressing that that work be done by those federal agencies, and if it proves feasible, then that option could occur. We need to do more study of the waterway, Mr. Speaker, before we can be sure that option is possible. It would also require an ice-strengthened supply ship which might also require an icebreaker escort. It is being pursued seriously by the department, but all the answers are not yet in today, I am afraid, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you. Oral questions. Item 6, written questions.

Item 7, 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 Slave River.

ITEM 11: TABELING OF DOCUMENTS

HON. JEANNIE MARIE-JEWELL: Thank you, Mr. Speaker. I wish to table Tabled Document 144-91(1), Hansard, March 19, 1991, in which are some comments I made in committee of the whole during the review of the Department of Social Services' capital estimates. The comments, Mr. Speaker, pertain to the Keewatin handicapped adults group home. Thank you.

MR. SPEAKER: Thank you. Tabling of documents.

Item 12, notices of motions.

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

Item 14, motions.

Item 15, first reading of bills.

Item 16, second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Bills 44, 45, 43, 47, with Mr. Ningark in the chair.

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

CHAIRMAN (Mr. Ningark): The committee will now come to order. Today is Sunday, July 7, 1991. This afternoon we have under Item 17, consideration in committee of the whole of bills and other matters: Bill 44, Access to Information Act; Bill 45, Wildlife Conservation Act; Bill 43, Environmental Protection Act; and Bill 47, Legislative Assembly and Executive Council Act, No. 1. What is the wish of the House Leader? Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. There is quite a bit of interest to get to the Legislative Assembly and Executive Council Act, Bill 47, so we are

prepared to move to that one.

CHAIRMAN (Mr. Ningark): Does the committee agree that we deal with Bill 47?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 47: Legislative Assembly And Executive Council Act, No. 1

CHAIRMAN (Mr. Ningark): Thank you. Mr. Patterson, your opening remarks.

Minister's Opening Remarks

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Mr. Chairman, as Members know, at the request of caucus, I have been working on this bill with the Speaker and I am pleased to present the proposed amendments to the Legislative Assembly and Executive Council Act dealing with the matter of conflict of interest.

The topic of conflict of interest has been a matter of discussion for some time. During the 10th Assembly, the special committee on rules, procedures and privileges reported to the House in October of 1986 that they found the provisions to be "confusing at best". That committee was chaired by our former colleague, Mr. Richard. That committee recommended that the newly formed standing committee on rules, procedures and privileges of the 11th Assembly be given the opportunity to review and comment on any new guidelines to be proposed.

The standing committee reviewed the matter at great length and reported to this House on three separate occasions with their final report and recommendations being presented on February 14, 1991. With the adoption of the standing committee's recommendations, as I mentioned, the Speaker and I were mandated to review legislation in other jurisdictions and to prepare draft legislation for introduction at the current session.

Mr. Chairman, the draft legislation has been reviewed by the Management and Services Board and was forwarded to the legislation and House planning committee of cabinet and was publicly released on June 7th of this year. The draft bill was also forwarded to the standing committee on legislation, who also reviewed the proposed provisions, and I am sure they will report on their deliberations.

Since the bill was first presented, some improvements have been made. If approved by the Legislature, the revised act, I believe, will help strengthen public confidence in the integrity, objectivity and impartiality of MLAs. I would now like to provide you with a brief overview of the present provisions and the flaws we saw in them.

Mr. Chairman, the existing legislation requires that MLAs declare a conflict of interest only if they have direct or indirect financial interest in any matter in which the Legislative Assembly or a committee of the Assembly is concerned and must refrain from participating in any discussions regarding the matter in question.

The existing legislation also places the onus on the public for detecting any breach of the conflict of interest legislation and subsequently applying to the Supreme Court for a decision. We believe this process is faulty because it is possible for such a breach to occur without the public's knowledge. It is also time-consuming and expensive for a member of the public to apply to the Supreme Court for a ruling on whether

or not the conflict of interest guidelines have been breached. It was also felt that more should be required of public figures in order to maintain public confidence in the integrity of the Assembly.

Financial Disclosure System

Mr. Chairman, under the proposed amendments, a financial disclosure system would be established under which all MLAs would be required to file a list, which would be held in confidence, of all assets, liabilities and financial interests with the Clerk of the Legislative Assembly on an annual basis. The Clerk would prepare a disclosure statement listing the nature of these assets, not the financial amounts, and make the statement available to the public. The amended guidelines would also prohibit the MLAs from using information or influence gained through their offices for personal benefit.

Members would not be permitted to personally hold government contracts during the Member's term of office. Spouses and dependants would, however, be permitted to hold contracts and be employed by the Government of the NWT. Spouses and dependants of Ministers and the Speaker would be prohibited from holding contracts and being employed by the department that their spouse or parent is directly responsible for.

Ministers and the Speaker would be restricted from operating a business or from any outside employment during their term of office. After they cease to be a Minister or Speaker they would be restricted for 12 months from holding a contract with, or lobbying for remuneration with a government department that they were responsible for during their last 12 months as Speaker or Minister.

As in the existing legislation, there are provisions calling for disclosure and withdrawal on matters being discussed by the Legislative Assembly, its committees, the Executive Council or the Management and Services Board in which the MLA has a conflict of interest.

All Members would be prohibited from accepting remuneration or gifts in connection with their duties. They could, however, accept gifts received in the line of duty as a matter of protocol or social obligation. Any gifts valued at more than \$400 would become the property of the office and not the Member.

The proposed amendments would also establish an enforcement system. The bill provides for an establishment of a conflict of interest commission. Complaints of conflict of interest would be examined by that commission. The chief commissioner would inquire into the matter and either dismiss the complaint or refer it to a panel of three commissioners for a full public hearing. If the commission of inquiry found that the Member contravened the conflict of interest provisions, it could recommend to the Legislative Assembly any of a wide range of sanctions including, in the extreme, declaring the MLA's seat vacant.

I would also like to emphasize that this legislation is not designed to replace existing civil remedies and criminal sanctions which continue to apply to the conduct of all MLAs. The new law establishes a code of conduct and additional sanctions which, I believe, are appropriate to the public trust placed in MLAs.

Mr. Chairman, in any system of government, Members elected to public office must have the trust and confidence of the public if they are to carry out their responsibilities in an effective manner. That trust and confidence is acquired and maintained when legislators demonstrate the highest standard of conduct in their public and private lives.

Those are my opening remarks, Mr. Chairman. I would be pleased to answer any questions the Members of the committee of the whole may have, and I would ask that I be assisted by Mr. Geoff Bickert, deputy minister of Justice, in committee of the whole. Thank you.

CHAIRMAN (Mr. Ningark): Thank you, Mr. Government Leader. Before we proceed with the general comments, is the House agreed that the Minister bring in his witness?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Thank you. Mr. Minister, you can bring in your witness now. For the record, Mr. Minister, will you introduce your witness please?

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I have with me Mr. Geoff Bickert, deputy minister of Justice. Thank you.

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

MR. ZOE: Mr. Chairman, through you, can I get the agreement of the committee, to bring in independent counsel? I have nothing against our Law Clerk, but our Law Clerk has been working in conjunction with the Department of Justice and I will be asking our independent legal adviser various questions. I am not suggesting that I do not have confidence in our Law Clerk, but since they have been working on the same legislation I feel that a second opinion may be required. Mr. Chairman, I am making a request to also have independent counsel available to appear as a witness.

CHAIRMAN (Mr. Ningark): Does the committee agree with the Member's request to bring in independent counsel to help us out? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Thank you. Mr. Zoe, do you have a particular person you would like to bring in?

MR. ZOE: Mr. Chairman, if I could ask for Mr. Bayly to appear as a witness.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Mr. Zoe, is he available now? Proceed please. We are on Bill 47, An Act to Amend the Legislative Assembly and Executive Council Act, No. 1. Mr. Zoe.

MR. ZOE: Mr. Chairman, a number of our Members who had concerns with this particular bill approached our independent adviser. I wonder if it would be appropriate if I could ask our independent counsel if he has reviewed the bill and point out the areas that the Members have brought forward to him in regard to the bill that is before us, before we get into the specifics.

CHAIRMAN (Mr. Ningark): Thank you. Mr. Bayly, do you have a presentation on this.

Remarks By Independent Counsel

MR. BAYLY: Thank you, Mr. Chairman. I was asked late in the week if I would have a look at the bill and respond to questions that Members had. I attended here yesterday and met with some of the Members. I had gone over the bill. I was not involved in its drafting in any way, and I raised questions in a couple of areas. One of those areas had to do with the ability to control information that came from either dependent children or spouses, as they are defined in section 65 of the bill. I was concerned that it might be, in some cases, that a dependent child, who was essentially an adult, that is perhaps a child between the ages of 16 and 19 years, might decline to give information to the Member so that the Member could comply with the requirements to disclose.

I raised that concern as well in the instance of spouses because a spouse is defined as including, not only a person to whom you might be married and who might be a dependant, and if that were the case you would presumably know their income and assets and so forth because of the need to know that to file your income tax returns, but it would also include people who were not dependants who were either legally married to a Member or were living in a conjugal relationship who might decline to give that information. I was only concerned because it might be that if either the dependent child or spouse as defined said, "No, I am not going to give you that information," it might frustrate the Member's ability to disclose what was required under the act. So I had raised that, Mr. Chairman, with Mr. Pollard and Mr. Zoe. That was an area that we covered.

I went through the exempt interests and I think that although there were some concerns with the wording of those, that it was more a question of wording than whether those are the exemptions that might be sensible. I am looking there at section 66(3).

The other area that I raised as a concern had to do with process. That is, after somebody complains about a Member not disclosing or being in breach of the legislation, is the process a fair process to the Member? I had a discussion both with Mr. Pollard and with Mr. Zoe. The concerns that I had are concerns that relate to the enforcement part of the legislation which begins at section 79. I was concerned firstly with the standard of proof that a chief commissioner under section 81 might have to be satisfied with before he decided to dismiss a complaint or to pass it on to three commissioners to determine. I was concerned that if there was a hearing before three commissioners that it be fair to the Member. In other words, that at least the principles of what we call fairness and natural justice protected the person who was being investigated into.

I raised a final concern that there was nothing in the legislation that says what proportion of the Assembly would have to be satisfied with the report before a Member could be disciplined under section 83. If you look at section 83(1)(b) you will see that the powers of the Assembly, if the Assembly accepts the commission report, are to impose important and significant penalties including reprimands, fines, restitution, compensation, suspension and the declaration that the seat is vacant.

Those were the areas, Mr. Chairman, that I raise concerns about, and I made certain suggestions to the two Members with whom I met about ways in which those concerns might be addressed.

CHAIRMAN (Mr. Ningark): Thank you, Mr. Bayly. General comments. Does the committee agree that we go clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ningark): Mr. Minister.

HON. DENNIS PATTERSON: Mr. Chairman, perhaps it might help the committee if, in response to the concerns expressed as a result of a review of the bill with independent counsel, as just outlined by Mr. Bayly, and Members know that this has been worked on between the Speaker, myself and our staff, that we will propose some amendments which I believe will address, in some way, some of the concerns identified by the review with the assistance of independent counsel. I would just like to generally address those, Mr. Chairman, and let the committee know that we will be posing amendments in the clause by clause review.

With regard to the first concern, as described by Mr. Bayly, about the ability of Members to disclose information about financial activities of common-law spouse and/or independent children. We do propose to introduce amendments which do recognize that it may not be possible for a Member to get information where there may not be co-operation. I would say that I would believe it might be a special circumstance, Mr. Chairman, in that most families are close enough that this problem might not arise. Of course if the bill is passed, anyone who does run for office would go into the candidacy with their eyes open, as it were, with some knowledge of the obligations that the privilege of an MLA might entail. But recognizing that this could well be a problem, there are amendments that will be proposed, both relating to the process of the chief commissioner's determining whether a complaint is valid or not and also with respect to the process of a commission of inquiry, which will make it clear that a Member is not in contravention if they took all reasonable measures to co-operate with the spirit of the act. If they acted with diligence in trying to co-operate but are unable to provide all the information required, it will not be a contravention of the act for a Member. So we will be proposing amendments to section 83(1)(a) and section 81(1)(a) to put forward the concept of due diligence.

Secondly, Mr. Chairman, with respect to the concern about the hearing process, we will be recommending amendments to the committee which would clarify that the principles of natural justice shall be observed by the commission of inquiry and by the chief commissioner's investigation, which I think goes some way to addressing the concerns outlined by Mr. Bayly from discussions with Members. So we will be proposing amendments in those areas, Mr. Chairman, when the relevant clauses come forward. Thank you.

CHAIRMAN (Mr. Ningark): Madam Minister.

Divesting Of Interests

HON. NELLIE COURNOYEA: Thank you, Mr. Chairman. Even though the due diligence will be incorporated, just to clarify an issue, since the spouses and children dependent on an individual who chooses to run as an MLA have been exempted so that they may be able to take on work with the government, the concern on that is that in the larger communities there may be other opportunities for family to have contracts or seek employment. However, in smaller communities the concern was that generally the only game in town is government, and this would probably cause undue hardship, particularly if you had a son or daughter of 16 to 19 years of age. My understanding is that was going to be taken away, but at the same time I appreciate that consideration.

However, I just want to clarify once again with Mr. Bayly that in terms of how we are proposing to put forward this legislation, right now if an individual wants to run as an MLA and that individual has established his business over the last

20 years and built up his business, and the intention is only to perhaps take a four-year stint because of the belief in attempting to do one thing or a couple of things for the constituency – in fact this legislation would restrict that person from taking this opportunity or running in an election. Where would he have to determine that all the contracts that he has established over 20 years in setting up a business, where would he or she have to take that decision to get rid of any government contracts? For example, if Joe Blow had 16 contract leases with the government in any given community or across the Northwest Territories, and chooses to run as an MLA, does he have to get rid of those contracts and absolve himself of his business? What time period does he have to do that, or is he eliminated from running as an MLA until he gets rid of those contracts he currently holds?

CHAIRMAN (Mr. Ernerk): Thank you, Madam Minister. Mr. Bayly.

MR. BAYLY: Mr. Chairman, as I understand Ms. Cournoyea's question, it is to what extent does a Member have to divest himself of his interests. It is much more limited in the case of a Member than it is in the case of a Minister. The first obligation is to disclose what those interests are in the disclosure statement. There are certain exemptions to what has to be put in a disclosure statement, but nonetheless the essence of it is to disclose significant financial interests, interests in companies and so forth. Section 71 says: "A Member shall not hold or enter into any contract with the Government of the Northwest Territories, or with a department." That is certainly a limiting factor, so that while he is a Member he cannot do that. I assume that means any department, not just one in which he might have a special interest. I do not know if that answers the question you had.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Bayly. Madam Minister.

HON. NELLIE COURNOYEA: Thank you, Mr. Chairman. I guess the second part of the question is that when you are a Member and you choose to run in an election, do you have to divest yourself of those contracts before you run, or can you run without someone challenging the fact that you have 13 leases with the Government of the Northwest Territories, say, for government accommodation?

CHAIRMAN (Mr. Ernerk): Thank you, Madam Minister. Mr. Bayly.

MR. BAYLY: Mr. Chairman, it is assumed, as I had said earlier, that there will be some areas in which there is conflict, but I am assuming that section 71(1) again, which says, "A Member shall not hold or enter into any contract" means that the Member shall not continue to hold, and it just does not apply to contracts that might be entered into after an election.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Bayly. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I recognize the questions were addressed to Mr. Bayly but perhaps I could help clarify the Member's concern. The first draft of the bill did cause some Members concern that in smaller communities where the economy is less developed than it might be in a larger community, many of the community leaders who may have business interests are almost inevitably going to have business interest with the government or its agency because, as the Member said, government is the only game in town.

Mr. Chairman, I believe we have addressed that concern in the bill. First of all, the Member gave an example of leases, and I would draw the Members' attention to section 75 of the bill which makes it clear that a Member may have a contract

in the Member's name for the provision of services routinely required by individual members of the public. I think this would cover such things as the provision of hotel accommodation to, say, a government employee or department, and I believe it would also cover such things as providing leased accommodation for government staff. That is an exception to the prohibition against a Member having contracts with the government.

Disclosure Of Interests

I would also point out, Mr. Chairman, as a general matter, that the prohibition is against a Member having a contract with the Government of the NWT; but a Member may have a controlling interest in a corporation which does business with the Government of the NWT, provided that business is fully disclosed. So we are no longer prohibiting such situations. They can exist provided the public knows what they are and they are disclosed and the Member does not seek to use their position to influence that business in any way. We are talking about ordinary Members here, Mr. Chairman, not Ministers', for whom there are, as Mr. Bayly has pointed out, much tighter rules.

I hope this has helped answer the Member's question. A Member who has a contract in their personal name which is not excepted, would have to get rid of that personal contract but they could do so by establishing a corporation and by disclosing the details to the public through the disclosure statement.

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

HON. NELLIE COURNOYEA: In listening to the explanation – I am Joe Blow. Over the last 20 years I have set up myself some personal corporations. I have 32 leases in the NWT which are in contract with the GNWT. I take it from this explanation, as an ordinary Member I can retain those. All I would have to do is disclose it and I can retain those as an ordinary Member and that is what I am getting from your explanation. I would like to have that verified.

CHAIRMAN (Mr. Ernerk): Thank you, Madam Minister. Verification please, Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I will ask Mr. Bickert to respond and I do understand, Mr. Chairman, that Members may well wish to direct their questions to Mr. Bayly. I do not want to monopolize the floor here. Thank you.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Patterson. Mr. Bickert.

MR. BICKERT: Yes and no is the answer. The 32 leases that the Minister has referred to, some held personally by the Member, some held through companies or corporations of the Member, would have to be analysed to see whether the personal ones fit within the exemption in section 75. If the contracts or leases held personally by the Member are for the provision of services routinely required by individual members of the public, then the answer is yes, there is no problem. The Member could continue with those contracts, and the kind of example was leases for accommodation and that sort of thing. If the contract is held individually or by the Member in his personal capacity, and is for things that are non-exempt, the Member would have to do one of two things, get out of those contracts or place them into a corporate entity, even if that is an entity controlled by the Member. In relation to those of the 32 leases that are held by the Member's corporation, all the Member would have to do is disclose them. He would not have to get rid of them.

CHAIRMAN (Mr. Ernerk): Thank you very much, Mr. Bickert. Any other general comments on Bill 47, An Act to Amend the Legislative Assembly and Executive Council Act, No. 1? Are you ready for clause by clause? Agreed? Madam Minister.

Services Routinely Required By Individual Members Of The Public

HON. NELLIE COURNOYEA: In the provision it says, "routinely required by individual members of the public". My concern is that if you did that, one could say that a public government contract with the Government of the Northwest Territories is not an individual one. If I could get clarification that it would not be determined in the 32 leases, that in fact, even though these accommodations are routinely required by the actual leases with an institution and not with the individuals that would individually come forth and require this accommodation, because it is not the individual that is coming forth it is the Government of the Territories in a contract with that individual corporation.

CHAIRMAN (Mr. Ernerk): Thank you, Madam Minister. Mr. Bayly.

MR. BAYLY: Mr. Chairman, looking at the bill, there does not seem to be a definition of "services routinely required by individual members of the public" and that would presumably have to be interpreted based on the common sense meaning of those words. I can imagine like providing hotel rooms, perhaps sewage pump-out or water delivery might be three such things that are required by individual members of the public that might be able to be classed for an exemption in that category. There may be many others, and I am not sure where the end of that would lie and where the beginning of the prohibited category would begin.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Bayly. Next on the list is Mr. Lewis.

MR. LEWIS: Thank you, Mr. Chairman. As I recall it, the reason for the inclusion of this particular clause was to cover those very small items. Things like, for example, a person who has a little store and sells bacon or pencils or stuff like that, things that you buy every day or every week. Small items. We are not talking about large commercial items. My understanding of the need to include this particular clause was to try to use the word "routinely" to cover those things that every individual -- I mean there are lots of people I know that have never been inside a hotel. They would not even know what it looked like inside, whereas everybody knows what a cup of tea or a cup of coffee is. I think the reason why this clause was included was to make sure that somebody would not be excluded simply because they provided things such as I have described -- someone that has to provide pencils on an local purchase order or something like that. It was such a small item that it would not be considered a breach, whereas if you were into large commercial transactions such as hotels and everything else, then that would not be considered a routine thing.

We are getting into a whole problem now of the definition, what we mean by "routine". I take the point made by legal counsel here that there may be some ambiguity unless we make it clear why that was in there. It was to cover those things which were innocent, if you like, and not those things which involved larger commercial transactions.

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

Government Contracts Or Leases Held By Members

HON. NELLIE COURNOYEA: Mr. Chairman, that is exactly

what I was trying to get at in asking those questions. It is just what the definition really is. What I see is I do not have any contracts with government or any leases. What I see out there are a number of people who do have contracts with the territorial government in terms of many leases. I know that as we move forward in terms of privatizing some of our government infrastructure that a lot of the opportunities are going to be available for people who can handle a business enterprise in an area where it is a prime possibility. I also know that a number of people who have leases with this government, either a personal corporation in which they are a total shareholder and also maybe in the majority or 51 per cent, have asked the question, does that mean that they will not be able to pursue being elected as a Member of the Legislative Assembly because they have those 32 leases which could be major contracts with the territorial government for leases for either office space for the GNWT or accommodation? The Member who has been involved putting in effort toward this bill has said his interpretation really is for small things routinely required, and then our legal counsel is saying that there may be some grey areas.

The issue for anyone is that you would be eliminating a great number of people immediately from taking part in running in an election for the Legislative Assembly because they have spent 15 or 20 years of their life building up a business in a region or a community because it just happens that these leases, whether it is accommodation or whether it is office space leases, is how they built their business up.

To me, "routinely required" is a very limited statement because I heard the Member's explanation of that previously, but our legal counsel have both said it could mean bonding out. But in fact if that is true, then a person can get immediately challenged, saying, "Sorry, the routinely required commodities are not leases or contracts with the government." I am still not sure that we have not wiped out a lot of people at this point in time and if, in fact, "routinely required" eliminates the contract with government on leases and accommodation. I think we should be specific because I believe someone will put up their name before the election and immediately get challenged.

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

Effect Of Legislation On Business People

HON. DENNIS PATTERSON: Mr. Chairman, first of all the Member asked about whether a lot of business people might be affected by this bill. I would think that business people who are doing large volumes of business in their own name will have to considerably reorder their lives by getting out of the business or incorporating. But I would respectfully suggest, Mr. Chairman, that most people in the NWT who have large businesses that have built up over years, as the Member has suggested as an example, are already incorporated. Because when your business becomes a certain size, it becomes an advantage for many purposes, including personal liability, to be incorporated.

So I do not believe there are large numbers of people who are carrying on business with the government, or otherwise, in their personal names. So I do not think the new bill will affect that many people. But if they are conducting business as individuals, then certainly they will no longer be allowed to have such businesses in their own name if they want the privilege of being an MLA.

I would say, furthermore, Mr. Chairman, the Member has talked about people wanting to take up opportunities that may result from privatization. I think generally speaking, Mr. Chairman, the reason this bill is being brought forward is that with the growth of the government, the size of our

government, the complexity of our government and the demands made on Members, we have increased the Members' benefits so that the days are over when you had to support yourself with a business or in some other way, in addition to being a Member. More and more these days, being an MLA is a very demanding job, if not a full-time job. So, Mr. Chairman, if there are people who are going to be running for the Legislature who are going to want to, at the same time, take up opportunities to benefit from privatization initiatives that this government might take, they are going to have to disclose their activities annually; they are going to have to disclose any changes and frankly, Mr. Chairman, I believe that the public would expect no less than full disclosure and the ability to watch very carefully to ensure that a Member who is going to have significant business dealings is acting properly and is not in any way abusing their position.

So generally, Mr. Chairman, I think that someone who wants to carry on in a very active way doing business is going to be inconvenienced and is going to be under the looking glass, as it were. But I think that is no less than what the public wants in this day and age.

The other point I would like to make, Mr. Chairman -- it is a general point -- is as a result of discussions with Members following the advice given from Mr. Bayly, we have also and will propose in amendments, to clarify that in addition to due diligence, that a Member who acts in good faith or who contravenes a part of the act by inadvertence, will not be subject to discipline if they are found to have been acting in good faith and doing their best to comply with the spirit of the act.

I would say, Mr. Chairman, that we are going to have to see how this bill works. I think that what will probably happen is that there will be a body of rulings or practice developed as inquiries emerge, if they should take place, and there will be some clarifications required of the various provisions in the bill. I think it is not possible at this point to precisely answer every particular situation. That will be developed through the independent inquiry commissions. But the spirit of the bill, Mr. Chairman, is that Members will act in such a way as to inspire public confidence. They will be expected to act in good faith, and I think if we keep those basic principles in mind which are outlined in the bill, that most ordinary common sense people are going to know how they should conduct themselves or take steps to ensure that they act properly.

I would also like to point out that people will not be prevented from running who might, when they are nominated, violate the provisions of the act. What they have to do is within 60 days of the commencement of the first session after the elections, they would then have to put their affairs in order, especially regarding government contracts. So you are not disqualified from running, but there are certain actions you would have to take within certain time periods to put your affairs in order after the commencement of the first session. So there is time to make those changes, and it would not necessarily prevent people from running. Thank you.

CHAIRMAN (Mr. Ernerk): Member for Nunakput.

Excemption To "Services Routinely Required"

HON. NELLIE COURNOYEA: I did not expect to hear a long speech and why we are putting the bill forward, but anyway, I just have one other question and it is tied to "routinely required by individual Members of the public". I want to go back to one more question. The statement has been made that if you have these 32 leases, then you disclose it and incorporate it and then you can hold them, but is this related to the exception "routinely required"? So if I incorporate my

32 leases and I am an incorporated body, it has been done. I fit the provisions of incorporation, so am I allowed still to hold the contracts with the government and the only thing I would have to do is disclose it? I would like to ask the two legal people on that one because I just want to understand this.

CHAIRMAN (Mr. Ernerk): Thank you, Madam Minister. Mr. Bayly, first.

MR. BAYLY: Mr. Chairman, I think the Minister has it pretty well down. If you have the 32 leases as you have described, one of two things will happen. Either these are things which are routinely required by individual Members, in which case you may fall into the exception. If they are not, then you have to incorporate and the leases are to be held by the company. You can go on doing that as long as you are an ordinary Member, provided you disclose any interest you have in that corporation when it is coming up or holding contracts with the government vis-a-vis these leases. If a debate comes up, as I understand the legislation, in which that issue is involved, you should declare, withdraw and so forth so that you are not involved in influencing the decision of government or of this Legislature in relation to those contracts. There are really two answers. If it is classified as "routinely required", you may not have to put it into the corporation in the first place. If it is not, then you would have to do that, disclose it and withdraw from debates involving it.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Bayly. Are there any more comments on Bill 47, An Act to Amend the Legislative Assembly and Executive Council Act, No. 1? Mr. Zoe.

MR. ZOE: Mr. Chairman, just to follow up on my colleague's questions. Is there a value attached to it if it is routinely required? Is there a maximum value?

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Zoe. Mr. Bayly.

MR. BAYLY: Mr. Chairman, in a sense I guess there would be a value attached to it if it was a value of less than \$1000 in a 12 month period, because that is another exception, and that is found in the exceptions list in section 66(3).

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Bayly. Mr. Zoe.

MR. ZOE: In other words, anything over \$1000? Subsection 66(3) says that if it pays less than \$1000 it is exempt. I assume the other way around, if it is more than \$1000, then you have to disclose it, or is it exempt if it is routinely required?

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Zoe. Mr. Bayly.

MR. BAYLY: Mr. Chairman, in answer to Mr. Zoe's question, I think there are two exceptions. One is for the very small contracts of \$1000 or less which would provide a source of income to the Member. The Member would ask himself, is this so small that it falls into that exemption? If it is not, then the next question is, is this something which is routinely provided? Because if it is, maybe it falls into the other exception contained in section 75(2)(b).

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Bayly. Any further general comments? Are you ready to go clause by clause? Madam Minister.

HON. NELLIE COURNOYEA: Just another example. First of all, it will be difficult for a businessman who wants to continue to carry out his business, to take four years out of his life to be an ordinary MLA. We see it is going to be difficult for him. He has to make some pretty clear decisions unless he wants

to be a politician forever and give up his business. Take another example. There are two legal people sitting here, Mr. Bickert and Mr. Bayly. Most of the legal work that is done in the Northwest Territories is with government, so would these people be able to work in the legal service division where the funding for legal service to individuals is paid for by the government? I guess you could say that it is routinely required, but is that an exemption or is that a contract with the government that would be outside that exception?

CHAIRMAN (Mr. Ernerk): Thank you, Madam Minister. Mr. Bayly.

MR. BAYLY: Mr. Chairman, in answer to the Minister's question, I still am not sure whether those would be routinely required, but let us assume that legal aid, for example, was routinely required. It might be then that a lawyer who ran for office could continue to provide legal aid services even if elected, and fall into that exception. If I am wrong about that, then the lawyer could not do that and of course the interesting thing for lawyers -- and maybe you would prefer to have as few of them in the Legislature as possible -- is that lawyers do not incorporate as a rule, and it is very difficult for them to get out of practice by divesting. They are usually in partnerships with other people as individuals, and even where they have personal corporations, they may still practice in partnership with others, so the divesting of the interest is a little more complex. The other thing is there are other services, using your example, that lawyers provide, such as the contract that I have to provide the Members with an opinion. I am assuming that is not routinely required. If I were a Member and were even able to do that, I would presume that would not be an exception and I would have to either have a corporation or decline to take that contract.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Bayly. Mr. Bickert.

MR. BICKERT: Thank you, Mr. Chairman. I agree with what Mr. Bayly has said and only confirm that section 75(2)(b), as I understand it, was intended to cover the broad range of services provided in some cases by professionals but not limited to doctors and dentists and lawyers, but to a broader class of people who may be providing services to individual members of the public, but that service is subsidized or paid for by government. In a technical sense they have a contract with government, but they are providing service to individual members of the public whether it is by legal aid or dentistry or medicare -- it could be a broad range of things. That is as I understand it. That is what that was intended to allow for.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Bickert. Are there any further general comments on Bill 47? If not, are you ready for clause by clause? Agreed? Mr. Zoe.

Effect Of Legislation On Ordinary Members

MR. ZOE: Mr. Chairman, if I could ask someone, either Mr. Bickert or Mr. Bayly, just to put it in plain layman's language, just to give us an example how this legislation would affect an ordinary Member. Can you basically run down what types of things a Member would be required according to the act? The Minister?

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Zoe. Just to remind the Members that legal counsel are here to provide legal advice. I am wondering if Mr. Patterson would be able to answer that question or defer it. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Mr. Chairman, just before I comment, I just want to say I understand some Members are concerned that this will require record-keeping; it will require work that is presently not

required of Members. I have discussed this with the Speaker and the Clerk. I should say that it is their intention that there would be, if the bill is approved, simple forms developed for Members along with probably a manual which would explain in simple language, which is not in the bill. The bill is a legal document that has exceptions upon exceptions, I appreciate, but in simple language as part of the Members' manual, there would be common language explanations of what is required. Simple forms. Furthermore, as with other obligations of Members, such as election expenses, Members would be entitled to obtain assistance from legal counsel and also probably from accountants to provide them with advice to make sure they are complying with the spirit and details of the act.

Generally speaking, Mr. Chairman, to answer the Member's question, upon election, Members are going to be expected to order their affairs so that they no longer have personal contracts with the government. They can do this by selling the particular business or particular interest or by incorporating. But if they incorporate, they will have to disclose the contract annually and they will also have to disclose any material changes.

There are exceptions, Mr. Chairman. The bill does not intend to include Members' certain personal property such as recreational, personal property used for transportation or household, social or recreational purposes, assets of liabilities having a value of less than \$10,000, a source of income that pays less than \$1000 in a 12-month period, money that you have in a bank account or money that you owe to a chartered bank or trust company or credit union, pensions, support payments, investments of a personal nature. So there would be a fairly broad range of exceptions, but if you owe money to someone other than a bank, more than \$10,000, then you are going to have to disclose that to the Clerk. There will be a less detailed disclosure statement revealed to the public. That statement would not permit a member of the public to calculate your net worth, but it would signal to the public what interests you have that are significant. The idea is that so members of the public will understand and will be able to scrutinize whether Members are not abusing their privileges in any way by seeking to influence the proceedings of the Assembly to help their personal financial situation.

The main obligation, Mr. Chairman, is to order your affairs, following election, to make an annual disclosure, and also to be quite careful about gifts of a value over \$400. The question has been raised about how to know what it is worth. These would have to be dealt with on an individual basis, but appraisals might be required where necessary. Gifts over \$400 will have to become the property of the Assembly or the Department of the Executive, as the case may be. Members will have to report gifts in certain categories so that the benefit is reported.

Members have to conduct themselves carefully in debates and make sure they declare conflicts and withdraw from debates. This is another obligation that is presently in the act but is confirmed in this bill.

Effect Of Legislation On Ministers

The rules for Ministers are stricter, Mr. Chairman. We have not concentrated on them today, but basically Ministers will simply not be allowed to have any dealings with the government. They will also have to disclose their holdings as any other Member would. They are restricted on employment with the government after they conclude office; and the Speaker, too, is treated like a Minister in this connection, Mr. Chairman. There are also restrictions on Ministers' families and the Speaker's family and dependants being able to obtain employment with departments for which they have held

responsibility in the year following their termination of office. I would point out generally, Mr. Chairman, the bill will take effect in the new Legislature but the provision on post-employment, the 12-month prohibition for Ministers and the Speaker, will actually affect current Ministers and the current Speaker because the bill will come into effect upon the dissolution of this Assembly. I hope that generally answers the Member's request. Thank you.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Patterson. Are there any further general comments on Bill 47? Mr. Morin.

MR. MORIN: Thank you, Mr. Chairman. I would just like to thank the Government Leader and the Speaker for bringing this forward. I think it is time we have some clear rules to follow. To say the least, it is a fairly slack system we have for conflict. I think if you do not have rules to follow and you do not know whether or not you are getting into a conflict, then you can get yourself into trouble without even knowing it. This way it is all set out in black and white. When people choose to run for office they will know what their responsibilities will be. They will know the sacrifices they will have to make. It is just like when you have to leave your family at home to come here and work. You know you have to do that. You do not want to do it, but if you want to be a Member of the Legislative Assembly, a public person representing people, then that is what you have to do. I would just like to speak under general comments in favour of the bill. I hope Members pass it.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Morin. Are there any further general comments? Before we go into clause by clause, the committee will recess for fourteen and one-half minutes. Thank you.

--SHORT RECESS

CHAIRMAN (Mr. Ningark): (Translation) Thank you. We will reconvene the meeting. We are dealing with Bill 47. Any general comments on Bill 47? Thank you. We will now go clause by clause. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): (Translation) Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): (Translation) Thank you. Clause 5. Agreed? Mr. Minister.

Motion To Amend Clause 5, Bill 47

HON. DENNIS PATTERSON: Mr. Chairman, I move that clause 5 of Bill 47 be amended by striking out proposed

paragraph 81(1)(a) and substituting the following "(a) dismiss the complaint where the chief commissioner determines (i) that the complaint does not disclose a contravention of this part, (ii) that a contravention of this part was trivial or was committed through inadvertence or by reason of an error of judgment made in good faith; or (iii) that the Member took all reasonable measures to prevent a contravention of this part; or". That is the amendment, Mr. Chairman.

CHAIRMAN (Mr. Ningark): (Translation) The amendment is in order. Any comments to the amendment?

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Ningark): (Translation) Question being called. Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, while I am not totally against this amendment, I am just wondering if these provisions would really make it possible for a person who has done something against the act to be kind of excused. The amendments here provide that if you did it without really realizing what you were doing, or if it was just an error in judgment made in good faith, then you could be excused. Whereas the conflict of interest laws, as we are passing them, look as though they are really strict rules governing conflict of interest matters for Members of the Assembly, we have this provision now which is going to excuse almost any situation. You have good hard rules and then we have a clause here, kind of like an escape clause, which is going to make it possible for the person to be excused. I am just wondering whether we are defeating the purpose of the act in having these amendments. I would just like to hear Mr. Bayly, in particular, give us independent advice on this as to his views on this, whether this escape clause is really so broad as to make a mockery of our conflict of interest laws.

CHAIRMAN (Mr. Ningark): (Translation) Thank you. Mr. Bayly, would you care to make a comment on that please?

Reason For Amendment

MR. BAYLY: Mr. Chairman, in answer to Mr. Sibbeston's question, it is my understanding that the change to this amendment, which is in the subparagraph (iii), was put in mainly for this reason, that individual Members raised the concern that they might not be able to get certain dependent children, or a spouse, to disclose to them information that they were required to submit to the Clerk, and if they were in that kind of a situation they would then be able to say, "We took every reasonable measure to prevent the contravention, but we were frustrated in that because individuals with their own rights, who are not bound by this law, refused to give us the information." I think that is the reason it was there. You, of course, will have to be the judges of whether that is too broad.

CHAIRMAN (Mr. Ningark): (Translation) Thank you. Mr. Sibbeston.

MR. SIBBESTON: I would like to be assured that this amendment here does not apply with respect to Members themselves, but I take it, as our adviser advises, that it applies only to spouses and perhaps some dependent children. This clause here does not apply to Members as such.

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

HON. DENNIS PATTERSON: Mr. Chairman, I believe that part (iii), which Mr. Bayly has referred to, does take into account the situation where a Member may not get cooperation from a member of his or her family about disclosure,

and part (iii) will forgive the Member from a contravention of this part if the commissioner has established that the Member took all reasonable measures. However, the amendment does cover Members.

I would like to point out, Mr. Chairman, that we are talking about the opinion of a chief commissioner, who is an independent person, who would basically have the freedom, taking into account the complete situation including representations from the Member, to determine basically whether or not the Member was trying to be in compliance with the act but may have not been in compliance through some trivial matter, or through inadvertence or an error of judgment made in good faith.

I think, Mr. Chairman, that Members will make best efforts to comply with the spirit of the act, but at the same time there may be situations that need not give rise to the full commission of inquiry. The only example I can think of that I can offer to the Member, Mr. Chairman, is a Minister of the Ontario government that just recently was indeed found to have been in contravention of the Ontario conflict of interest provisions for a cabinet Minister because of her failure to disclose an interest in a house; but I think, Mr. Chairman, that the Premier described that as a situation which existed through inadvertence. The Minister had intended to report the holding, but it was omitted through inadvertence and not through any effort to defy or contravene the spirit of the act. That would be the kind of situation, Mr. Chairman, where I think the chief commissioner would be justified in coming to an independent conclusion that this matter was minor enough, or in the character of an oversight, so that it need not give rise to a full commission of inquiry. I think we have to understand that there will be breaches and there will be breaches, and that if they are trivial then they need not give rise to a full public commission of inquiry. I think that is the spirit of this section, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Ningark): (Translation) Thank you. To the motion. Mr. Sibbeston.

MR. SIBBESTON: I am just really asking the question. Can a Member ever be convicted, can a Member ever be deemed to have been guilty of a breach of conflict of interest with these clauses that are being proposed here? Because if it is found by the chief commissioner that the contravention was trivial, which I can support, and if you are found to have done it through inadvertence, that is without realizing you have committed a wrong, or if you are found to have made an error in judgment but in good faith, then you can be excused, as it were. I am just wondering, can a Member ever be found guilty, or ever be found to have contravened the act, if we have this escape clause? Because it just does look like a real escape clause where you could have contravened the act. You could have done something wrong. You could, perhaps, not disclose something and in the end when you are found out you say you have an excuse or you did it in good faith or something like that, so that even though you committed a wrong, you can be excused. I would like to again ask Mr. Bayly his opinion. Why I am asking Mr. Bayly is because he is the independent counsel at the Assembly as provided to us. I would like to ask him if he feels these provisions as so broad that it makes the whole act meaningless if someone is going to be excused anyway. Why comply with the act?

CHAIRMAN (Mr. Ningark): (Translation) Thank you, Mr. Sibbeston. Mr. Bayly, do you wish to comment?

MR. BAYLY: Mr. Chairman, in answer to Mr. Sibbeston's question, it is my view that it is possible, hopefully will not be likely, that a Member could be found guilty of a breach of this act even with (iii) included. All this allows, as I understand the wording, is that the chief commissioner, or later on,

because there is another amendment, the committee of inquiry, may say that the Member took reasonable measures, in other words looked at his assets, position, his wife's and dependants' assets, and tried to make a full report and somehow missed something. If I could perhaps refer back to the discussion with Minister Cournoyea, if, for example, a Member thought that he was involved in something that was routinely required by individual members of the public and so that he felt there was an exception there and so that he did not report or disclose but it turned out that there was an interpretation that was not something routinely required by individual members of the public, a commissioner or the committee of inquiry might say that he took all reasonable measures to prevent contravention but we have made an interpretation of that section which is different from the one he did when he disclosed. I think that is a possible use of that clause. But a lot of laws take into account whether somebody took reasonable measures before a determination is made of whether somebody has broken the law or not. That is common wording.

CHAIRMAN (Mr. Ningark): (Translation) Thank you, Mr. Bayly. Mr. Sibbeston.

Conflict Of Interest Guidelines Weakened By Amendment

MR. SIBBESTON: I am still very concerned about this provision because I think we are going through a big exercise here. The government and the Speaker have done a lot of work to come forth with this conflict of interest law and to give the public the impression that henceforth Members of this Assembly are going to be guided by strict guidelines, strict rules, in terms of disclosures of their financial affairs, and so forth. I think that general impression is given. But with this clause it seems that you can be excused. All a Member has to say is, "Really, I didn't know that." I can have a million dollar contract with the government and say that I did not really know I was contravening, or a \$50,000 contract, or I have a contract on some other matter that looks routine and really is not. All he has to say is on the day he was deciding things he did not realize that he was supposed to disclose his interest. He can show to the commissioner that he had done it by inadvertence or by error of judgment in good faith and he is excused.

I am concerned about this because we have good guidelines governing conflict of interest, and then we weaken it by a clause at the very end which can really excuse any Member. I just want to point that out and say that I think in part we are putting on a good show saying we have these really rigid and fantastic rules that are going to govern us, but in the end if there is an investigation the commissioner can excuse you because you had a bad day that day or you did not fully understand or you made it in bad faith or made it in good faith, and you are excused.

So it makes a mockery, in a sense, of these conflict of interest rules. I am a bit concerned about that, and I would like to ask the government, in dealing with the legislation, in coming forth with these amendments, why are they being brought to us as amendments at this late date? If it is a good conflict of interest act that is substantive and good, why did the government not have this provision in there a long time ago? Why are they bringing these amendments to us in the last hour and suggesting it to us at this late stage? So I would like to ask the government, in proposing these amendments, where do they get this from? Are they following some provincial legislation that perhaps has had years of experience with conflict of interest? Or did they have their lawyers dream it up in the back rooms here, or where did it come from?

CHAIRMAN (Mr. Ningark): Mr. Minister.

Gaping Loophole Not Provided By Admendment

HON. DENNIS PATTERSON: Mr. Chairman, I should point out that it is really only (iii), the part about all reasonable measures to prevent a contravention, that is the new provision that is before you. The other parts of this clause have been in the bill all along. The (iii) is in here because of the concern expressed by Members resulting from Mr. Bayly's advice about not being able to compel disclosure of a Member from a member of the family.

Mr. Chairman, I think I would ask Ms. MacPherson to answer the Member's question about whether these kinds of clauses are found in other such bills, since she has done a review of those other bills. But I would just say, Mr. Chairman, that I think the Member is overstating it when he portrays this as a loophole.

Mr. Chairman, what it really says is that if you made an error of judgement in good faith, in other words, we have discussed here today that these phrases like "services routinely available to individual members of the public" have not been defined and are capable of interpretation. If a Member puts an interpretation on such a matter, in good faith, that later turns out in the course of an inquiry -- and we are talking about after the investigation -- turns out to have been improper, the Member will not be penalized if it is found that they came to that conclusion in good faith; that is, not intending to circumvent the law, but they had a reasonable ground for assuming they were okay.

And similarly "inadvertence". To my mind, Mr. Chairman, "inadvertence" means something that you might not have reasonably known about even by acting in good faith. For example, your broker, unbeknownst to you, invests in something that you simply are not aware of, that later turns out to have been a contract or an interest that puts you in conflict. Or your partners, in a business in which you have an interest, take action which places you in a conflict position. That, to me, would be a situation of inadvertence, an excusable situation of inadvertence. I think the whole clause has to be read together, along with words like "good faith" or "reasonable measures having been taken". I do not see it as the gaping loophole that the Member paints it, but I would like Ms. MacPherson to say whether this kind of exception is found in other bills. Thank you.

CHAIRMAN (Mr. Ningark): Thank you. Ms. MacPherson, can you clarify this please?

LAW CLERK (Ms. MacPherson): Thank you, Mr. Chairman. In response to Mr. Sibbeston's concern and Mr. Patterson's comments, this is not an unusual type of clause to find in this type of legislation or other similar disciplinary legislation. Perhaps, however, more importantly, this is the type of clause that is currently found within our Legislative Assembly and Executive Council Act. As Members are aware, the current act provides that a Member must disclose an interest, or the Clerk must disclose an interest they have if they are actually on the floor of the House, and refrain from attempting to influence a vote. Under the current act, a member of the public can allege that a Member of this House is contravening that provision and take the matter to court, and the court has the power to declare the Member's seat vacant. However, if the court finds that the Member contravened the current provisions of the act through inadvertence or by reasons of a bona fide error in judgment, the court shall not declare the Member's seat vacant. As soon as they have made that finding, that the error was made in good faith, the failure to withdraw was made in good faith, then the court is bound and not able to declare the Member's seat vacant.

The proposed section before Members is very similar to what

is contained in our current legislation and is also similar to what is found in some other provincial legislation. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark): (Translation) Thank you. Mr. Sibbeston.

MR. SIBBESTON: I would like to ask the Law Clerk just to give us further information with respect to the jurisprudence, what has been the experience in other assemblies or other legislatures with respect to this. Is there any experience in this area, any case that she is aware of, where the latitude of these provisions had to be determined, how broad they are? Does everybody get excused just showing that they made it inadvertently and in good faith?

CHAIRMAN (Mr. Ningark): Madam Law Clerk, please proceed with the interpretation.

Conflict Of Interest Legislation New In Canada

LAW CLERK (Ms. MacPherson): Thank you, Mr. Chairman. One of the difficulties we had in determining what the experience has been in other legislatures is that the conflict of interest legislation is relatively new in Canada. It has developed in about the past 10 years. I am fairly certain that in the Northwest Territories we have not had any charges brought to court under our section, so we do not have any case law here in the Northwest Territories. Many provinces have commissions that determine the issue of whether a Member committed the contravention through an error in judgment. We do not have a body of developed case law that would come out of the commissions, and often if the complaint were dismissed as a result of its being found trivial, it would generally not be reported anywhere or brought to our attention because it would be dealt with at a very early stage. I am personally not aware of any situations where this clause has been elaborated upon or there have been court judgments on these types of clauses.

CHAIRMAN (Mr. Ningark): Thank you. To the motion. Mr. Lewis.

MR. LEWIS: Thank you, Mr. Chairman. There are all kinds of legal language here, and that is what causes us some trouble, to really understand what it all means, but my understanding of this as a layman is that you are trying to put something in there to cover what we call, I suppose, the honest mistake. If you make an honest mistake and you have some guy who is smart and can see that it is an honest mistake, and he decides that way, that it is just a straightforward and honest mistake and it can be forgiven because we all do it. Everybody I know, in fact, has made an honest mistake sometime in his or her life, and we have to cover that. I agree that this kind of clause should be in there. Thank you.

CHAIRMAN (Mr. Ningark): (Translation) Thank you. Mr. Sibbeston.

Objection To Amendment As An Escape Clause

MR. SIBBESTON: I am basically against this amendment because I really think it is an escape clause. I really think the conflict of interest law that we have is not going to be that significant in terms of dealing with people who want to contravene, who want to hide their financial affairs from the public. You can always say, "Well, really, I am a smart guy but I had a bad day that day and forgive me because I made an honest mistake," and you are forgiven. I do not think that we should purport to have conflict of interest rules that are like that. If we are going to have conflict of interest, let us have them, strict and very clear in terms of what is offensive and

what is not. With a clause like this, any mistake, any attempt to be crooked, any attempt to go against can be really covered up by saying, "I made an error; I made the mistake in not disclosing honestly and even though I made the error, it was in good faith."

It just seems to me that it is such an escape clause, such a way of really being dishonest, that if Members are going to go with this, I think they really should know that they should not have the impression that they are doing themselves and the public of the North a big deal, that now we have this big, strong, tough legislation that is going to make us all disclose our interest. The public should know that while on the face of it they do have rules that are going to be stricter, really any mistake, any contravention of it can be forgiven in the end; and so it is no big deal. I do not think the public of the North should get the impression or feeling that somehow their Members are really bound and are going to adhere to these good, strict rules that are going to make them disclose all their financial interests. Even if they do not, there is an escape hatch. There is a way of getting out of it by just saying, "Even though I made a mistake, I am really sorry. On that day I made a bad decision, but I did do it in good faith, and please forgive me this time and I will not do it again." And you are forgiven. No big deal happens. You could be as crooked as can be and get away with it. I do not think we should be sitting here and feel so righteous and feel so squeaky clean that we are putting in a new system of law that is going to make everybody perfect and clean.

Obviously, I am not getting anywhere in terms of persuading anybody that they should not pass this amendment, but I just want to set that for the record so that this law is passed with the public knowing it is no big deal. It does not really change things much from what we had before.

CHAIRMAN (Mr. Ningark): (Translation) Thank you, Mr. Sibbeston. Mr. Minister, do you have any more comments?

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. With the greatest of respect to the honourable Member, I do not agree with his interpretation. I think that people who will try and use this section to excuse obvious efforts to avoid the spirit of the act will not be forgiven by the commissioner. These are independent people who will look at all the facts, hear the Member, and I think they will see through hollow excuses if people have actually conducted themselves so as to avoid the provisions of the act.

I think the Member is suggesting that someone who expresses remorse is going to be forgiven, but that is not the concept in the clause. It does deal with what I think Mr. Lewis has described clearly as an honest mistake made in good faith. I think that since this is a complicated area and there are interpretations required to be made by Members in seeking to follow the act, that we should have a little room for flexibility to acknowledge that things can happen beyond a Member's control and that they are not attempts to subvert the act. With greatest respect, I disagree with the Member's interpretation, but his comments are on the record and history will be the judge, if in fact this clause is as broad as the Member suggests. Thank you.

CHAIRMAN (Mr. Ningark): (Translation) Thank you, Mr. Patterson. I do not think we have a quorum. Please ring the bell.

AN HON. MEMBER: Question.

Motion To Amend Clause 5, Bill 47, Carried

CHAIRMAN (Mr. Ningark): All those in favour, please signify by raising your hand. All those opposed? The motion is

carried.

—Carried

Clause 5, as amended. Mr. Patterson.

Motion To Further Amend Clause 5, Bill 47

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would move another amendment to clause 5. I move that clause 5 of Bill 47 be amended by adding the following after proposed subsection 81(2): "(3) The chief commissioner shall conduct an investigation in accordance with the principles of natural justice."

CHAIRMAN (Mr. Ningark): (Translation) Thank you. To the motion. Members are now getting a copy of the motion on the amendment. The motion is in order. I think you all have a copy. Are there any comments? Mr. Sibbeston.

MR. SIBBESTON: Are Members not interested to know what "natural justice" is?

AN HON. MEMBER: We know. Don't you?

MR. SIBBESTON: Well, coming from the North, the only justice I know is survival of the fittest. Dog eat dog. That kind of justice. It just seems to me that in the North if the you come from the North you have a history of coming from the North, and you know how nature works. Natural justice? It always is not fair. That is one thing about natural justice. The biggest animal wins. The little guy gets eaten up. That is natural justice in the North. So let us have an interpretation of this so-called "natural justice". What does it really mean? The judges that deal with it, are they going to use generally their southern experience or are they going to apply the justice of the North?

CHAIRMAN (Mr. Ningark): Mr. Minister.

HON. DENNIS PATTERSON: Could I refer this to the Law Clerk, Mr. Chairman? Thank you.

CHAIRMAN (Mr. Ningark): Madam Law Clerk.

Principels Of Natural Justice

LAW CLERK (Ms. MacPherson): Thank you, Mr. Chairman. Mr. Chairman, the wording "principles of natural justice" encompasses many, many rules that govern administrative tribunals, courts and hearings. For example, one of the principles of natural justice is the right to be heard before somebody makes a decision against you, the right to be tried by a trier of fact who is unbiased and fair and does not have a grudge against you or any ill feelings against you. It is the right to be represented by counsel; it is a right to give submissions or have counsel give submissions on your behalf. It is a right to hear what the other side, the person who is making the complaint, has to say against you. It is the right to hear their complaint and not to be basically just faced with an accuser who does not reveal themselves.

So there is a whole bundle of principles of natural justice. The intent of this clause is that all of the principles of natural justice will be incorporated into any inquiry or investigation under this act. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Ningark): Madam Minister.

HON. NELLIE COURNOYEA: I think the explanation is good. Just to make a comment on what was said, the reason the rest of the Members here are not asking that question is because we had the process, the last nine or 10 days, to go

over it and we were not apprised of the absence of the honourable Member, so I just want him to know that we have gone through all these explanations ad nauseam and that is why these questions are not being asked. Perhaps we can have the indulgence if he wants to go over them again. Thank you.

CHAIRMAN (Mr. Ningark): Any comments to the motion?

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Ningark): Question is being called. Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, Ms. Cournoyea is trying to ridicule me. She is trying to somehow put me down...

CHAIRMAN (Mr. Ningark): To the motion, please.

AN HON. MEMBER: Question.

Motion To Further Amend Clause 5, Bill 47, Carried

CHAIRMAN (Mr. Ningark): Question is being called. All those in favour? We do not have a quorum. Please, Madam Clerk. To the motion. All those in favour? Opposed, if any? The amendment is carried.

---Carried

Clause 5, as amended. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I have an amendment which is really a grammatical improvement on the draft before you. It is simply to add the word "may" to paragraph 82(4)(a).

Motion To Further Amend Clause 5, Bill 47, Carried

Mr. Chairman, I move that clause 5 of Bill 47 be amended by striking out proposed paragraph 82(4)(a) and substituting the following: "(a) may require the Clerk to produce a disclosure statement received by the Clerk under subsection 77(1);". The clause before you just says, "requires the Clerk". It should be, "may require the Clerk". Thank you.

CHAIRMAN (Mr. Ningark): The motion is in order. To the motion. All those in favour? The motion is carried.

---Carried

Mr. Minister.

Motion To Further Amend Clause 5, Bill 47, Carried

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I move that clause 5 of Bill 47 be amended by adding the following after proposed subsection 82(4): "(5) A commission of inquiry shall conduct a hearing in accordance with the principles of natural justice." Thank you.

CHAIRMAN (Mr. Ningark): The motion is in order. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Mr. Minister.

Motion To Further Amend Clause 5, Bill 47, Carried

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I move that clause 5 of Bill 47 be amended by striking out

proposed paragraph 83(1)(a) and substituting the following: "(a) the complaint is dismissed, where the commission of inquiry has determined (i) that the complaint does not disclose a contravention of this part, (ii) that a contravention of this part was trivial or was committed through inadvertence or by reason of an error of judgment made in good faith, or (iii) that the Member took all reasonable measures to prevent a contravention of this part; or".

If I may, Mr. Chairman, this is a parallel of provision to the one approved by the committee earlier with reference to the investigation by a chief commissioner. This same standard will also govern the procedures of a commission of inquiry itself, if it goes to a commission of inquiry. Thank you.

CHAIRMAN (Mr. Ningark): The motion is in order. To the motion. All those in favour? Opposed, if any? The motion is carried.

---Carried

Clause 5, as amended. Mr. Minister.

Motion To Further Amend Clause 5, Bill 47, Carried

HON. DENNIS PATTERSON: A final amendment, Mr. Chairman. I move that clause 5 of Bill 47 be amended by (a) adding the following after proposed subsection 83(1): "(2) a report referred to in subsection (1) shall provide reasons, including any dissenting reasons of a commissioner participating in the commission of inquiry."; (b) renumbering proposed subsection 83(2) as subsection 83(3).

Mr. Chairman, this is one amendment that resulted from concerns that Members expressed following advice from Mr. Bayly. So if there are questions about that, I might suggest that Members or Mr. Bayly could provide the explanation.

CHAIRMAN (Mr. Ningark): Thank you. The motion is in order. To the motion. Question is being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Clause 5, as amended. Mr. Zoe.

MR. ZOE: Mr. Chairman, could I get an interpretation of clause 5, proposed section 66(3)(b). It reads, "a source of income that pays less than \$1000 in a 12 month period." Could I get an explanation of that? It is under exempt interests".

CHAIRMAN (Mr. Ningark): Mr. Minister.

HON. DENNIS PATTERSON: Mr. Chairman, this section lays out a number of interests that a Member need not disclose. I think the general feeling was that these are insignificant enough that they would not give rise to any public concern or question of conflict. It was felt that a source of income of under \$1000 in a 12 month period in this day and age would be relatively insignificant. An example, Mr. Chairman, would be dividends from a corporation where a Member held few enough shares that the annual income would be less than \$1000. This would not need to be disclosed, or any other source of income that a Member might have, such as an annuity, that would be under \$1000 dollars. It is not deemed to be important enough to require that it be reported. Thank you.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Government Leader. Mr. Zoe.

MR. ZOE: Mr. Chairman, I am questioning the amount that

is specified with regard to its being a reasonable amount. I do not know. This is the first time we have had this type of legislation. How was the amount established? What was it based on? Is it reasonable?

CHAIRMAN (Mr. Ernerk): Mr. Minister.

HON. DENNIS PATTERSON: Mr. Chairman, our opinion was that \$1000 is the threshold under which it is not necessary to report because it is not significant enough to give rise to any concerns. I should clarify that there is nothing stopping Members from having a source of income that pays more than \$1000. It is just that that source would then have to be disclosed. The general feeling, and it is a subjective feeling, Mr. Chairman, is that amounts under \$1000 if you were renting something or you had royalties from a property or you had dividends from a corporation or from some other interest, under \$1000 is just not worth the trouble to disclose, nor is it important enough to disclose. The amount is seen to be insignificant, such that requiring Members to disclose it would be unnecessary and too troublesome. It is an arbitrary figure, Mr. Chairman. But it was arrived at with, I guess, some knowledge of Members' incomes and the cost of living these days. It seemed to be an insignificant amount in the broader scheme of things. Thank you.

CHAIRMAN (Mr. Ernerk): Thank you very much, Mr. Government Leader. Mr. Zoe.

MR. ZOE: Mr. Chairman, I understand what the Minister is saying. I assume that the Minister has looked at other jurisdictions to see if this type of clause is in their legislation. Is it close to other jurisdictions, or are we higher or lower than other jurisdictions, or fairly close to it?

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

HON. DENNIS PATTERSON: I would refer that to the Law Clerk, Mr. Chairman.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Minister. Madam Law Clerk, s'il vous plait.

LAW CLERK (Ms. MacPherson): Thank you, Mr. Chairman. The amount of \$1000 is similar to other jurisdictions. For example, I just reviewed the proposed bill in the House of Commons, and they do have disclosure of \$1000 as being the sort of their cap. PEI has \$2000. I believe \$2000 may, in fact, be the highest and the \$1000 figure, Mr. Chairman, is more common across the country.

CHAIRMAN (Mr. Ernerk): Thank you, Madam Law Clerk. Clause 5, as amended. Mr. Zoe.

MR. ZOE: Mr. Chairman, in the response from the Law Clerk, if the norm in southern jurisdictions is about \$1000, would not the Minister agree that our costs based -- I guess the amount is sort of what is troubling me. If the norm is about \$1000, our amount should be a little bit higher in our legislation. If I am correct, the Law Clerk also indicated that the maximum in the southern jurisdictions that she recalls is in PEI, about \$2000. Why was that consideration not taken?

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

HON. DENNIS PATTERSON: Mr. Chairman, the \$1000 was a figure that we came up with based on the typical experience in other Houses in the country. I want to emphasize again that it is not a limit on the amount of income that you can have. It really establishes whether or not you have to report it to the Clerk, but if the will of the House is that the amount

should be a little bit higher, I am willing to consider that. It is an arbitrary figure, so I am willing to be guided by the committee, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Ernerk): (Translation) Thank you. (Translation ends) Mr. Zoe. Clause 5, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Ernerk): Mr. Zoe, please.

MR. ZOE: Thank you. Mr. Chairman, I have one concern. Maybe I will give an example and ask the Minister where it would fall, because my interpretation of that exemption clause is a little confusing. Say, for instance, Mr. Chairman, that a Member purchased a vehicle through, Ford Credit Corporation or GMAC, General Motors Acceptance Corporation and it is through that company that he acquired that vehicle. By reading that exemption clause, under section (d) personal property used for transportation, the asset would be exempt if it is less than \$10,000. The asset would be more than \$10,000, so you would have to disclose it and the money that you owed to Ford Credit would also have to be disclosed because they do not fall under a financial institution. Could I get someone to explain if a situation like this happened with a Member, is it exempt or not; what would he have to disclose?

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

HON. DENNIS PATTERSON: Mr. Chairman, if a car company has their financing scheme backed up by a bank, then I would say that it is exempt from disclosure. However, Mr. Chairman, if the loan is not backed up by a bank, credit union or trust company, then the Member would have to report the loan and disclose the amount to the Clerk, but as far as the public is concerned the report would simply be that the Member has a loan with GMAC or Ford Credit, but not the amount. I just do not know enough about these vehicle financing arrangements to know whether these loans are associated with a financial institution or not. If they are not, as I say, they would have to be disclosed; but if they are backed by a bank and payable to a bank, then they are exempt. Thank you.

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

MR. ZOE: Mr. Chairman, I understand what the Minister is saying, but the Minister is also indicating to me that the onus would be on the Member to check into Ford Credit or GMAC to see how they do their vehicle rental scheme. Why should the onus be put on the Member? You sign a contract with GMAC or Ford Credit and it is between you and that company. We do not know if they fall under a financial institute or not. The onus is on the Member to find out if he is associated in this manner?

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

HON. DENNIS PATTERSON: Mr. Chairman, with respect to the Member, I think it would be easy for a Member to find out, basically, "Do I owe you personally, do I owe a private company or do I owe you through a bank?" It should be very easy to determine that. The onus would be on the Member, Mr. Chairman, but I do not think it is an onerous obligation. I also did indicate that I have been assured by the Clerk and the Speaker that, as with all other Members' services, the Assembly staff and experts would be available to assist Members with questions like that. If the Member personally finds it onerous, then there would be assistance provided to the Member so that the answer can be quickly obtained. I do not think it is a complicated question to determine. Thank you.

CHAIRMAN (Mr. Ernerk): Thank you, Mr. Minister. Clause 5, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ernerk): Thank you. Clause 6. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ernerk): Bill as a whole, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ernerk): Is the bill now ready for third reading? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ernerk): Thank you. I would like to thank the witnesses, Mr. John Bayly and Mr. Geoff Bickert and the Minister. What is the wish of the committee? Mr. Ballantyne, Government House Leader.

HON. MICHAEL BALLANTYNE: The government would like to go forward with Bill 43, Environmental Protection Act.

CHAIRMAN (Mr. Ernerk): Does the committee agree that we proceed with Bill 43, Environmental Protection Act?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 43: Environmental Protection Act

CHAIRMAN (Mr. Ernerk): Thank you. Would the Minister please make his opening remarks now?

Minister's Opening Remarks

HON. TITUS ALLOOLOO: Mr. Chairman, I will be very happy to make my opening remarks finally, for this amendment to the bill. It gives me great pride and pleasure today to introduce Bill 43, An Act to Amend the Environmental Protection Act.

Mr. Chairman, God only knows, maybe one of my officials knows the number of times that we had to appear before a committee of this Legislature or the committees of the Executive Council and the number of officials that we had to answer to to answer some of the questions or repeated questions by committee and the government officials of other departments.

Mr. Chairman, I feel I started working on this when I first came on the scene, and I believe that this work started back in 1983 when the government of the day requested a legal opinion between the Canadian EPA, Environmental Protection Act, and the Environmental Protection Act of the GNWT, when Mr. Nerysoo was Minister of Renewable Resources, and then it was carried on by my honourable colleague, Nellie Cournoyea, who set the foundation for the Environmental Protection Act that was formulated two years ago, which I tabled in Norman Wells. It was carried on again by Mr.

Pedersen and finally, to me.

As Members know, Northerners have become increasingly aware in the recent years that the good health of our natural environment can no longer be taken for granted. I have been fortunate, as the Minister responsible for Renewable Resources, to travel to all regions of our great territory. Whenever northern people have gathered, discussions have included their attachment to the land. They stress the importance of preserving our way of life, our unique access to wilderness and the importance of hunting and fishing, all of which are significant parts of our lives in the Territories.

Northerners also recognize the need for economic development. They have told me that environmental decisions should keep the economy in mind and that economic decisions should not be made without considering the environment. In a single sentence, it is recognized that we cannot continue to be healthy people if our environment is not healthy.

The roots of the Environmental Protection Act lie in a simple recognition -- if we respect what we have and use it wisely, it will be available to us in the future. If we protect our natural environment from abuse it will continue to give all Northerners what we need for rich and fulfilling lives.

We see on our television screens far too many results of failing to protect our natural environment. Unthinking and irresponsible human activity, undertaken without thought of the consequences, now threatens the life-sustaining capability of planet earth itself.

It has become clear, Mr. Chairman, that the role of the Government of the Northwest Territories with regard to environmental protection must evolve to meet these new demands. Currently in the Northwest Territories, there are few standards for hazardous waste management and even fewer standards for air pollution. This bill we have before us today will provide the opportunity to establish standards to serve the North.

The government also recognizes that these standards must be fair. For this reason, the government is proposing the inclusion of provisions making public consultation mandatory for proposed regulations. Appeal procedures will also be set up if a person feels unjustly treated. The bill, however, goes further than just this. Other changes include establishing the powers of the Minister; the making of emergency orders; the treatment of unsightly lands; empowering municipalities to make by-laws respecting unsightly lands and litter; the establishing of permits and licences; and establishing the authorities of an inspector.

People across the Territories have told the government that they want an act that emphasized personal responsibility, an act which stressed co-operation to achieve environmental goals and an act which had teeth. Above all, the act had to be fair. I believe this bill achieves these objectives.

The bill to amend the Environmental Protection Act has evolved because of the co-operative efforts of people in government as well as environmental, economic and public organizations. They recognize the importance of strong legislation to ensure the protection of that which we value. Over a dozen organizations took time to review the bill which was tabled in March of this year and offer written suggestions for improvement. Successive reviews restructured the bill, added and clarified concepts, tightened the language and removed ambiguities. I believe the bill reflects these efforts and is much improved because of them. At this time I want to recognize two organizations in particular for their significant contributions to the consultation process: The Northwest

Territories Chamber of Mines and the Northwest Territories Power Corporation.

I do not want to foster false hope that this bill will do away with all our environmental problems. However, over time, I am confident that it will give us the tools to stop new environmental damage from occurring and to deal with the environmental accidents which occur from time to time.

The full positive effects of this bill will not be felt until regulations are put in place, sector by sector, in consultation and co-operation with people who are concerned with environmental management in the Northwest Territories. Based upon discussions held to date, I would expect that hazardous waste management and air quality standards will be among the first regulations established under this act. The actual order of regulation development will, in large part, be determined by the expectations of the public.

Mr. Chairman, I sit here today, convinced in my mind that the Environmental Protection Act, in conjunction with the Environmental Rights Act, will soon become recognized as one of the most progressive and effective environmental protection systems in this great country. I look forward to the comments and support of all Members today. Thank you.

CHAIRMAN (Mr. McLaughlin): General comments. Mr. Ernerk, chairman of the standing committee on legislation.

Comments From The Standing Committee On Legislation

MR. ERNERK: Thank you Mr. Chairperson. On November 5, 1990 I delivered the standing committee on legislation's report on Mr. Lewis's Private Member's Bill, the Environmental Rights Act. I commented then that by caring for our environment we were actually safeguarding the cultural survival and economic standing of the people of the NWT. That is still true today. In our northern setting every citizen has a stake in ensuring that the environment is adequately protected from pollution.

It is with those perspectives in mind that the standing committee on legislation took a very close interest in the development of amendments to the Environmental Protection Act. The standing committee has been reviewing this bill for almost seven months. On November 6, 1990 the Hon. Titus Allooooloo tabled the initial draft of a proposed bill to amend the Environmental Protection Act. This was intended to compliment earlier legislation passed in the seventh session. The standing committee reviewed public input by way of written briefs on the proposed bill and conducted a preliminary review of the draft during its pre-session meeting on January 14, 1991. At that time the standing committee passed a motion requesting the Minister to include licensing and other provisions in the substance of the bill, rather than under proposed regulation making authorities.

The standing committee also raised a large number of technical points which I then conveyed to the Minister in correspondence forwarded on February 1st. The Minister made several revisions and subsequently tabled a revised draft bill on March 11, 1991.

Public hearings were held on May 13, 1991 in Hay River and May 15, 1991 in Yellowknife. The standing committee very much appreciated the thoughtful input received from witnesses who presented their views of the bill. The Minister and his officials made further revisions in this bill and the standing committee reviewed it with the Minister on June 21, 1991. A productive meeting took place with Members pointing out the rationale for several earlier recommendations. Suggestions for some final revisions were again taken under consideration by the Minister who made a commitment to appear before the

standing committee before introducing the bill in the House. This appearance took place at the committee's meeting on July 2, 1991.

At our July 2nd meeting the Minister outlined the additional changes he decided to make in this bill. At that time, however, final clause revisions were still in the process of preparation. For that reason the standing committee was unable to formally recommend the bill to the House. With the assurances that the Minister provided, however, Members agreed that he should proceed to bring the bill into the House with confidence, and the standing committee is now, at least, generally supportive of the revised legislation.

Throughout this lengthy review process, the standing committee had the benefit of professional assistance from our special adviser, Mr. David Wright of the Howard MacKay law firm in Calgary, Alberta. His professional consultation and legal opinion was helpful to the committee in all stages of its review. Mr. Chairperson, throughout our review of this bill as well, Members of the standing committee made note of the special commitment and personal interest shown by this Minister, the honourable Titus Allooooloo, in working co-operatively to receive and consider the concerns of both the public and the standing committee. This required a return to the drafting stage on several occasions.

The standing committee has appreciated the good work and co-operative approach demonstrated by the Minister's officials in the pollution control division and the directorate of the Department of Renewable Resources, as well as legal counsel and drafts persons from the Department of Justice.

However, there are some general comments which the standing committee would still wish to be made known at the present time. Throughout the standing committee's review, there has been concern with the Minister's decision to use consecutive amendments in the seventh and eighth sessions rather than proceeding with a comprehensive revision of the legislation. This has, at times, delayed the consolidation of the legislation and has hindered the review to a certain extent. While the committee respects the Minister's viewpoint that the two stage process was the most expedient means of putting these amendments forward, it is hoped that the government might use a more comprehensive approach to undertake major legislative initiatives of this type in the future.

A second observation was that in response to the standing committee's recommendation, the Minister has now established licensing provisions within the substantive sections of the bill rather than using his regulation making authorities to do so. However, many of the specific details of what activities will need to be licensed and the procedures to be used in the licensing process will still be made in the regulations. These regulations have not yet been established, Mr. Chairman, and as I am sure you might expect, this has drawn the attention of representatives of northern industry. As industry interests are likely to be most affected by licensing decisions, presentations from these groups reflected a certain amount of worry about what would be contained in the licensing regulations. There are three things that may provide some solace to them on the matter of licensing.

First, the bill contains provisions which require the Minister to publish proposed regulations well in advance of their implementation. This will ensure that an adequate opportunity exists for community consultation and input from industry representatives. Second, the standing committee has noted that the Minister has promised that he will ask the government to delay bringing into force all sections of the act which will deal with permits and licences until such time as regulations are prepared. This will again allow a period of consultation during which industry can have input. Finally, the standing

committee passed motions at its June 21 meeting which requested the Minister to provide some clarification of the department's position on specific issues raised by industry representatives during the public hearings. Hopefully, these comments today shed some light on these matters. As I mentioned, a large number of technical points were raised by the standing committee. I am extremely pleased to note that, to a very great degree, the Minister has incorporated these recommendations in the bill.

However, I would wish to draw the attention of the committee of the whole to two specific areas of the bill. The first deals with the powers which certain advisory boards, established by the Minister, would have with regard to compelling evidence as part of their hearings. Throughout the standing committee's review, Members have been concerned that proposed section 3.3(4) conveys some element of equivalence to the Supreme Court of the Northwest Territories. While I would note that the wording of this clause has been revised in a way that may, in effect, address the committee's concern, I expect that some Members would be more comfortable if any and all reference to the Supreme Court could be removed altogether. I anticipate that this will be discussed further on the floor of the House today.

The second specific concern deals with the wording the Minister has used in provisions which are intended to deal with unsightly lands. Within this bill, proposed section 10.1 would state that: "Land is sightly where an inspector believes, on reasonable grounds and on comparison with land used for a similar purpose, that litter or things placed on the land caused the land to be unsightly." Mr. Chairperson, the standing committee was concerned that this definition is not entirely workable. A recommendation was forwarded to the Minister during the committee's June 21 meeting that he should reconsider the wording of this provision. This is one of the very few committee recommendations to which the Minister did not respond favorably. I expect that some honourable Members may wish to discuss this matter in further detail this afternoon.

That concludes the report of the standing committee on legislation dealing with proposed amendments to the Environmental Protection Act. Thank you very much.

CHAIRMAN (Mr. McLaughlin): General comments. Is the committee prepared to go clause by clause? Mr. Ernerk.

MR. ERNERK: Thank you, Mr. Chairman. I would just like to make some general remarks because this is a very important bill, and I want to do so as the MLA for Aivilik. I welcome this bill, Mr. Chairman, for the protection and preservation of our environment. I was particularly pleased with many of the opening remarks made by the Minister responsible for environmental protection in the Northwest Territories, the Hon. Titus Allooloo. I really think that we are taking the lead in the Northwest Territories to preserve and protect our environment. To me, Mr. Chairman, both the freshwater and the sea that provide all of us with fish, food, seals, beluga, narwhal, walrus and other creatures that live in the water such as shrimp and all those other things that feed the marine mammals -- all these must be protected, including the vegetation that is on the bottom of the sea. They must be protected from contamination. I think it is our duty to protect because we are their spokesperson, no matter where we are.

Mr. Chairman, I believe it is same with air. Air must be free from pollution because of the birds' sake, as well as for our own protection. All the living creatures on the land and sea must breathe clean air. It is also the same with the land, as with animals, and the vegetation that grows on the land. All sectors of the land feed us. The caribou that we eat, the animals that we eat, all eat vegetation from the land; the

freshwater where we fish, where we travel by boats, all must be protected from pollution.

I think the Northwest Territories has taken the lead within the national, as well as international community, in making every effort to keep our environment clean. I think other nations should use the NWT and its people as an example to follow. There has yet to be a lot of work done to clean up our communities, but I think we have started to undertake that responsibility to clean up our communities.

I wish to make particular mention to congratulate the GNWT, our own government, for taking that kind of initiative. I say that, because this government has involved people at the community level, people at the regional level, people at the territorial level, people at the circumpolar region level, to start cleaning our own communities in the NWT and I think you should be congratulated for that.

So I am going to do my part, every way I know how, to help to assist, to clean up wherever possible. I think we should all take some action immediately just so that our future children, our future grandchildren, have a clean environment to live in. Thank you, Mr. Chairman.

--Applause

CHAIRMAN (Mr. McLaughlin): Mr. Ningark.

MR. NINGARK: Thank you, Mr. Chairman. I would like to speak in favour of the bill. I was brought up depending on the environment. I was brought up depending on three life giving elements of this planet; the water, the land and the air. I think it is a sin against nature to pollute this planet. I think it is a sin to ignore the pollution induced by activities of man. This bill is a small step forward taken by this Assembly, but it is a giant step forward for all creatures of this planet. We have only one planet. Even technology or science could never replace any species of this planet. The environment provides the native people and other people with an economic base. It also provides us with the culture and tradition. Therefore, I support the initiative taken by the honourable Minister and by his department. A number of times I have heard people complaining, especially people who are making a livelihood off the land, about extraordinary things that are seen in the mammals, birds, et cetera. Sometimes the hunters will come home and say many years ago there was nothing wrong with the animals, but now they seem to be changing into different animals. They are not as healthy as they were. The meat quality is not as good as it was many years ago. People do not have the scientific ability to see what is wrong with the animals. They know something is wrong with the animals.

In the past, we have depended upon these scientific findings about pollution within the air, water and land. Subsequently, the Legislature has taken some measures to provide some protection for the environment. It is our obligation as a Legislature to educate our people. I think Bill 43, the Environmental Protection Act, is a very good step forward. Thank you, Mr. Chairman.

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

HON. TITUS ALLOOLOO: Yes, Mr. Chairman. Very briefly, I would like to respond to the chairman of the standing committee on legislation on the two remarks that he made. The first was that he said the next time we bring forward a bill it should be comprehensive and one that covers all areas. I would like to say that I have tried that. I was told by my superiors that what I was trying to do was too much. This is one bill that I have felt that I had an uphill battle all the way.

I was getting it from all sides, basically. I recall one particular discussion on this with one of my colleagues. We stayed up all night, at which time our fearless Government Leader was referee. We were discussing the topic, "the need to protect the environment". I think we started discussing it about 10:00 in the evening and lasted until 7:00 in the morning, and then had to go to work. It has been these types of discussions that have brought the bill forward today which, I believe, meets the requirements of the committee. It meets the expectations of the people to whom, I believe, the environment is very important; at least the clean water, clean air, clean animals to sustain them.

In response to the chairman of the standing committee, I have tried in the past to bring forward a bill that was comprehensive, but later on I was told I could not do it, that I had to bring it in in two phases. He mentioned one particular area with respect to the board which had authority similar to that of the Supreme Court; we took that clause together in line with the existing Wildlife Act. Also Mr. Chairman, if I am permitted, I would like to bring in some witnesses to answer some of the committee's questions.

CHAIRMAN (Mr. Ningark): Does the committee agree that the Minister will bring in the witnesses?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Proceed, Mr. Minister.

HON. TITUS ALLOOLOO: I would like to bring in Mr. John Donihee, Department of Justice also, Mr. Emery Paquin, Department of Renewable Resources and also Carol Whitehouse, Department of Justice.

CHAIRMAN (Mr. Ningark): Thank you. Proceed, Mr. Minister. We are under Bill 43, An Act to Amend the Environmental Protection Act. General comments. Mr. McLaughlin.

MR. McLAUGHLIN: I think I would like to handle these under general comments because some of these items involve areas that are addressed by more than one clause at a time, so I may have half a dozen areas here.

Mr. Chairman, these are primarily, areas that were of concern to by the various interest groups that came before us during the public hearings, and in our standing committee hearings afterwards. We did address these to the Minister, primarily to get it on the record in the committee that there were concerns in these areas that have to be addressed in the future and in the implementation of the act. So I will deal with them one at a time and make it easier.

The first one is whether regulations will exempt existing industries in the NWT from licensing provisions which require costly replacement of equipment and machinery. An example would be diesel combustion units which provide power for the NWT Power Corporation, or provide power on private properties such as some of the mines out in the remote areas where people produce their own power for their own use. The discharge from the stacks in the facilities is obviously going to come under these future regulations, and there is some concern that some of the older units would not meet the new regulations, and industries are worried about the amount of time they would have to replace this equipment. In other words, they would not want a regulation coming into place that would instantly put them out of business and cause them an immediate, costly change. Thank you, Mr. Chairman.

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

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. There was quite a bit of discussion between officials of my department and officials of the Power Corporation on this topic. I think we have come to an understanding with the Power Corporation that we are not going to be unrealistic with anyone in terms of enforcing the law, or coming up with a regulation that would be unjust to power plant operators or other companies. What we have done that would comfort the concern of the Member is that before we come up with the regulation that governs those types of initiatives, we will allow the public to have consultation before the regulations come into force. I have also been instructed by my colleagues in cabinet that before any of the regulations come into force that they would have to be accepted by the cabinet. Thank you.

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

Enhancement Of The Environment

MR. McLAUGHLIN: Thank you, Mr. Chairman. Another item of concern is the parameters which the department will use in defining the phrases "enhancement of the environment" and "likelihood of a discharge".

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

HON. TITUS ALLOOLOO: Mr. Chairman, again we had comprehensive discussions on the issue of enhancement of the environment and preservation and protection of the environment, and it came to the point where it had to be explained by our legal advisers on both sides as to what is meant by "enhancement" and "protection" and "preservation of the environment". I think I would like Mr. Donihee to explain what it means as it is referred to in the act.

CHAIRMAN (Mr. Ningark): Thank you. Mr. Donihee, you have the floor.

MR. DONIHEE: Thank you, sir. The phrase "enhancement of the environment" appears only in the clause which defines the powers of the Minister; that is clause 3.2 on page 2 of the bill. In that case, I would first point out that it is not a mandatory situation. The clause defines things that the Minister may do. Secondly, I would simply comment that in our discussions of this terminology we felt that the protection of the environment had to include both preserving and maintaining the environment and, where necessary, improving the environment where there has been some damage done, so the two terms "preservation" and "enhancement" were included along with the word, "protection" to simply make it clear that the Minister's role in promoting the protection of the environment would be a wide one. I would point out that the term, "enhancement of the environment" does not occur in any of the other clauses which identify powers of officers or inspectors. It will be the Minister's prerogative under the powers in clause 3.2 to choose a wider application of the authorities generated there. I do not have any other way, except to offer you something like a dictionary definition of the term, "enhancement", to tell you what that might encompass at the time. It is difficult to tell in advance and it will be a matter of discretion in terms of how the Minister acts at the time.

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

MR. McLAUGHLIN: Another area of interest was whether exemptions would extend to contaminant discharge from domestic homes, the burning of wood for land clearing and silva culture, and controlled fires set for habitat management and, in certain cases, for agricultural activities.

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

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. Those concerns that the Member raised are already enforced or exempted under the existing act, clause 6, subsection 3. Thank you.

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

MR. McLAUGHLIN: Another area addressed in public hearings is a matter which I will read first. It would be interesting to know what the Minister's position is on the authority of the Legislative Assembly of the Northwest Territories to enact legislation respecting environmental protection. This basically, Mr. Chairman, deals with the fact that sometimes people feel that the Government of the Northwest Territories cannot do something unless the NWT Act specifically says we can do it. There have been, apparently, a few court cases and other legal precedents in other jurisdictions which could imply that we could take measures in some areas where we are not now and that our efforts would be legal. I think that is what is basically looked at here and questioned here. Instead of, I guess, toeing the line that our government has, over decades, that certain areas are strictly in the federal domain and not ours because the NWT Act does not say we can do it, maybe there are some areas like this where, because of more recent court cases and maybe more modern, more in tune with the times rulings by the judiciary and in other jurisdictions, that, perhaps, we can do some things in this area that we are not doing right now. Thank you, Mr. Chairman.

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

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. As I stated earlier, back in 1983 the government requested a legal opinion on the topic of environmental protection. It was felt that the Government of the Northwest Territories had some jurisdiction over protecting the environment and also that legal opinion was taken to federal government at that time and it was adopted by the federal government that the Government of the NWT had legal jurisdiction over these environmental concerns.

Mr. Chairman, basically what I am trying to do is my foremost concern, to protect the environment until we are told otherwise. I would like to go as far as I can. If we are told by the Supreme Court of Canada that we do not have legal authority to do this then we will not do it, otherwise I would like the government to be responsible for protecting the environment.

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

MR. McLAUGHLIN: Thank you, Mr. Chairman. Another area related to this since there are a couple of levels of government involved in protection of the environment, was a concern about the relationship between roles performed by inspectors empowered under federal legislation, as in the case of the mining industry, and those empowered under the territorial legislation.

CHAIRMAN (Mr. Ningark): Mr. Donihee.

MR. DONIHEE: Thank you, Mr. Chairman. Essentially, any inspector empowered under federal legislation has his own authority to be there, as would our inspectors under this act. I think that the only place where there would be potential for a conflict might be if there were a federal permit or authorization for a certain activity which might constitute a violation of our act or regulations. In such a situation the federal permit authority would apply because section 16 of the

NWT Act makes our legislation subject to federal authorizations or federal statutes.

It is quite a complicated area to unravel, but in answer to the Member's question, I do not really see that there is, necessarily, a conflict between the two inspectors and their authorities out there. The only situation where a problem would occur would be if our statutes said that you could or could not do something and the federal statute said the opposite. In that case the federal statute would apply.

CHAIRMAN (Mr. Ningark): Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. Finally, another concern was the role, if any, to be played by the Government Leader's Round Table on the Environment and the Economy in the development, drafting and/or review of regulations prepared under section 35.

CHAIRMAN (Mr. Ningark): Mr. Minister.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. The Round Table on the Environment and the Economy is in the formative stage at this moment, and I believe it is the prerogative of the round table chairman, who is the Government Leader at this time, to decide what role they play in terms of reviewing the regulations or the development of regulations pertaining to this act.

CHAIRMAN (Mr. Ningark): Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I think that completes the areas where the committee basically wanted to point out public concerns and some committee concerns for the Minister to take into consideration in the future. I know that there is more that I could say on some of these things and there is also more the Minister could say, but the main thing is we just wanted to get this on the record so that the Minister and his officials are aware of it in the House, and the general public is aware that these are matters that the committee has addressed and even though they may be unresolved, they have not been forgotten. Thank you.

CHAIRMAN (Mr. Ningark): Thank you. Bill 43. General comments.

AN HON. MEMBER: Clause by clause.

CHAIRMAN (Mr. Ningark): Clause by clause requested. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 6. Mr. Minister.

Motion To Amend Clause 6, Bill 43, Carried

HON. TITUS ALLOOLOO: Mr. Chairman, I move that clause 6 of Bill 43 be amended by striking out "11.8, 11.11" in proposed section 4.1 and substituting "11.12".

CHAIRMAN (Mr. Ningark): The motion is in order; however, I do not think we have a quorum. Madam Clerk, would you ring the bells? The Chair recognizes a quorum. We have a motion before us concerning An Act to Amend the Environmental Protection Act, moved by the Hon. Titus Allooloo. The motion reads: That clause 6 of Bill 43 be amended by striking out "11.8, 11.11" in proposed section 4.1 and substituting "11.12". The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Ningark): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Section 6, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 9. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 10. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 11. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 12. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 13. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 14. Member for Aivilik.

MR. ERNERK: Thank you, Mr. Chairman. This is the one that I have some concerns about. I want to ask the Minister how this particular clause is going to work. Could the Minister explain, Mr. Chairman? Thank you.

CHAIRMAN (Mr. Ningark): Mr. Minister.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman. In determining unsightly lands or unsightly premises, the inspector will use his judgment for those sites that might be unsightly, compare them to other sites that are of similar use.

CHAIRMAN (Mr. Ningark): Qujannamiik. Clause 14. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Thank you. Clause 15. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 16. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Qujannamiik. Clause 17. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Qujannamiik. Clause 18. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 19. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 20. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 21. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Ningark): Clause 22. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): Qujannamiik. Clause 23. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): Clause 24. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): Merci. Clause 25. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): Thank you. Clause 26. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): Thank you. Clause 27. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): Bill 43, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): Does the committee agree that Bill 43 is ready for third reading?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Ningark): Qujannamiik. Thank you. I would like to thank the Minister and his witnesses, Mr. Donihee and Ms. Whitehouse, and Mr. Paquin. Thank you.

HON. TITUS ALLOOLOO: Thank you, Mr. Chairman, on behalf of my officials. Thank you.

CHAIRMAN (Mr. Ningark): Mr. Lewis.

MR. LEWIS: There is no money riding on this, Mr. Chairman, but I would like to move that we report progress at 5:30 p.m.

CHAIRMAN (Mr. Ningark): Motion is in order. Not debatable. All those in favour? We need a quorum. Please ring the bell. The Chair recognizes a quorum. There is a motion to report progress and motion is not debatable. All those in favour, please signify. Opposed? Motion is carried.

--Carried

I will 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 Natilikmiot.

MR. NINGARK: Thank you, Mr. Speaker. Your committee has been considering Bill 47 and Bill 43 and wishes to report that Bills 47 and 43 are ready for third reading, as amended, and 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 Baffin South. The motion is in order. Question has been called. All those in favour? Opposed, if any? The motion is carried.

--Carried

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

ITEM 19: THIRD READING OF BILLS

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, I seek consent to give third reading to Bill 47.

MR. SPEAKER: The honourable Member is seeking consent to give third reading to Bill 47. Are there any nays? There are no nays, proceed.

Third Reading Of Bill 47: Legislative Assembly And Executive Council Act, No. 1

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Thebacha, that Bill 47, An Act to Amend the Legislative Assembly and Executive Council Act, No. 1, be read for the third time.

MR. SPEAKER: The honourable Member for Iqaluit. You are probably thinking we should be the 12th Assembly but you are a bit premature. The honourable Member for Iqaluit.

--Laughter

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Forgive me, I meant to refer to the honourable Member for Slave River as my seconder.

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

--Carried

Honourable Member for Amittuq.

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I seek consent to proceed with Bill 43, An Act to Amend the Environmental Protection Act.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to proceed with Bill 43. Are there any nays? There are no nays. Proceed.

Third Reading Of Bill 43: Environmental Protection Act

HON. TITUS ALLOOLOO: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Nunakput, that Bill 43, An Act to Amend the Environmental Protection Act, be read for the third time.

MR. SPEAKER: The 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 43 and Bill 47 have had third reading. Third reading of bills.

Speaker's Closing Remarks

Prior to requesting the Commissioner to assent to bills, I would like to take this opportunity, which I do not always get, to say a few words. Honourable Members, I want to continue to compliment and express, I believe, the feelings of all Members of this House, our gratitude and appreciation for the endless commitment and support given by all Legislative Assembly staff.

---Applause

I want to thank the interpreters...

---Applause

...who bring together all the political leaders in this House. They have been able to take our personal views and our issues and bring them together so that we could speak as a collective voice on behalf of all the people of the Northwest Territories.

To our Hansard staff, my thanks for your untiring efforts to place in history our words, our ideas and political views on behalf of our constituencies.

---Applause

I wish to express also, our thanks to the media, even though at times we have had different opinions with regard to what they have said and with regard to what they have written. Without them this House or the efforts of government and each individual could not receive public scrutiny, support and criticism that was necessary for good government.

Honourable colleagues, as your Speaker, I have often been criticized for not being able to speak in this House. However, through all this criticism I do not apologize for having had the opportunity to serve you collectively and individually. Your faith in my ability to serve you independently, by upholding your privileges and your rules have been onerous, but no greater duty as a Member can be sought or asked than to ensure and protect the institution of the Legislature. How people perceive your Assembly, in many ways, is reflected by the confidence and support given by Members to their Speaker and officers of this House. I believe that the most significant task has been to represent each one of you publicly and to ensure that the public, through me, sees the Assembly as the valued and honourable institution that it has been and should be. I hope that I have met this challenge and lived up to this expectation and the task that you have given me by selecting me as your Speaker.

---Applause

I want to take the opportunity to thank Members of the Management and Services Board who have served with me, in particular, Mr. Kilabuk, Mr. Pedersen, Mr. Sibbeston and Mrs. Marie-Jewell. It is with your guidance that I have chaired this particular cabinet, of the Assembly; no cabinet of government, but the Executive of the Assembly.

I want to thank those people that have been involved with me with the special committee. I was honoured that you would show your confidence in me to reflect the aboriginal view

about the constitutional development in this country; in particular, the view that in many respects was not taken into consideration, and its value and importance to the success of our position and the manner in which our constitution in this country has been perceived. I thank also my teammates, as I should say, Mr. Ballantyne and Mr. Ningark, who participated with me and I participated with them to represent the special committee on constitutional reform on behalf of all Members of the special committee and all Members of this House. It was my pleasure to serve with both of them, and all Members of the special committee, on behalf of this Assembly.

I want to thank Mr. Patterson, the Government Leader, and all his cabinet colleagues that treated me, personally, and my constituency concerns, with fairness and without prejudice. I wish to conclude my remarks by thanking, of course, as everyone has done, my family for suffering through the hardships with my continuous absence from home, and in return I give them my thanks and my love. Also to my family and friends in my constituency who continue to support me, despite my absence from my home of Fort McPherson and my constituency of Mackenzie Delta. I want to thank them for their unrestricted support and friendship. Finally, thanks again to you for allowing me to serve this House as your Speaker, and without doubt thanks to my constituency for having previously selected me as their Member of this Assembly. Thank you very much.

---Applause

Mr. Clerk, would you ascertain if the Commissioner of the Northwest Territories is prepared to assent to bills?

Commissioner's Closing Remarks

COMMISSIONER NORRIS: Honourable Members, it is with a degree of reluctance and sadness that I address you on this the final day of sitting of the 11th Legislative Assembly of the Northwest Territories. The 11th Legislative Assembly of the Northwest Territories should be congratulated for the significant part you have played in the political development of the Northwest Territories.

---Applause

There is no greater calling than serving the people as an elected official. Being elected to this body, the law-makers of this land, carries with it an immense responsibility which each of you has carried out in a most effective manner.

Before you depart for your home communities I would like to take this opportunity to thank each and every Member of the 11th Legislative Assembly for your efforts, on behalf of the residents of the NWT, over the course of the last four years. I also particularly enjoyed working with each of you and I appreciate the co-operation you have extended to me since assuming the role of Commissioner two years ago. To those of you seeking re-election on October 15, I wish you the best of luck.

---Applause

Whether or not you are successful in your bid, I know that you will continue to work for the betterment of the NWT.

I would also like to take this opportunity to congratulate Mr. Harry Finnis and the many Pages who have performed in their usual effective manner.

---Applause

Mr. Speaker, I would also like to add my appreciation to David Hamilton and his staff who continue to perform for us in a

very efficient manner.

--Applause

AN HON. MEMBER: We want David!

COMMISSIONER NORRIS: This of course includes staff like Carolyn McCabe and Kevin O'Keefe.

--Applause

To you, Mr. Speaker, I want you to know that it has been a pleasure to work with you. I sincerely hope the excellent co-operation will continue as the new Assembly assumes responsibility next fall.

--Applause

I would also like to take this opportunity to send my appreciation to Government Leader Dennis Patterson for the co-operation he has extended to me personally, the many times that he has held counsel with me and attempted to keep me informed on what is happening within this government. It has made my job very much easier and I am very grateful to him for that co-operation.

--Applause

ASSENT TO BILLS

Mr. Speaker and Members of the Legislative Assembly, as Commissioner of the Northwest Territories, I hereby assent to Bill 34, An Act to Amend the Labour Standards Act, No. 1; Bill 35, Natural Resources Conservation Trust Act; Bill 36, Borrowing Authorization Act, 1991-92; Bill 39, An Act to Amend the Certified General Accountants' Association Act; Bill 40, An Act to Amend the Public Service Act; Bill 41, An Act to Amend the Travel and Tourism Act; Bill 42, Agricultural Products Marketing Act; Bill 43, An Act to Amend the Environmental Protection Act; Bill 46, Supplementary Appropriation Act, No. 1, 1991-92; Bill 47, An Act to Amend the Legislative Assembly and Executive Council Act, No. 1; Bill 48, An Act to Amend the Legislative Assembly and Executive Council Act, No. 2; Bill 49, An Act to Amend the Plebiscite Act; Bill 50, Statute Law Amendment (Official Languages) Act; Bill 51, An Act to Amend the Territorial Hospital Insurance Services Act; Bill 52, An Act to Amend the Income Tax Act.

As Commissioner of the Northwest Territories I prorogue this eighth session of the 11th Assembly of the Northwest Territories. Thank you. Mahsi cho. Qujannamiik. Merci.

--Applause

--PROROGATION

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