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Speaker: The Honourable Donald M. Stewart, M.L.A.

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, NOVEMBER 2, 1984

MEMBERS PRESENT

Mr. Angottitauruq, Mr. Arlooktoo, Mr. Ballantyne, Hon. Tom Butters, Hon. Tagak Curley, Mr. Erklou, Mr. Gargan, Mrs. Lawrence, Mr. MacQuarrie, Mr. McCallum, Hon. Bruce McLaughlin, Hon. Richard Nerysoo, Mr. Paniloo, Hon. Dennis Patterson, Mr. Pedersen, Mr. Pudluk, Mr. Richard, Hon. Nick Sibbeston, Hon. Don Stewart, Mr. T'Seleie, Mr. Wah-Shee, Hon. Gordon Wray

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Friday, November 2nd.

Item 2, Members' replies.

Item 3, Ministers' statements. Item 4, oral questions. Mr. Ballantyne.

ITEM 4: ORAL QUESTIONS

Question 18-84(3): Transfer Of Responsibility For Highway System

MR. BALLANTYNE: Thank you, Mr. Speaker. I would like to direct this question to the Minister responsible for highways, Mr. Wray. I wonder if Mr. Wray can give us an update of the transfer of jurisdiction from the federal government to the territorial government in the inter-territorial highway system.

MR. SPEAKER: Mr. Minister.

Return To Question 18-84(3): Transfer Of Responsibility For Highway System

HON. GORDON WRAY: Thank you, Mr. Speaker. I thank the Member for advance warning on this question. As you know, transfer of the highway system was approved last year. However we had originally negotiated a transfer of funding level of \$78 million over 10 years, or \$7.8 million a year. When we got the approval from the Treasury Board, they had approved \$5.7 million a year, which to us was less than satisfactory. It meant that we had to increase our planned projects from a 10 year period to a 15 year period. However there were a number of outstanding issues relating to that transfer which to date have not been resolved and therefore no agreement has been signed between us and the federal government.

We have indicated to them that there is approximately four million dollars of work which we think should not be reconstruction: replacement of the bridge on the Ingraham Trail, the Cameron bridge; the replacement of the bridge at Little Buffalo River. We maintain that these are not reconstruction but in fact should be new construction. Because of the election and the unsettled atmosphere in Ottawa, we have been unable to finalize that transfer and just recently I have written a very lengthy and detailed letter to Mr. Crombie outlining the problems and what we see as proposed solutions to hopefully effect this transfer in the very near future. As yet there has been no reply, but I hope at some point in time in the very near future to be able to go to Ottawa to discuss with Mr. Crombie some of these outstanding issues. So that is where we are at to date.

MR. SPEAKER: Thank you, Mr. Minister. Mr. Ballantyne, supplementary.

Supplementary To Question 18-84(3): Transfer Of Responsibility For Highway System

MR. BALLANTYNE: Thank you, Mr. Speaker. Supplementary to that. A specific question I would like to direct to the Minister, concerning work done on the Ingraham Trail. A year ago I brought to the Minister's attention the very, very bad and dangerous conditions on the Ingraham Trail because of increased usage and because of conflict between industrial and recreational use. Now work has been done, for which I thank the Minister. Perhaps the Minister can bring this House up to date on exactly what work has been done in the past summer and fall on the Ingraham Trail and what the Minister has planned for next year on the Ingraham Trail.

MR. SPEAKER: Mr. Minister.

Further Return To Question 18-84(3): Transfer Of Responsibility For Highway System

HON. GORDON WRAY: Thank you, Mr. Speaker. Indeed the Member has been reminding me of the work that needs to be done, several times a month I may add. However he is doing his job. There are a number of projects on the Ingraham Trail. The first one is from kilometre one to kilometre 19, and I will just go through them very briefly. There was a late contract award and late start-up, so we will not be able to complete the project in 1984. However, preparation of granule materials will be completed this fall. On-base construction and asphalt surface treatment will be carried on in 1985, as soon as the weather permits. That is from kilometre one to kilometre 19.

On the other area which is kilometre 25 to 27, between Madeline Lake and Pontoon Lake, as you know several accidents and fuel spills have resulted from the increased usage, as the Member has pointed out, and we were unable to do anything because there was no program transfer until the summer. With the release of some of that money we were able to carry out some work. We will not complete it this fall. However we will attempt to ensure that the slope is reduced and will be in safe condition for the mine's winter resupply. We expect that the work will be at least 80 per cent complete this year and once again we will complete the balance of the work early next year or as soon as weather permits. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Pudluk.

Question 19-84(3): Hamlet Status For Grise Fiord And Resolute Bay

MR. PUDLUK: (Translation) Mr. Speaker, I am directing this to the Minister of Local Government. There have been a lot of settlements that have become hamlets in the Baffin Region. There are only two settlements that have not become hamlets. I am talking about Grise Fiord and Resolute Bay. Can you support them if they want to become a hamlet? Thank you.

MR. SPEAKER: Mr. Sibbeston.

Return To Question 19-84(3): Hamlet Status For Grise Fiord And Resolute Bay

HON. NICK SIBBESTON: Mr. Speaker. (Translation) In the communities those people are living in, if there is a certain amount of people living there, if the people of that community want that, they can have it. It would be okay if there were quite a few people living there. Grise Fiord and Resolute Bay, if they want to become a hamlet, can approach me and write to me and they can inform the Department of Local Government. They can become a hamlet if they so wish. They can work together toward that. We can assist them in becoming a hamlet if they so wish to become one.

MR. SPEAKER: Oral questions. Mr. Paniloo.

Question 20-84(3): Awarding Of Contracts, Baffin Region

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I said this yesterday, I would like to ask a question of the Minister responsible for the Housing Corporation. In the Baffin Region there have been some contractors, mainly southern contractors. There have been some local people concerned that they could forward the contracts to the local contractors. Since there are southern contractors they have not been happy at all. I would like to see the contracts given out to the local contractors instead of southern contractors. Thank you.

MR. SPEAKER: Mr. Wray.

Return To Question 20-84(3): Awarding Of Contracts, Baffin Region

HON. GORDON WRAY: Thank you, Mr. Chairman. I guess first of all I have to say that we have a slight problem in Baffin because one of the reasons that you do not see a lot of contracts going to local contractors is that we have very few local contractors. The development of the private sector in Baffin has not kept pace with most of the rest of the Territories and consequently there is not a very large private sector. We have attempted, particularly in the North Baffin, to give a lot of our retrofit and rehab contracts to local contractors. Hopefully as the expertise develops within the communities, more and more contracts will be awarded to local contractors.

However the Member has to understand that because the Housing Corporation is in receipt for most of its money from CMHC, there are tendering regulations that we are required to follow by law, and as such we cannot just give contracts to people. These contracts have to go to tender and if the local contractor is the low bidder then obviously he will get the job. But if he is not, then it becomes very difficult to award a contract to a local contractor just because he is a local contractor. There has to be an extremely good reason why we would not give a contract to a low bidder. So it is not so cut and dried as just giving contracts to local people. There are legal regulations and laws which we must follow and ones which we have no control over. Those laws are set down for us by the federal government and we have no choice in the matter. However, the Member should also understand that as the expertise in the private sector develops, invariably what happens if a local contractor is a good contractor and can do the job and his bidding is of good quality, then in most cases he would be the low bidder because a local contractor has an advantage over a southern contractor.

Now we will be doing an analysis of every contract awarded in this fiscal year -- in the winter. We will be analysing the amount of employment that was provided to community people. We will be analysing the amount of money that was spent in the community through hotels, taxis and we will be publishing those results. I have a concern about employment in some communities. In some communities we have contractors who are doing excellent jobs and in other communities, contractors, particularly southern contractors, are not doing so good a job. I might add that we have some northern contractors who are not particularly adept at hiring of northerners either. So, we will analyse that this winter after the jobs are finished and we will publish those results. We are attempting to come up with some form of resolution to ensure that there is a maximizing of local employment. So, those things have been worked on and hopefully by the time the next contract year rolls around there will be some better solutions in place. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Supplementary. Mr. Pudluk.

Question 21-84(3): Position Of Social Worker, Resolute Bay

MR. PUDLUK: Thank you, Mr. Speaker. This question is to the Minister of Social Services about the position of social worker for Resolute Bay. We heard the position will be full-time until March and after March it will be only a part-time job. I think this social worker in Resolute Bay will be responsible for the residents there and Grise Fiord, where they are cutting the half-time position in that area -- looking after the two settlements. Could that social service worker be a full-time job in Resolute Bay? Thank you.

MR. SPEAKER: Mr. McLaughlin.

Return To Question 21-84(3): Position Of Social Worker, Resolute Bay

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. The position of the social worker in Resolute Bay is being reconsidered as to whether it should be full-time or half-time due to the amount of social assistance and clients that the department has to deal with. Recent history has shown there has been a decline in the number of clients and people receiving social assistance and the amount of work required has been lowering, so we have considered a half-time position, but we will be watching that. We could take into consideration the fact that Grise Fiord could also be served and we could maybe have a full-time person doing two communities, instead of a half-time. But we will be monitoring, Mr. Speaker, to see how many clients there are for the department in those two communities.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Pudluk.

Supplementary To Question 21-84(3): Position Of Social Worker, Resolute Bay

MR. PUDLUK: Supplementary. When can you tell me whether it could be a full-time position or only part-time? How long do we have to wait to get that answer?

MR. SPEAKER: Mr. McLaughlin.

Further Return To Question 21-84(3): Position Of Social Worker, Resolute Bay

HON. BRUCE McLAUGHLIN: Mr. Speaker, I can talk to the department about it next week but I can only assure the Member that by the time the budget session is on next January, for sure we will have a definite decision. But if we can make one before then, I will let the Member know.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Ballantyne.

Question 22-84(3): Detah Access Road Construction

MR. BALLANTYNE: Thank you, Mr. Speaker. Supplementary to the Minister responsible for highways. During the past summer and fall, a certain amount of work was done on the Detah access road. I wonder if the Minister could let the House know if the work has been completed? If not, will it be completed in the spring?

MR. SPEAKER: Mr. Minister.

Return To Question 22-84(3): Detah Access Road Construction

HON. GORDON WRAY: Thank you, Mr. Speaker. Work did commence on the Detah road this summer. However, due to poor soil conditions, a late start-up and extremely bad weather, we have experienced some severe problems on that road, as the Member has made me aware.

However, a change has occurred as a result of something happening elsewhere. We have started to experience some very serious pavement failures all over the North, which is in line with the pavement failures that are now being experienced in the South. As you know, highway construction is sort of a concerted effort, particularly in the western part of the country and what was originally thought to be a good way to construct highways is now turning out to not be as good as people originally thought. So on the Detah road, we have suspended grading work for this season. We were originally going to go to a clay base but on the 0.3 metres of the top base, now what we have done -- and it is a significant change -- we have gone to quarried rock, so that when the road is finished it will be a much better conditioned road. It will also allow us at some point in time to prepare it for asphaltic treatment which hopefully will now be cheaper because of the rock on top of the road. Asphaltic treatment is not planned for this Detah road. However, at some point in time it may become desirable to do that. We will be completing the work next summer as all the projects that have been suspended will be done. So I can assure the Member that his road will be completed next summer. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Mrs. Lawrence.

Question 23-84(3): Highway And Bridge, Little Buffalo River

MRS. LAWRENCE: Thank you, Mr. Speaker. I have a question for the Minister responsible for highways. I am sure he is aware Fort Resolution and Pine Point are permanent communities and it is not summer cabins. The roads are very bad on the highway to Little Buffalo River and to Pine Point. There is a real bad corner by Little Buffalo River and that bridge has been put in about 17 years ago on a temporary basis. It is still existing. We have had a lot of problems, accidents, with it. I understand that some highways are almost like employment initiative projects. I would like to ask a question of the Minister. How soon can we expect a new bridge for that highway and what is he proposing to do about that highway?

MR. SPEAKER: Mr. Minister.

Return To Question 23-84(3): Highway And Bridge, Little Buffalo River.

HON. GORDON WRAY: Thank you, Mr. Speaker. First of all, on the highway question, the road between Pine Point and Fort Resolution is a category four road. That means basically that between 80 and 150 vehicles per day travel on the road. The maintenance management system, which is an approved system for the Territories and which we have based on other highway systems, shows that that road should receive six complete gradings per year. When I say a complete grading, it means that passes have to be made shoulder to shoulder five times in one pass, or in one grading. Our records indicate that as of mid-September five and a half gradings were completed which means that the bulk of the work had been done on that. I had my officials actually travel the road from Hay River because the Member had complained to me and while there were a few rough spots they went back after we had done the grading work and they tell me that that road is in as good shape for its category as any road in the Territories.

On the Little Buffalo River bridge, that is a little bit different story. As I explained to the Member for Yellowknife North a little bit earlier, when we negotiated the transfer of responsibilities of highways we had originally asked for a funding level of \$7.8 million a year. We were not given that. We have contended with the federal government that there are four projects which should not be called reconstruction. Those are the Cameron River bridge on Ingraham Trail, the Little Buffalo River, the reconstruction of the Hay River Indian Village road and the reconstruction of Sandy Lake access. We maintain that those are new construction and they should not come out of ordinary maintenance funds or reconstruction funds. We are in the process right now of negotiating with DIAND on that premise. The present plans call to expend approximately one million dollars in 1988 and replace that bridge. That is under the present funding level. If we are successful in our negotiations with the federal government we perhaps may be able to step it up, but at this time I just do not know what the response of the new government is going to be and therefore my hands are tied.

I recognize the Member's concern and in talking to my own highway officials they tell me that the structure is less than satisfactory. In fact, they say it is really a stupid way to put a bridge in. However it was not something that we had any control over. So we are very closely watching the situation and we are attempting to resolve it. But for the time being all I can indicate to the Member is that in 1988 we will replace that bridge, with our existing funding levels. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. T'Seleie.

Question 24-84(3): Criteria For Appointment Of Senior Officers.

MR. T'SELEIE: Thank you, Mr. Speaker. I asked a question concerning languages from the Leader of the House and I would like to ask some further questions regarding the government's appointment of the senior civil servant to head up the language program. The Minister basically told me yesterday that the position required a senior officer of the government and I would like to know what criteria are used in determining whether or not a person is a senior officer of the government.

MR. SPEAKER: Mr. Nerysoo.

Return To Question 24-84(3): Criteria For Appointment Of Senior Officers.

HON. RICHARD NERYSOO: Mr. Speaker, just to indicate to the honourable Member that the decision was made to put into place a senior officer who already had experience at the deputy ministerial level, because the profile of the whole language initiative was of such magnitude that it required that type of experience. That was the decision which was made in conjunction with my Executive Council colleagues. Now there are still, as I indicated yesterday, other initiatives that have been taken by this government that we have not decided on, including the public process, the consultation process and there are people already who I have spoken to -- I am not going to mention names here in this House today because they have not made their final decisions as to whether or not they wish to participate -- but I require some names and some people who I consider to have had experience in the whole aboriginal language area. There is also the ongoing issue of dealing with the whole French language responsibilities that we have assumed and we are in the process of and will be in the process of having Mr. Lewis deal with the French Cultural Association of the Northwest Territories. So the thing has not, you might say, come to a final conclusion.

I also stated yesterday that one of the responsibilities of Mr. Lewis is to prepare some analysis of the kinds of services and programs we offer as a government, to bring that forward to the Executive Council, to make a final decision as to whether or not we will amalgamate, bring together all the responsibilities of all language services that we offer and then make a decision as to how we will approach that particular organizational change. Whether or not we have some senior officer in government, other than Mr. Lewis, in charge of the responsibility for Dene languages, an individual who would be required to take on the responsibility for Inuktitut, someone that might take the responsibility of the French services that we are offering as a government, those decisions have not been made. I am making you aware of the kind of direction that I intend to go.

The other thing is that with regard to the public consultation process I will be prepared to speak to my colleagues to request names of people that they consider appropriate to carry out that public consultation process. Again I remind Members that we have not spent any money that has been allocated to the aboriginal languages within the aboriginal languages agreement.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Paniloo.

Question 25-84(3): Proposed Closure Of Pangnirtung Hotel

MR. PANILOO: (Translation) Thank you, Mr. Speaker. Concerning my constituency, I would like to ask about the hotel in Pangnirtung. Many officials go there and many tourists go to that settlement. I have heard that it is going to be closed sometime in the future. My concern is where these tourists will stay if this hotel is to be closed down. I would like some clarification on this. We will not like it if the hotel is to be closed in three or four years. The exact date is not outlined and I am not clear on this. I would like some clarification on this. Thank you.

Return To Question 25-84(3): Proposed Closure Of Pangnirtung Hotel

HON. TAGAK CURLEY: (Translation) I would like the Member to know that many people have this concern about how many tourists want to come to Pangnirtung but the only way that they can do that is to have a hotel. This is a concern of many people. We heard earlier from tourism associations, we certainly do not wish to see the hotel stop operating. Perhaps, as soon as we get the report of the people who are investigating this, we will see if this will be renovated. We have to look at the report of the investigators; perhaps next week we will know better what the situation is. But I would like to tell you that there are many tourists that go to Pang and there are many workers there who are in the fishing business. Because of this there has to be a hotel up there. Perhaps next week I can update you on this. Thank you.

MR. SPEAKER: Oral questions. Mr. Pudluk.

Question 26-84(3): Status Of Panarctic Operation

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Economic Development. Earlier in the fall, around mid-September, I was invited by Panarctic to their drilling site. This 45 gallon barrel was taken to Montreal by ship. They indicated that they wanted to carry gas from up North. I haven't heard lately what this situation is. I would like the Minister, if he knows more about this, when Panarctic would like to start delivering oil. We are not against the company in delivering that gas, or taking gas from the North to the South. We are not clear what the present situation is. I would like some clarification on this. Thank you.

MR. SPEAKER: Mr. Curley.

Return To Question 26-84(3): Status Of Panarctic Operation

HON. TAGAK CURLEY: (Translation) Mr. Speaker, I would like to tell the Member for the High Arctic that not long ago we met with the Panarctic review committee from Grise Fiord, Arctic Bay and Pond Inlet. Many people were invited to this meeting, including government officials from the federal and territorial governments. They indicated that Panarctic wanted to deliver oil from Cameron Island. They indicated they wanted to do two things: they wanted to operate for three years, perhaps 100,000 gallons for one year for each summer; their fourth year they would like to expand in drilling equipment. The residents from the High Arctic are concerned about this Panarctic company; when the Canadian government may approve of this. All we know is that Panarctic want to get approval for their company. I can tell you the Minister of Indian Affairs and my colleagues

have thought about this Panarctic concern and the concern of the people of the High Arctic. We have discussed this. We are going to give a report to the Minister David Crombie. After consulting with him again, I will elaborate more on this next week. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Mrs. Lawrence.

Question 27-84(3): Consultation With Communities By Appointee To Language Commission

MRS. LAWRENCE: Thank you, Mr. Speaker. My question is to our Leader. I am very concerned about the appointment of Mr. Lewis as well. He has been in the department for several years and he has never really, in my mind, made an attempt to promote the native languages. The only reason some native languages were put into schools is because of the initiative of certain individual schools that went ahead with the native language programs themselves. My concern is just how much support we will be getting from Mr. Lewis. He has never done too much in the line of native languages. My question is: In any preparation that will be done by Mr. Lewis, will he consult any of the native organizations or even people who speak the native languages in some schools?

MR. SPEAKER: Mr. Nerysoo.

Return To Question 27-84(3): Consultation With Communities By Appointee To Language Commission

HON. RICHARD NERYSOO: Mr. Speaker, my honourable colleague opposite me may not have a lot of respect for the ability of Mr. Lewis, but I do. The very reason for the appointment that was made of that individual was because of my respect for his knowledge of languages. He speaks Inuktitut, he speaks French, he speaks English, and he is very capable in those areas. He has also been involved in the whole education side of the programs and services we offer to the people of the North. He has had many years of teaching experience.

The other issue, Mr. Speaker, is that there will be no question that there will be consultation with the organizations. To date we have not had an individual who has been directly assigned to take on that task. What has happened is that Mr. Pilot was assigned the task but has not had the time to continue working in that particular area. We have been under extreme pressure from the aboriginal organizations to begin working with them, yet there has been no identification of an individual to work primarily on that issue, to give some direction as to how, as a government, we might approach a public process.

We have been receiving ongoing requests on other issues from the Government of Canada to come to some conclusion as to how we are going to deal with providing services to the French community. Now if that is my responsibility, then clearly I have to identify someone from within government who will assume totally that responsibility. That is exactly what I have done. I have also indicated that there will be a public consultation mechanism set up to deal with input, as to how we will set priorities in government, how we will spend the money that has been allocated in the agreement on services, projects or programs that will deal primarily with aboriginal languages.

We have already received a number of requests from the communities for increase in the amount of funds already associated to their projects that they are now running and in fact I have had further requests to add money to communities that don't even have any programs. So I would suggest that we deal with the issue and give Mr. Lewis some confidence in dealing with this issue. I believe that I have given him some confidence and I have every faith in the man to get the job done.

I must remind the honourable Member that it was the past Executive Council and the past Legislature that made aboriginal languages a priority. That was why we found some \$3.4 million over the past three years to spend in that particular area. The other issue is that we now have \$16 million to spend over the next five years. I was criticized at one time for going and finding that money and now I am being criticized for having the money and not allowing the communities to be part of the decision on expenditures. Now, I suggest that you make up your mind as to which side you want to take.

MR. SPEAKER: Supplementary. Mrs. Lawrence.

MRS. LAWRENCE: (Translation) Thank you, Mr. Speaker. The person that you appointed, if he knows everything -- the Government Leader that is sitting -- I did not say that because I did not think he was capable of it or did not know anything. We do not like what he did because we did not really know. I guess we have to wait. I did not think he would do a very good job because he never did anything for us, as long as he worked. That is all I want to say.

MR. SPEAKER: Well, at the moment, Mrs. Lawrence, that was not a question, so it was improper to put that at this particular time. Your point of order, Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, that was my point of order. I thought this was a question period. Thank you.

MR. SPEAKER: Thank you, Mr. Patterson. It is awfully difficult sometimes on various Members' approach to a question whether indeed there is a question. We try and be as patient as we can. Oral questions. Mr. Erkloo.

Question 28-84(3): Air Conditioning For Frobisher Inn

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. My question is to the Minister of Finance, concerning the Frobisher Inn in Frobisher Bay. When the government officials or public servants in Baffin Region have to travel, they have to stay at the Frobisher Inn since there is a government contract for the Frobisher Inn and only the government has the right for the Government of the NWT. The government bureaucrats have to stay there sometimes because of this. There is another hotel called the Navigator Inn. As MLAs we would like to stay in a government rate hotel but the Navigator does not have a government rate. I am not too happy about what I am saying, but in the springtime the Frobisher Inn is very, very hot and you can hardly sleep due to the intense heat. Sometimes I have known some people to sleep on the floor because it is too hot to sleep on the bed. My question is if the government is going to be giving assistance of some funding to government rate hotels maybe they should supply air conditioning to these hotels or would the government request those hotels to get some air conditioning or would the government buy these air conditioners for these hotels? Thank you.

MR. SPEAKER: That is a masterful job of getting a complaint across without really asking much of a question. Would the Minister care to undertake a reply to that? Mr. Butters.

Return To Question 28-84(3): Air Conditioning For Frobisher Inn

HON. TOM BUTTERS: Mr. Speaker, I regret hearing of the uncomfortable conditions experienced by Members of the Assembly and our staff who stay in the Frobisher establishment which we have an agreement with. I will take the Member's concern and have that expressed to the management of that hotel and indicate to them that we would expect some improvement in the general environment that they are providing especially with regard to the temperature and air conditioning.

Just one statement on the arrangement which we find ourselves in and that is that the agreement with the Frobisher hotel is a unique one, in that we inherited it from the federal government. The federal government made the arrangements with the Frobisher group some 15 years ago, to encourage those developers to put a hotel into Frobisher Bay. The federal government agreed a certain number of person-nights usage each year. We inherited that agreement from the federal government under protest. We have attempted to regain or reclaim moneys that we are paying out to that establishment but to date have not been successful. So we are trying to resolve the situation in the best interest of the NWT but as yet have not been successful. However, the hotel on their part must provide accommodation which is adequate and comparable to facilities that are provided in other centres. So if there are shortcomings with regard to the establishment then I will make them known to the management.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Gargan.

Question 29-84(3): Qualifications Of Appointee To Language Commission

MR. GARGAN: Thank you, Mr. Speaker. My question is directed to the Leader of the House. Supplementary to Mrs. Lawrence's question, it is with regard to the credibility of Mr. Lewis heading up that program altogether. I do have a copy of the enhancement of the aboriginal languages or the native languages with me. There is nothing complicated about it, as far as the enhancement of native languages, but I guess my question is with the qualifications of Mr. Lewis. Is that why you are creating the language commission if that qualification is there? Is it for the purpose of educating Mr. Lewis?

MR. SPEAKER: Mr. Minister.

Return To Question 29-84(3): Qualifications Of Appointee To Language Commission

HON. RICHARD NERYSOO: No, Mr. Speaker. Mr. Lewis is well educated enough to deal with the job. I think that one of the very issues that the Members who have raised the whole question on languages have raised primarily, is with regard to consultation. Now, the whole issue of the commission or the task force is to go to the communities and to get their input into the direction we are going to go in the whole area of providing services and programs in the aboriginal languages area.

We, as a government, have certain ideas on priorities but one of the complaints that was raised at the past session, at the two previous sessions, was in fact regarding a consultation process so that people at the community level could have input into the expenditure of those dollars that have been allocated to this government. Now, surely the establishment of the task force or the commission is intended to get that input. And I believe that is the process that people in the communities would be satisfied with. Now, if the Member has a suggestion that he wants to make to me that would improve that public consultation process, I will be prepared to listen to him. But that is the intent, not to educate Mr. Lewis.

MR. SPEAKER: Supplementary, Mr. Gargan.

MR. GARGAN: Thank you, Mr. Speaker. I guess the credibility of the MLAs in this Assembly is also in question. On June 28 and I believe June 29, this language issue has been dealt with extensively. All the aspirations of the community have also been dealt with at that time. I do not see the necessity of another large commission going into the communities; that using up taxpayers dollars is the answer. Mr. Speaker, I may be presenting a motion, also, with regard to the commissioner's of authority to make direct appointment...

MR. SPEAKER: Mr. Gargan, I am sorry but this is the question period. If you have a question to put, would you put it? If you wish to bring the subject up in deeper depth, we have to get it into the committee of the whole or approach it from a different angle. But you cannot continue this line. If you have a question, will you please put it?

Supplementary To Question 29-84(3): Qualifications Of Appointee To Language Commission

MR. GARGAN: Thank you, Mr. Speaker. With regard to the appointment of Mr. Lewis, disregarding, of course, the French languages, I would like to address only the aboriginal languages program. The honourable Member keeps referring to the appointment of Mr. Lewis without consultation. I believe the French population is about three per cent and the Dene population or the aboriginal population is about 58 per cent.

I would like to ask the Government Leader when he made that commitment, to consult the aboriginal organizations before proceeding with the development of the language. His failure to meet this commitment has been a disappointment to the native people. I would like to know why the people who would be most affected were not consulted and what action the Government Leader will take to ensure that native people are part of the planning and development process in the future.

MR. SPEAKER: Mr. Minister.

Further Return To Question 29-84(3): Qualifications Of Appointee To Language Commission

HON. RICHARD NERYSOO: I guess there are some Members here that are not listening. A suggestion being made by the honourable Member opposite is that there is no need for a consultation process. Yet he suggests that I should be consulting with the aboriginal people. And the whole idea of the task force and the commission is to get that process into place. Now, I do not believe that we have solved all the problems in the discussions over the past two or three months, or for that matter over the past six months. There are many, many issues that have to be resolved and I believe that we have experts in the North, aboriginal people that can lay out the ground rules and the direction that this government ought to take in implementing and in fact, distributing the \$16 million. I believe that.

Mr. Lewis' job is to bring together some co-ordinated approach on behalf of government. He is not dealing with the aboriginal languages issue because that is the role of the task force or the commission. That is the public consultation process which will in fact allow the aboriginal organizations to have direct input into the direction and priorities that they wish to establish. Now, I would think that that would be a process that would be more logical, to allow communities to have an input in the direction of this government.

But I do not agree with the idea that we have all the answers after the discussions we had in the two past sessions. Because we did not talk about research. We did not talk about the implementation of programs in the schools. We did not talk about how we would change the educational curriculum to implement the languages or educating other students with regard to aboriginal languages. We did not talk about those things in detail. That is a priority or that is the role that the aboriginal languages task force or commission is going to establish. So, the idea of concentrating on Mr. Lewis as having complete authority over languages is wrong because the actual direction will be established by the task force or the commission.

MR. SPEAKER: Thank you, Mr. Minister. I notice that Mr. Garqan has a supplementary and Mrs. Lawrence wishes to ask a further question. The time being past 10:30, we will recess for 15 minutes for coffee and the floor then will belong to Mr. Garqan.

---SHORT RECESS

I call the House back to order. Just before we recessed for coffee, I had an indication from Mr. Gargan that he had an oral question. Mr. Gargan.

Supplementary To Question 29-84(3): Qualifications Of Appointee To Language Commission

MR. GARGAN: Thank you, Mr. Speaker. Supplementary to the question that I asked before, I did not get a pure answer from the Leader with regard to the appointment of Mr. Lewis. I recognize Mr. Lewis' qualifications but in the spring session the Leader did indicate that he was prepared to establish a commission or task force and to extend open arms to them in a sense of wanting them to participate in the process. My question again is with regard to Mr. Lewis. When in fact he is saying that he would ask the native organizations to participate, he didn't consult them about the appointment of Mr. Lewis. My question is why didn't he consult with the native organizations?

MR. T'SELEIE: Good question.

MR. SPEAKER: Mr. Minister, would you like to try again?

Further Return To Question 29-84(3): Qualifications Of Appointee To Language Commission

HON. RICHARD NERYSOO: Yes, Mr. Speaker, I would like to try again. I indicated yesterday that it is an administrative responsibility. He is not part of the commission or the task force. Now if the suggestion is being made that I, or the Executive Council for that matter, government, on all appointments on personnel, that we should be consulting the Dene Nation, then I suggest, you have an opinion that is probably not shared by the public service itself.

Now I have indicated that I would consult with the native organizations with regard to participants or members of the task force, and that is exactly what I intend to do. But we have work to do as a government, to deal with all particular responsibility that we share within government. We also have a responsibility to address the whole question of French language services. Now if the honourable Member opposite is suggesting that we should not address that, while allowing a public process to address the whole process of aboriginal languages, then I suggest that you would be suggesting a disservice to the French-speaking community that we have made a commitment to. I have an obligation to provide that service to them and I also have an obligation to provide for a public process and that is what I intend to do. I have not named anyone to the task force or the commission and I will be consulting the aboriginal organizations. I have a number of people that I will recommend to them but they will have the opportunity to make suggestions as well.

MR. SPEAKER: Thank you. Mrs. Lawrence.

Question 30-84(3): Involvement Of Communities In Language Program

MRS. LAWRENCE: (Translation) Thank you. I would like to ask another question of the Leader of the House. My question is: Will the Minister ensure involvement of the communities in matters regarding languages? This is the last question I am going to ask.

MR. SPEAKER: Mr. Nerysoo.

Return To Question 30-84(3): Involvement Of Communities In Language Program

HON. RICHARD NERYSOO: Communities will play a role in establishing priorities in the direction we will go with regard to the expenditure of money from the aboriginal languages fund. There is no question about that. That is the role of the task force. The task force is the body that will give direction to the government. I will assure the Member that I will consult her and in fact request from her, if she has any names, ideas, as to people who could be part of that task force. I suggest that those names be given to me.

MR. SPEAKER: Thank you, Mr. Minister. I would like at this time to recognize the grade six students from St. Patrick's School and their teacher Gerard Landry. Welcome.

---Applause

Oral questions. Mr. Wah-Shee.

Question 31-84(3): Appointments To Language Commission

MR. WAH-SHEE: Mr. Speaker, I would like to ask a question of the Leader of the Government. The concern that I think we are trying to bring forward is that there was a commitment made by the Leader of the Government in regard to consulting with native people. Native people have their own organization and I believe the honourable Member is aware that there was a great deal of concern on the part of the aboriginal people and we were trying to discuss this whole issue. The issue basically was that there was a problem with trying to get a certain status for aboriginal people, in terms of having them recognized on a regional basis as the official working language, the big "Q".

Now there is a difficulty here that we do not have any assurance that if the honourable Member did not consult with the native organizations, that is not to say that the native organizations have to approve of the appointments, but rather that they want to be consulted...

HON. RICHARD NERYSOO: Point of order, Mr. Speaker.

MR. SPEAKER: Mr. Nerysoo, point of order.

HON. RICHARD NERYSOO: Is there a question? I believe you indicated earlier that this is a process where we are on the agenda of oral questions and I would suggest that the honourable Members recognize that.

MR. SPEAKER: Thank you, Mr. Minister. Inasmuch as this question has taken up so much time, I thought there was some clarification coming and that there would be a question that would settle this once and for all. I did not intend to let it go much further but I was hoping it would end this question. Mr. Wah-Shee you have the floor, but you had better get to your question pretty quickly.

MR. WAH-SHEE: Mr. Speaker, I was just leading up to my question.

---Laughter

I realize the honourable Member does not like to be criticized for his actions, however he has to realize that he is part of the administration. Now with the setting up of this language commission, I would like to know whether he already has a list of names that he has in his back pocket and when are we going to know when these appointments will be made. In other words, I understand that he indicated that these appointments would be made very shortly and I would like to know whether he already has names in mind, again without consulting the Members of this House, and I am not talking about native organizations.

MR. SPEAKER: Mr. Minister.

Return To Question 31-84(3): Appointments To Language Commission

HON. RICHARD NERYSOO: Mr. Speaker. If only the Member had actions to criticize, then things would not be so bad. The reality is that I have talked to some individuals. I am not going to release the names here because I believe they have not made their final decisions as to whether or not they

wish to participate. At which time I will, if I do hear any indication on their part that they wish to participate as part of the task force then I will be prepared to discuss the names with the honourable Members opposite. In fact, a few minutes ago I requested from you names of individuals you would suggest that could work on this commission or task force.

Now we have not made any final decisions. We have not established the terms of reference for the committee or the task force. And those, in my opinion, are as important as the individuals who are going to work on the task force because we must know what the terms of reference are. I have not had the opportunity to discuss with my colleagues what those terms of reference might be. We have ideas and we are now in the process of documenting them and if at any other time the Members opposite would like an opportunity to meet with me and discuss those directions then so be it. I would be prepared to do that but I would be prepared to consult with the honourable Member if he wishes me to. Now, the whole idea, as I indicated, is that we have a number of commitments to keep and the idea of the task force is one part of that commitment, the public consultation process. Now, if the suggestion is that we do not have a public consultation process then I think that the Member opposite or those people who are raising the issue should say so. But I believe it is important.

MR. SPEAKER: Supplementary, Mr. Wah-Shee.

Supplementary To Question 31-84(3): Appointments To Language Commission

MR. WAH-SHEE: I think if the honourable Member listens to the concerns raised, we definitely support consultation. I do not think that is really the issue that we are against. Would the Leader of the Government be prepared to table the terms of reference of the language commission that he is considering so that the Members of this House will have an opportunity to look at the type of commission that he has in mind in terms of setting it up. How is this \$16 million going to be allocated? What kinds of objectives is he looking at; whether he has any ideas of the kinds of objectives that he would like to achieve within the coming year and the next three years thereafter?

MR. SPEAKER: Mr. Minister.

Further Return To Question 31-84(3): Appointments To Language Commission

HON. RICHARD NERYSOO: Well, all I can say is that when the honourable Member suggests that I listen, that he should be listening, because I indicated that the whole idea of the task force is to develop those priorities for which we will spend the \$16 million. We have not as a government established priorities for those expenditures and are looking toward the report of the task force or the commission. I would prefer a task force but the idea of a commission has some permanency to it. The report would be the basis on which we establish priorities for the expenditure. That is the reason why we are having a public consultation process. We have ideas and the honourable Member opposite knows from our discussions previously in establishing an aboriginal languages fund, that there were a number of priorities that we thought ought to be dealt with. I believe that those priorities are still priorities that we have to maintain but they may not be the priorities that communities, in their presentations, consider as priorities and therefore we have to respond as a government to those priorities that we feel are in the best interests, not only of the community but in the interests of aboriginal languages in general. We have not established those. I can assure the honourable Member after I have discussed with my Executive Council colleagues, what the terms of reference might be. I would also suggest that it would be improper prior to having a discussion with those members that have been appointed to any particular task force, prior to their involvement and their suggestions, to agree to terms of reference. It is important that they have some input into that as well. I would suggest that in the consultation process that the native organizations could be consulted in determining what those terms of reference might be. As a government, I suggest we are not going to establish immediately what those terms of reference are, unless the consultation has taken place.

MR. SPEAKER: Supplementary, Mr. Wah-Shee.

Supplementary To Question 31-84(3): Appointments To Language Commission

MR. WAH-SHEE: Mr. Speaker, the honourable Member opposite has not answered my question. My question basically is that is the Leader of the Government prepared to table the terms of reference of the language commission in this House so that ordinary Members can have a chance to participate and indicate to you how they feel about the terms of reference that are being drafted?

MR. SPEAKER: Mr. Minister.

Further Return To Question 31-84(3): Appointments To Language Commission

HON. RICHARD NERYSOO: Mr. Speaker, I will table them when they are concluded and it may not be during this session, but as soon as they are concluded I will be prepared to send copies to the honourable Members for their review and for their comment. But I would suggest that it is necessary to consult with, first of all, the task force members, with the Executive Council of course, and with other Members even prior to bringing forward a conclusion on the terms of reference.

MR. SPEAKER: Oral questions. Mr. Richard.

Question 32-84(3): Plans For School Facilities, Yellowknife South

MR. RICHARD: Thank you, Mr. Speaker. My question is for the Minister of Education. The Minister may or may not be aware of the serious overcrowding in the elementary and junior high schools at present in Yellowknife South. Mr. Speaker, since this session began there have been one or two classrooms of students in this Assembly. That is because there is no room for them in the school.

---Laughter

My question to the Minister: Can the Minister advise what his department's plans are for the construction of additional school facilities and whether the government is prepared to revise those plans as a result of the current levels of enrolment?

MR. SPEAKER: Mr. Patterson.

Return To Question 32-84(3): Plans For School Facilities, Yellowknife South

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. We must really have overcrowded schools in the Northwest Territories, Mr. Speaker, because everywhere the Assembly sits we have classrooms of students coming into this chamber. Mr. Speaker, I do recognize that enrolments in Yellowknife are increasing as they are in many other parts of the NWT and we do have a considerable amount of design and construction moneys set aside in the five year capital plan for new schools or additions in Yellowknife over the next five years. In fact, we have budgeted over seven million dollars. A six classroom new addition for St. Joseph's is planned to be built in 1987-88, the year after next, and two 10 classroom elementary schools are slated for construction in 1988-89 and following 1990. However, in light of the concerns expressed the other day by the Member for Yellowknife South, I have asked my department to give me a current report on the overcrowding problems the Member referred to and if there is an urgent overcrowding situation, I will certainly be prepared to recommend adjustments in our capital plan to move construction programs ahead. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. It is obvious that Mr. Richard learns very quickly. It always helps to have the gallery full of friends when making a point. Oral questions. Mr. Pudluk.

Question 33-84(3): Funding For Resolute Bay Housing Association

MR. PUDLUK: (Translation) Mr. Speaker, I am going to talk a little bit first and then I will ask the question because you might stop me before I ask the question I am asking to the Housing Corporation Minister. Last summer in Resolute Bay the housing staff had a lot of work to do. In 1975-76 the town was transferred to another location and they had to fix up the pipeline underground and I guess they did not fix up the pipeline very well. They are just starting to correct this through the housing association. This ruins the houses and there are two employees but they cannot keep up with the work that they have to do. They have to work with the pipeline underground, and other work. The housing association does not have any more funds to work on this and they have some money owing. This is how it is going to be for at least two months and there is quite a workload. Can the Minister for the housing perhaps come up with funding before January for two months? There is a problem with workers at Resolute. That is my question to the Minister for Housing.

MR. SPEAKER: Thank you, Mr. Pudluk. Mr. Minister.

Return To Question 33-84(3): Funding For Resolute Bay Housing Association

HON. GORDON WRAY: Thank you, Mr. Speaker. I thank the Member for notice. First of all, I would like to commend the Member who is also on the board of directors of the housing association for the excellent maintenance work which the Resolute Bay Housing Association undertook. Unfortunately, they did such a good job they spent all their money. However, I can advise the Member that the district manager in Frobisher Bay has authorized the reinstatement of the full-time maintenance worker because of the problems we are having with the utilidor. And that hopefully, this will bring their maintenance -- at least they will have their maintenance man back full-time to bring them on stream and funds have been found to keep the office clerk on half days and our \$16,000 budget is going to be provided by cutbacks to other housing associations. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. McCallum.

Question 34-84(3): Plan For Enhanced College Programs

MR. McCALLUM: Mr. Speaker, I have a question for the Minister of Education. I refer him to the Hansard of Wednesday, October 31 -- the unofficial run of the transcript, in the Commissioner's Address to the House. The paragraph I am talking about is on page seven, "Based on recommendations of the Thebacha College board of governors, the Executive Council has also developed a strategic plan for the development of enhanced college programs." My question to the Minister is that if the Executive Council has developed a strategic plan for the development of enhanced college programs, when will the Assembly receive this plan? Or when will the Minister table before the House details of that particular plan?

MR. SPEAKER: Mr. Patterson.

Return To Question 34-84(3): Plan For Enhanced College Programs

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Indeed the strategic plan has been considered and adopted with amendments by the Executive Council, to guide us in preparing next years budget, as well as the long-range capital and operating plans for the college system in the NWT. Identification of all the various sources of funds for enhancements of college programs is not complete and I therefore propose to reveal full details of the plan and the moneys in the budget in the budget session forthcoming.

I did, however, travel to Fort Smith to meet informally with the board of governors of the college to let them know that their plan had been considered and was very useful to the government and to generally advise them of how I see things going. But I would propose to reveal the many details when all our work is complete in that respect and the budget I suggest, Mr. Speaker, is the most appropriate time. At the moment all the details have not been fleshed out. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. That appears to conclude oral questions for today. Are there any written questions? Mr. Richard.

ITEM 5: WRITTEN QUESTIONS

Question 35-84(3): Funding For Public Housing Construction

MR. RICHARD: Thank you, Mr. Speaker. I have a written question for the Minister responsible for the Housing Corporation. Yesterday the Minister announced that additional funds would be made available to the NWT Housing Corporation to allow the construction of 200 new public housing units next year, and that the decision as to where those houses would be constructed would be made within one week.

My question to the Minister is in two parts. First, will the Minister advise this Assembly, prior to the end of this session, of the details of this decision? Second, prior to making the decision, what facts were obtained regarding the current actual need for additional public housing units in each community in the NWT and will the Minister provide these facts to this Assembly?

MR. SPEAKER: Thank you, Mr. Richard. Are there any further written questions?

Item 6, are there any returns for today? Item 7, petitions. Mr. Paniloo.

ITEM 7: PETITIONS

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I have a petition, Petition 1-84(3), from Clyde River concerning the radio station. I did not bring this up because it is written down very clearly from the radio society.

MR. SPEAKER: Thank you, Mr. Paniloo. Can you give us the number of signatures on your petition, please?

MR. PANILOO: (Translation) There are 111 signatures on the petition.

MR. SPEAKER: Thank you. Are there any further petitions?

Item 8, reports of standing and special committees. Item 9, tabling of documents. Mr. Arlooktoo.

ITEM 9: TABLING OF DOCUMENTS

MR. ARLOOKTOO: (Translation) I am going to table Tabled Document 5-84(3), a letter from the hamlet of Lake Harbour. It was written to me and I was asked to give this to the Minister of Renewable Resources. It is concerning the need for a wildlife officer in Lake Harbour. The Minister said that she was going to find out in April but we would like to find out now if they are going to get a wildlife officer. The Executive Council is listening so I guess they could talk about this and bring this up to the Minister of Renewable Resources.

MR. SPEAKER: Thank you. Are there any further tabling of documents? Mr. Wray.

HON. GORDON WRAY: Thank you, Mr. Speaker. I wish to table Tabled Document 6-84(3), Annual Contracts Report, 1983-84 Fiscal Year, of the Northwest Territories Housing Corporation. As I mentioned yesterday, this one is also interesting reading.

MR. SPEAKER: Tabling of documents. Mr. Nerysoo.

HON. RICHARD NERYSOO: Mr. Speaker, I would like to seek unanimous consent to return to Ministers' statements, prior to tabling of a particular document.

MR. SPEAKER: Unanimous consent is being requested. Are there any nays?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Proceed, Mr. Nerysoo.

ITEM 3: MINISTERS' STATEMENTS

Minister's Statement On Consultation Paper For Proposed Human Rights Code For NWT

HON. RICHARD NERYSOO: Mr. Speaker, I would like to make a statement on a consultation paper for a proposed human rights code for the Northwest Territories, which I would like to table today. "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in the spirit of brotherhood." These are the words of the first article of the United Nations Universal Declaration of Human Rights which was declared on December 10th, 1948. The principle expressed by these words is of such fundamental importance, that it must be clearly reflected in the laws of this country.

The Canadian Charter of Rights and Freedoms guarantees the protection of certain rights and freedoms of individuals from interference by a state. The charter has been the most significant constitutional step that this country has taken to protect the rights and freedoms of all Canadian citizens. The charter, in only two years after its passage, has become well-known to most Canadians and has made people aware of how they should expect to be treated under the laws of the government of this country. The protections in the charter form part of our constitution and every Canadian can rely upon this written document for the protection of his or her rights and freedoms.

However the charter does not protect the individual from discrimination from another individual. The discrimination that most of us might face in our lives is not a result of interference by the state, but rather the result of one individual discriminating against another individual. This discrimination may take many forms, such as not being hired for a job, not being able to rent a home or an office or being harassed by an employer or any other person because of their race, sex, language, or a number of other reasons.

At this time, legislation of the federal parliament does provide legal protection to northerners for many of the types of discrimination which I have just mentioned. However the protection of human rights is of such importance, that this government must have its own legislation to protect the human rights of the people of the North in a way which is acceptable and relevant to northerners. At this time the Fair Practices Ordinance provides some protection of human rights but it does not go far enough. I am pleased to table today a proposed human rights code for the Northwest Territories. This code is based upon the following principles:

- 1) Every person should have an equal opportunity to make the life that he or she is able to and wishes to have, without being hindered or prevented from doing so by discrimination.
- 2) Everyone should act in accordance with his or her duties and obligations as a member of the community and society.
- 3) Discrimination should be discouraged and remedied so that people are treated solely on the basis of their personal merits in all matters.

This code is based upon respect for the dignity of the person and equal rights of all people, as being the foundation of freedom, justice and peace. It recognizes that while exercising his or her rights and freedoms, every person should recognize the rights and individual merits of others. The code recognizes that aboriginal peoples, being the first peoples to inhabit the lands of the Northwest Territories, have aboriginal rights that should not be affected by this code. In particular, this code recognizes that no person should be discriminated against because of his or her race, colour, origin, religion, language, sex, age, family status, handicap, source of income or livelihood, political or other opinion, or for any past convictions. This code proposes a process for enforcing and protecting the rights and freedoms under the code through a Northwest Territories human rights commission, together with a provision for an appeal to the supreme court of the Northwest Territories.

Because of the importance that we place on the protection of human rights in the NWT, the code proposes significant fines for anybody convicted of an offence under the code. The code also proposes special programs designed to prevent, eliminate, or reduce the disadvantage suffered by people because of past discrimination or continuing discrimination. This provision for special programs will complement the affirmative action program outlined by the Commissioner in his opening Address.

The consultation paper which I am tabling today, includes a substance of the provisions that I would like to propose for a human rights code for the Northwest Territories. I am tabling this consultation paper in order to generate as much discussion as possible about the types of provision that should be in an ordinance of the Northwest Territories to protect human rights. It is my hope that everyone will co-operate in the creation of a code that will reflect the ideals of our northern society and that will be acceptable to the people of the North. All the comments that I receive on this consultation paper will be considered when the human rights code is drafted as a bill for consideration in this House. In my view, it is a very significant step for northerners to protect their human rights by developing and enacting their own human rights code. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. We are on Ministers' statements now, are there any further Ministers' statements? We will go back then to Item 9, tabling of documents. Mr. Nerysoo.

REVERT TO ITEM 9: TABELING OF DOCUMENTS

HON. RICHARD NERYSOO: Mr. Speaker, I wish to table Tabled Document 7-84(3), Proposed Human Rights Code for the Northwest Territories, Consultation Paper, in English and in Inuktitut.

MR. SPEAKER: Thank you, Mr. Minister. Are there any further tabling of documents? Item 10, notices of motion. Mr. Gargan.

ITEM 10: NOTICES OF MOTION

Notice Of Motion 2-84(3): Language Issue To Committee Of The Whole

MR. GARGAN: Thank you, Mr. Speaker. I give notice that on Monday, November 5th, I will move the following motion. Now therefore, I move, seconded by the honourable Member for Sahtu, that the matter of language in the Northwest Territories be discussed as an item of business in the committee of the whole at this session.

MR. SPEAKER: Thank you. Are there any further notices of motion?

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

Item 12, motions.

Item 13, first reading of bills.

Item 14, second reading of bills. Item 15, consideration in committee of the whole of bills and other matters, Bills 2-84(3), 3-84(3), 7-84(3), 8-84(3), 10-84(3), 11-84(3). We will now resolve into committee of the whole with Mr. Wah-Shee in the chair.

ITEM 15: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILLS 2-84(3), INCOME TAX ORDINANCE; 3-84(3), INTERPRETATION ORDINANCE; 7-84(3), REGIONAL AND TRIBAL COUNCILS ORDINANCE

CHAIRMAN (Mr. Wah-Shee): The committee will now come to order. We are dealing with Bill 2-84(3). Mr. Butters would you like to introduce the bill to the committee?

Bill 2-84(3): Income Tax Ordinance

HON. TOM BUTTERS: Thank you, Mr. Chairman. Bill 2-84(3), An Ordinance to Amend the Income Tax Ordinance, includes housekeeping changes made due to changes in the federal income tax during past years. It also includes four changes to our own ordinance to correct technical errors or oversights which existed therein. Two federal bills are incorporated in the changes included in these revisions and those are Bill C-54 and Bill C-139. Amendments due to Bill C-54 should have been made in 1982. However, due to problems within our finance department these amendments have not been put before the House until this date. Mr. Chairman, it is important for honourable Members to appreciate that there is a standard collection agreement between the Government of Canada and this government. The terms and conditions of this agreement are identical to the terms and conditions of similar agreements entered into by all provinces except one.

The purpose of this collection agreement is not only to provide for the Government of Canada to collect taxes on behalf of the Territories but also to ensure that the tax regime in Canada is kept uniform. There is therefore an obligation on the part of the Territories to pass legislation which is in keeping with the federal Income Tax Act. This means that territorial legislation has to be passed after the fact, to use a technical term, to be passed retroactively. However, Mr. Chairman, this is not so unfair as it may appear to be the case at first glance because people are made aware of impending changes in the tax regime as soon as the federal legislation is passed. As I mentioned, the federal government processes income tax returns on behalf of the Territories and the inclusion of these amendments that are before the House today has no effect on returns filed by territorial residents for prior years as the changes were included in the federally prepared forms that northern taxpayers completed in those years.

This legislation has been examined by both the standing committees of the Legislature -- the standing committee on finance and the standing committee on legislation -- and I expect that the chairmen of both those committees will have some input with regard to this bill. I would indicate also that taxation is a very difficult subject to comprehend and understand and I hold out no suggestion to be an expert in this field. I will attempt to answer questions that I am able to.

However, should we require expertise in specific or particular areas, there are two witnesses from the department who could be called upon to relate or reflect on particular or certain provisions in this legislation. Thank you, sir.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister, do you wish to bring your witnesses in at this time or later?

HON. TOM BUTTERS: No, Mr. Chairman. I will request their presence if there is some question that cannot be answered to the satisfaction of Members.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, has your committee any remarks that you wish to make at this time?

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. When this bill first appeared before the standing committee on legislation, I -- I like to think on behalf of the public -- was immediately concerned because of the many retroactive provisions of the bill, fearing that the government might have some opportunity or intention to apply certain provisions retroactively to the detriment of taxpayers in the NWT. On thorough examination though, it became clear that the Government of the Northwest Territories had signed an agreement with the Government of Canada, in effect for quite a number of years now, to collect NWT income tax. This is a similar type of agreement that the provinces -- with the exception of Quebec -- have also signed with the Government of Canada, in order to enable that government to collect provincial and territorial income taxes. It becomes clear that the alternative for the Government of the NWT is to collect its own taxes separately, and that would be at much greater expense to taxpayers generally.

In our government signing the agreement with the Government of Canada, it is obvious that it was, and still is, the clear and ongoing intent of the Government of the NWT to keep its legislation in conformity with federal legislation. That is the basic intent for withholding and collection provisions, and it is never intended that there should be any variation between the legislation of the federal government and the legislation of the territorial government. But because of that, because the intention is always that there should be conformity in that sense, no taxpayer in the NWT should expect that income taxes will be withheld and collected on any basis other than that which is stipulated in federal legislation. And therefore, it would appear that a taxpayer has no moral claim where there may occasionally be a variance made necessary by technical considerations between federal legislation and GNWT legislation.

Indeed it appears that there is always a necessary short term lapse because when federal legislation is changed there will be a period of time elapsed before the GNWT is able to bring in legislation that is compatible with the federal legislation. And for various reasons, this could be close to a year before the changes are made. However, it is apparent that in this bill a longer time than that has elapsed and that was of great concern to the standing committee. It was explained to the committee that the government was embarrassed by the length of time that had elapsed. It was longer than might ordinarily be expected and the explanation given to the committee was that an official in our government who was responsible for responding to federal requests for changes did not do so and therefore, because of that neglect there was a lapse of a couple of years until a new official -- incidently, we were also informed that that official no longer works with the GNWT and that this neglect is one of the reasons. At any rate, the committee was disturbed by that negligence but it is a fact and we do have an agreement with the Government of Canada that has to be abided by if we wish to continue to have that government collect the income taxes for the GNWT.

So, with these explanations and with the knowledge that it is and will continue to be the intent of the GNWT to conform to federal legislation and that the purpose of this bill is to comply with existing federal legislation which has been operative all during this interim, the committee agreed that for the specific financial implications it would refer the bill to the standing committee on finance and that committee has reviewed it as well, but that in respect of its general provisions the standing committee on legislation would recommend the bill as it is in your books to the committee of the whole.

CHAIRMAN (Mr. Wah-Shee): Mr. Ballantyne, does your committee wish to make any remarks?

Comments From Standing Committee On Finance

MR. BALLANTYNE: Mr. Chairman, the standing committee on finance also reviewed this bill and we had similar concerns to those of the legislation committee. I will not go through them all again, but I guess what has happened here is that three years ago there was an oversight on the part of this government and this retroactive legislation which, in fact, legitimizes current practice. The main concern our committee had was, what would be the impact of retroactive legislation on taxpayers. We were assured by the Minister and by his officials that there would be little or no impact on the taxpayers of the NWT. So that we also, though disappointed that there was this three year lapse and we hope that this sort of thing will not happen again. The committee concurs with the recommendations of the legislation committee and also recommend that this bill be passed. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Ballantyne. General comments. Mr. Butters.

HON. TOM BUTTERS: The chairmen of both committees, I recollect, were concerned that this government might be attempting through the medium of this legislation to introduce some taxation regimes or programs of its own. And I assured both of them that that is not the case. We are responding to the federal initiative. The three provisions which our government did include in the bill are clauses 4, 14 and 40, and those are all technical improvements and corrections to our existing Taxation Ordinance.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Minister. General comments. Is committee agreed to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Bill 2-84(3), clause 1, province. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 2, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 3, income earned outside the Northwest Territories by a resident. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 4. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 5, alternative tax charge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 6. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 7. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 8, definition of "tax payable" and "tax otherwise payable". Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 9, reassessment for amended return claiming loss deductions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 10, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 11, obligation to deduct or withhold. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 12. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 13. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 14. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 15. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 16. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 17. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 18, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 19, deduction of amount to be deducted or withheld. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 20, taxpayers right to vary amount deducted or withheld. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 21, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 22, under payment by deduction or withholding. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 23, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 24, payment of tax by persons farming or fishing. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 25, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 26, no interest payable for ninety days after notification. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 27, on failure to make subsection 10(1) return. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 28, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 29, garnishment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 30, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 31, garnishment applies to all payments to be made to tax debtor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 32, failure to comply. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 33, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 34, right of Commissioner to acquire taxpayer's property. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 35, person's duty to file return with the payor. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Wah-Shee): Mr. McCallum.

MR. McCALLUM: Mr. Chairman, clause 35, in the note to the left of the column, make that a "Person's duty to file return with the payor". It seems to me that in committee we had suggested that it should be similar to that that is in the ordinance and it seems to me that in the ordinance -- I know it is only one letter but to make it consistent it should be to the "payer" not the "payor".

CHAIRMAN (Mr. Wah-Shee): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, the honourable Member is correct. That is an oversight. I wonder if you would move an amendment to the bill to make that correction?

CHAIRMAN (Mr. Wah-Shee): Mr. McCallum.

MR. McCALLUM: I would so move, Mr. Chairman, that the marginal notes accompanying clause 35 be amended to say "Person's duty to file return with the payer", for the reasons that I indicated.

HON. TOM BUTTERS: Mr. Chairman, if the motion...

CHAIRMAN (Mr. Wah-Shee): Mr. Minister.

HON. TOM BUTTERS: ...within the main body of the text as well, so there are two locations where the amendment should apply.

CHAIRMAN (Mr. Wah-Shee): Does the mover concur?

Motion To Amend Clause 35, Bill 2-84(3), Carried

MR. McCALLUM: Mr. Chairman, perhaps it would be easier were I to take that motion back and substitute it by saying in clause 35 where the word "payor" appears, it should read "payer".

AN HON. MEMBER: With e-r.

MR. McCALLUM: Yes.

MR. BALLANTYNE: Well done, Arnold.

CHAIRMAN (Mr. Wah-Shee): Mr. McCallum, your motion is in order. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Just a technical point and maybe the government will wish to sort it out, but I had been aware of that concern in the committee but in a letter that I received from the Minister explaining what changes would be made to bills as a result of discussions in committee, there is under the Income Tax Ordinance a number two and it says, "clause 11 is amended by deleting the word 'payers'", spelled e-r-s, "from the marginal note to subsection 13(1) in order to avoid any confusion between the words 'payers' there and 'payor' which is used in clause 35". I thought the matter had been addressed in a way that satisfied the writers of the legislation. So, if that could just be clarified. It seems that they thought "payor" was the correct term rather than "payer". Could that be clarified?

CHAIRMAN (Mr. Wah-Shee): Mr. Minister.

HON. TOM BUTTERS: I understand that the reference here in clause 35 was -- are we referring to clause 11 in the letter that Mr. MacQuarrie has? I do not think this particular section was addressed.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie.

MR. MacQUARRIE: If the government is satisfied, I am satisfied.

---Laughter

CHAIRMAN (Mr. Wah-Shee): Question has been called. To the motion, all those in favour? Opposed, if any? The motion is carried.

---Carried

Clause 35, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 36, effect of failure. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 37, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 38, directors of corporation liable. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 39, information return. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 40, prima facie validity of certain documents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): The bill as a whole, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Does the committee recommend that Bill 2-84(3), as amended, is ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Thank you. Bill 3-84(3). Mr. Nerysoo, would you introduce this bill to the committee, please?

Bill 3-84(3): Interpretation Ordinance

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. The bill is intended to provide for an amendment to the Interpretation Ordinance to allow for the appointment without consulting the Council as required by enabling legislation when the Council is not sitting and where the Executive Member is of the opinion that there is a requirement to address an emergency or circumstance under which we require that particular appointment. There was a suggestion -- it was made by the standing committee on legislation -- that would allow for the sessional appointment to be reviewed, approved or an alternative recommendation made and that particular amendment was made to reflect the concern being expressed by the standing committee on legislation. There was also, I believe, an interpretation of a "public officer" that would include a public officer under regulation as well, so as to allow for that particular officer to have the legal authority that is intended under regulation. The other is that there is an amendment to the definition of "bank" or "chartered bank", as has been suggested by the Bank Act Canada and also a definition under "holiday". We are now changing the previous term of Dominion Day to Canada Day.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Minister. Mr. MacQuarrie, has your committee any remarks?

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. Yes, when the standing committee on legislation reviewed this bill, the wording of clause 3 was of concern to the committee because the committee certainly recognized the government's desire to enable it to make appointments where there was some urgency and the government in that clause did indicate that as soon as possible after the appointment was made, that is, at the next session of the Assembly, it would lay before the Assembly the name of that appointee, but it was not clear in the clause at that time that the Assembly was to be anything but a rubber stamp for the selection of that official by the Minister and of course this Assembly is not a rubber stamp...

AN HON. MEMBER: Hear, hear!

MR. MacQUARRIE: ...and insisted that provision be changed to show clearly that when that nominee's name came before the Assembly that the Assembly would either affirm or reject the appointment and the government prudently decided to change that clause. It has been changed in the copy that is tabled in the House and therefore the standing committee on legislation recommends to the committee of the whole, the bill as it appears in the books at the present time.

AN HON. MEMBER: With consensus.

MR. MacQUARRIE: Yes, they support consensus government, occasionally.

AN HON. MEMBER: With some reservations.

MR. MacQUARRIE: With some reservations.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. MacQuarrie. General comments. Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. For my own benefit, I appreciate that Mr. MacQuarrie's committee has gone through the draft. I wonder if the Minister could indicate -- I appreciate if the emergency circumstances would require an appointment between sessions but the wording includes "or such circumstances". What does the Minister contemplate would be the other circumstances that would require an appointment prior to a session?

CHAIRMAN (Mr. Wah-Shee): Mr. Minister.

HON. RICHARD NERYSOO: You have got one on your side.

AN HON. MEMBER: We have got three.

HON. RICHARD NERYSOO: Mr. Chairman, I believe that there are situations where either there has been an increase in the size of particular committees, due to an ordinance change or proclamation of an amendment to the ordinance, and this allows us an opportunity to look for and to seek members that might sit on a particular type of committee or, for that matter, a body such as the Science Institute; in such circumstances where we have a situation of the expiration of a member in the sense of his term that might arise. We always have to have also the opportunity to deal with those unfortunate circumstances of deaths or retirements or just resignations wherever they occur. So, that would allow us some opportunity to deal with that. At the moment there is nothing that allows us to do that and we have already experienced the situation in the past where we have had committees that have been running without a proper quorum, in fact without a proper membership, and have been making decisions that could have been called into question.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Minister. General comments. Mr. MacQuarrie.

MR. MacQUARRIE: I have some concern with part of the answer given by the Minister. We accepted this provision on the understanding that there would be, if not an emergency, some urgency to the appointment. That is, that the next session of the Assembly might not be until some distance away and to enable the effective functioning of a committee or a public body such as that, that appointments would be made. We certainly did not understand it to mean that ordinary expiration of terms would be included with that, but that there must be some urgency that would warrant that type of appointment.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I just want to indicate that in some cases the expiration of a term runs out between sessions and they could in fact be a very important part in maintaining a quorum. The other thing is that it is not intended to allow for appointments when we are very close to sessions, but if there is an important hearing or a meeting that requires the maintenance of either a quorum or, in fact, a number enough to maintain that quorum, because not all members are usually at a particular hearing because there are other duties that they have to perform themselves. It is a matter of trying to maintain that situation that allows an individual to stay home, take care of business and yet have an opportunity to come and participate when the available time is there.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Minister. Mr. MacQuarrie.

Legal Opinion Requested On Wording Of Clause 3, Bill 3-84(3)

MR. MacQUARRIE: It certainly was not the intent of the committee to enable a new way of generally making appointments. We believe that in most ordinary expiries that that is well-known ahead of time and the practice has been, some two or three months before that is to occur, that the appropriate Minister brings in a list of people and recommends the extension of those terms and that is the way we would like to see it continue. In fact I would ask for a legal opinion to see whether we have left the wording too loose. What we wanted was extraordinary circumstances, emergencies and other similar circumstances and if we have left the wording too loose then I would like to have it changed in that case. So, I am asking for a legal opinion on that.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, you are asking for a legal opinion. We will provide that within the next 15 minutes or so. Mr. Minister, would you like to respond?

HON. RICHARD NERYSOO: Yes, I just want to indicate that there are circumstances under which if the idea of emergency is required then, for instance, you may have a quorum of three of five board members, yet all three of those five may be caught in a storm somewhere and there is an important decision to be made by a particular board. Now, in that particular case, by strictly defining the word "emergency" and there are not enough members, you do not allow for that individual Minister to have a decision made on behalf of that, and a decision is required. Now, I would just say that there are situations where the business of a board or, for that matter, any institute or committee, would be held up unreasonably if we waited for every particular emergency. I think that while your suggestion is to try to tighten the situation up, you may tighten it up to the extent that we do not deal with those other circumstances where we require a decision of some kind to be made. It is not to undermine the suggestion of trying to come to a conclusion on board appointments but I suggest to you that you could find yourself caught in binding the government so that we do not respond to some very important issues -- the Public Utilities Board, for instance, or, for that matter, a decision to be made by the Housing Corporation board, where you have a situation where we may not have that luxury of time, or that luxury of waiting for what you might consider an emergency situation.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Minister. Mr. MacQuarrie.

MR. MacQUARRIE: Well, I can only say that it was certainly the committee's intent to facilitate the very kind of thing that the Minister has raised and we can make a distinction between emergencies which would occur if there were not to be a quorum of a board and yet they have important work to carry on, that is an emergency. Or even such other circumstances, as for example, the Science Institute conducting research. They have a full membership in place and suddenly if one of them were to die or something -- they have a full quorum, let us say, but the nature of the research going on requires that somebody who has a particular expertise soon be named to the board. Now, I think that we accept that in those circumstances that would be done and we do not want to limit the government in that way. But, on the other hand, we do not want to introduce a new way of making appointments which would be, in effect, that all Ministers go ahead and make all appointments in this way and then let the Assembly know later on. That is what we do not want and that is why I am looking for a legal opinion to see whether the wording that we have there is reasonably restrictive, which we want it to be.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I thought that we were responding to it under the amendment that was made previously, or in section 16(1)(2). Now, the recommendation made by the standing committee on legislation, I believe, is in fact that very issue and we would not be making appointments on the basis that there were no emergencies or such circumstances, at least I do not feel I would be, but in circumstances whereby we needed those appointments for a particular or emergency reason. Now, as I told you, we have had a number of situations where that has occurred and we have had to wait for a decision.

CHAIRMAN (Mr. Wah-Shee): Mr. Richard.

MR. RICHARD: Mr. Chairman, I wonder if the Minister could indicate whether he feels that the government would be unduly bound or restricted if the wording was changed to read -- and I am looking at line five of section 16.1(1), "Executive Member is of the opinion that an emergency exists which warrants the making of the appointment". Does the Minister feel that that would not be sufficient to cover all of the circumstances which he has raised this morning?

CHAIRMAN (Mr. Wah-Shee): Mr. Minister.

HON. RICHARD NERYSOO: Maybe I will make a recommendation not to challenge my colleague's knowledge of law but maybe I could recommend "an emergency or such special circumstances" or "where".

CHAIRMAN (Mr. Wah-Shee): Mr. Richard.

MR. RICHARD: Rather than the word "special", "an emergency or such similar circumstances" which I believe is what Mr. MacQuarrie had indicated was the intention of this committee. I don't want to belabour the point, Mr. Chairman, I just feel that the wording gives perhaps more leeway than what was intended and that I do not believe if it is restricted to an emergency that that causes any hardship to the Executive Member.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I have no problem with the idea "or such similar circumstances".

CHAIRMAN (Mr. Wah-Shee): Would someone be prepared to make that amendment? Mr. MacQuarrie.

Motion To Amend Clause 3, Bill 3-84(3)

MR. MacQUARRIE: Yes, Mr. Chairman, I will move that the word "similar" be introduced between the words "such" and "circumstances" in line 27 in clause 3.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, would you read that again, please?

MR. MacQUARRIE: Just a moment, Mr. Chairman. The Minister is telling me what I should say.

CHAIRMAN (Mr. Wah-Shee): Point of order, Mr. Butters. Mr. Butters, the legal adviser is preparing a legal opinion on the matter raised by Mr. MacQuarrie. Mr. MacQuarrie, would you indicate whether you still wish to have that legal opinion or do you wish to proceed with your motion to amend clause 3?

MR. MacQUARRIE: Yes, I would appreciate it in view of the advice of the Minister of Finance. I do not wish to be accused of practising law. Heaven forbid!

MR. BALLANTYNE: Not at these rates, eh?

---Laughter

MR. MacQUARRIE: My mother would turn over in her grave if she knew I was doing that. I would ask that our Law Clerk be brought in and just help us to get the wording that satisfies the intent.

CHAIRMAN (Mr. Wah-Shee): We will recess for five minutes and we will have the legal adviser here.

---SHORT RECESS

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie has requested a legal opinion on clause 3, section 16.1(1). I would like to ask the Law Clerk to give his opinion on the matter raised by Mr. MacQuarrie at this time.

LAW CLERK (Mr. Fournier): Thank you, Mr. Chairman. The phrase in question, as I understand it is, "such circumstances exist which warrant the making of the appointment". There is a possibility, I suppose, that the phrase could be interpreted as standing separate and apart from that phrase which immediately preceded it. However, it is my opinion that the phrase would take its meaning from the sense of the entire paragraph and that is that it would have to be some kind of an emergency or similar situation. Now, to prevent any possibility of a misconstruction of the provision, I would suggest that a simple amendment along the lines that have been suggested here would be in order. Mr. Chairman, the motion being proposed by Mr. MacQuarrie, as I understand it, is simply that the wording would be "or similar circumstances exist". If I am correct in my belief that that is the motion then I believe that would satisfy the requirements here.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie.

MR. MacQUARRIE: Yes, the opinion pleases me. I thought too that it could not be misunderstood but yet it appeared that the Minister was reading it in a way that would have enabled the Executive Council routinely to make appointments like that. I am sure it was just a little misunderstanding and so to make certain that there is not that misunderstanding I will stick with the motion that the word "similar" should be inserted between the words "such" and "circumstances" in line 27 in clause 3.

Motion To Amend Clause 3, Bill 3-84(3), Carried

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, your motion is in order. To the motion. Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Does the committee wish to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Thank you. Bill 3-84(3), clause 1, public officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 3, appointment on the recommendation of the Council, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 4, "bank" or "chartered bank". Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 5, "holiday". Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Does the committee recommend Bill 3-84(3) for third reading, as amended? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Bill 3-84(3), as amended, is ready for third reading. Thank you.

Can we now deal with Bill 7-84(3)?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Mr. Sibbeston, would you like to introduce this bill to the committee?

Bill 7-84(3): Regional And Tribal Councils Ordinance

HON. NICK SIBBESTON: Mr. Chairman, just to say very briefly that the purpose of the amendments to the Regional and Tribal Councils Ordinance is really just to make some technical changes of no great consequence. The two main reasons though are to provide for a deputy speaker in the Baffin Regional Council and to establish the Shihta Regional Council for the Sahtu area. Other than that I have no other general comments.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, does your committee wish to make any remarks at this time?

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. When the standing committee reviewed this bill it was noted that there were two technical changes to be made to the bill that was initially presented to us -- concerning the name of the region, which is Sahtu as opposed to the regional council which is Shihta Regional Council, and with respect to the term of office of the executive of that regional council to be two years rather than one. Those changes were made and appear in the bill that is before the House. There was just one substantive concern when the committee reviewed the bill and that was in the section on non-voting membership. The bill that appeared before us had an extensive membership of non-voting members and the committee found that it virtually duplicated the voting membership, that there was no distinction and because we felt there would be no difference in representation and that the cost would be excessive, in view of that we recommended to the government that it revise that section. The government has done that and that is clause 13; that is in the constitution of the Shihta Regional Council and it is found in subsection 56(4), that the non-voting membership has been reduced substantially to three: a) the regional representative of the Dene Nation; b) the regional representative of the Metis Association of the Northwest Territories; and c) every person who sits in the Legislative Assembly as a Member for an electoral district situated wholly or partly in the Sahtu region. With that change the bill as it is, is acceptable.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. MacQuarrie. General comments. Mr. Paniloo.

Voting Privileges For MLAs

MR. PANILOO: (Translation) Thank you, Mr. Chairman. In this bill, there is one thing I am not in agreement with. I would like to point out that in the Baffin Regional Council they are representing the communities over there. However, the MLAs in the Northwest Territories are invited to this council but they are not able to vote. They do not have voting privileges and they are not able to have a say and this is a concern and I do not agree with this. However, if it can be amended I would appreciate it. If we are going to be invited we should have the voting privileges.

One reason is that with the BRC meetings, we get the minutes and we have to support the motions. However, when they do meet we know everything that is being said. However, we cannot vote. Or when we make a comment, our comments do not have any significance as they should and they have other organizations, Indians and Inuit. That is my concern concerning this bill. Thank you.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister, would you like to respond to that?

HON. NICK SIBBESTON: Mr. Chairman, I appreciate the concern that the Member has raised. As to the matter of MLAs being non-voting members of the Baffin Regional Council, all I can say is that this is a matter that I guess was decided quite a number of years ago when the Baffin Regional Council was established and the other regional councils pretty well followed the powers and structures that were initially given to the Baffin Regional Council. It is true that besides the mayors who are voting members there is provision for the heads or leaders of other organizations to be part of BRC and be voting members. But it is true too that MLAs are not voting members and I would say that offhand there is no special reason for this or there is nothing standing in the way of changing this if Members in the House here wanted to.

I suppose the regional councils were initially thought to be regional meetings of mayors and people like that and it was maybe thought that the roles of the MLAs were different and that they were not to have a role in the regional councils. I appreciate what the Member is saying and that MLAs are not presently voting members but it does not mean that it cannot be changed and it is really up to the Member to see if he can persuade other Members to support his wish if he wants. Perhaps I would be open to hearing from the Member what are the problems that he is experiencing as an ordinary MLA, his participation and if there are any limits on him that he feels that being a non-voting member in any way makes it bad or affects him.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Minister. Mr. Erkloo.

MR. ERKLOO: (Translation) Thank you, Mr. Chairman. I agree with the concern of Pauloosie Paniloo. I feel that the MLAs should have a voting privilege. However, the BRC have a by-law and it is outlined in there that the MLAs cannot vote. In the meeting at Pond Inlet, I raised this to the executive committee of the BRC that they should consider this, that perhaps they can amend the by-law. Perhaps when we do meet next time it will be amended that the MLAs will be able to vote. I realize that the MLAs have more power so I just wanted to indicate that I fully support the concern of Mr. Paniloo. Thank you.

CHAIRMAN (Mr. Wah-Shee): Mr. Pedersen.

MR. PEDERSEN: Thank you, Mr. Chairman. We have the same difficulty with the Kitikmeot Regional Council where the MLAs are invited to the council meetings but after attending one of these I have found it, to be quite frank about it, an utterly useless experience. You have to pay out of your constituency funds to go there but you have no right to participate. Even in the discussions, you only have whatever right may be granted to you by the speaker -- no voting power and as I say, no right to participate in discussion unless invited to do so. So, I would agree 100 per cent with Mr. Paniloo and Mr. Erkloo and perhaps we should consider some amendments to allow MLAs to be voting members of the regional councils. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Pedersen. Point of order, Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. Yes, I am sure it was not the intent to have the Assembly dominate the regional councils. But that is a debate for another day. I believe the bill we are dealing with, where there are provisions in respect of the Baffin Regional Council, those

provisions have nothing whatsoever to do with the voting membership of that council. And I would submit that discussion on that matter is therefore out of order, Mr. Chairman, with respect to this bill.

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, in regard to your point of order. In the Baffin Regional Council, we are dealing with the selection or election of deputy speaker. However, when we are dealing with the voting or non-voting section then we are basically dealing with the Shihta Regional Council. So, therefore, Mr. MacQuarrie is correct and that when we are dealing with the Baffin Regional Council we are dealing with deputy speaker or the selection or election of deputy speaker. Therefore, any further general comments? Mr. Butters.

HON. TOM BUTTERS: Point of order, Mr. Chairman. My understanding though was that we had not passed out of the realm of general comments and I would suggest that in the area of general comments such latitude should be permitted Members to make the comments that we have heard from the Members from the Eastern Arctic. So, I suggest that it is in order but it would not be in order under the sections that you have outlined.

CHAIRMAN (Mr. Wah-Shee): Mr. Butters, in regard to your point that you are raising, we are dealing with a particular section in dealing with the BRC and that particular section is related to the election or selection of the deputy speaker and we are not addressing ourselves to the voting or non-voting area of the section in dealing with the BRC. However, when you are dealing with Shihta Regional Council then we are dealing with the voting or non-voting section in dealing with Shihta Regional Council. So, that is the reason why I indicated that the general comments perhaps could be related to that specific section when we are dealing with BRC. General comments.

HON. TOM BUTTERS: May I just have a bit of a rebuttal?

CHAIRMAN (Mr. Wah-Shee): Mr. Patterson.

HON. DENNIS PATTERSON: I just have a few general comments, if I may, Mr. Chairman. I wanted to say that this issue has been considered before at the Baffin Regional Council. I raised it myself a few times. I think it is something that we should look at. The recent session of the Baffin Regional Council discussed ways of making the council more accountable to people of the region and I think the council itself will be...

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

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, your point of order.

MR. MacQUARRIE: I thought you had just reaffirmed the ruling and that that kind of discussion at this time on this bill was out of order, Mr. Chairman. Is that not correct?

CHAIRMAN (Mr. Wah-Shee): Mr. Patterson, I assume you are referring to the Shihta section that is coming up?

---Laughter

However, when you are dealing with the Baffin Regional Council I was hoping that you would refer your remarks to the BRC section dealing with deputy speaker. Am I correct?

HON. DENNIS PATTERSON: Mr. Chairman, I think some honourable Members actually do not want to hear my words of wisdom on the subject of MLAs voting at regional councils, so I will put it in my reply to the Commissioner's Address. Thank you.

CHAIRMAN (Mr. Wah-Shee): General comments. Does the committee agree that we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Bill 7-84(3), clause 1, Legislative Assembly. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 3, deputy speaker. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 4, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 5, nomination. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 6. Agreed? Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I wonder if I could have an explanation of that clause -- I know that this amendment here is only a technical one, but I wonder if I could have an explanation from someone on the substance of that clause?

CHAIRMAN (Mr. Wah-Shee): Mr. T'Seleie, are you referring to clause 6?

MR. T'SELEIE: I am dealing with clauses 6 and 7, and as I said I would like someone to explain what is the substance of that clause. What does it mean?

CHAIRMAN (Mr. Wah-Shee): Mr. Sibbeston, would you like to explain the substance or the intent of clause 6?

HON. NICK SIBBESTON: Yes, Mr. Chairman. Firstly, the only change that is being made is to take out the word "to" because in the old ordinance it has it twice. But this particular section which says "preclude the involvement of the communities named in subsection (1) in such regional planning processes or bodies as may be established by agreement between the council and the Minister" just refers to a prior section which initially says these communities are part of a particular region and now this section says that the regional council will not deny these communities in a regional council to be involved in other organizations that are, or planning processes that are set up by the Minister. It really is put there so that it does not prevent the communities from being involved in other organizations in that particular region.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Minister. Clause 6. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 7. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 8, executive. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 9. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 10. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 11. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 12. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 13. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 13. Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I wonder when you asked for general comments on the bill as a whole, I wanted to make a general comment on the addition of the Shihta Regional Council. I just wondered when would it be appropriate to make my comment. Do I have to ask for unanimous consent to return to clause 13?

CHAIRMAN (Mr. Wah-Shee): The hour being 1:00 p.m. I will rise and report progress and the honourable Member can have the opportunity to raise the question with regard to Shihta on Monday. Thank you. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Wah-Shee.

ITEM 16: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILLS 2-84(3), INCOME TAX ORDINANCE; 3-84(3), INTERPRETATION ORDINANCE; 7-84(3), REGIONAL AND TRIBAL COUNCILS ORDINANCE

MR. WAH-SHEE: Mr. Speaker, your committee has been considering Bill 2-84(3), Bill 3-84(3), Bill 7-84(3), Bill 8-84(3), Bill 10-84(3) and Bill 11-84(3) and wish to report that Bill 2-84(3) and Bill 3-84(3) are recommended for third reading as amended. Bill 7-84(3), Bill 8-84(3), Bill 10-84(3) and Bill 11-84(3) are recommended for further consideration in the committee of the whole.

Motion To Accept Report Of Committee Of The Whole, Carried

Mr. Speaker, I move that the report of the committee of the whole be concurred with.

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

SOME HON. MEMBERS: Agreed.

---Carried

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

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. There will be a meeting of the standing committee on legislation at 2:00 p.m. this afternoon in the caucus room. There will be a meeting of the standing committee on finance on Monday morning, November 5, at 9:30 a.m.

ITEM 18: ORDERS OF THE DAY

Orders of the day for Monday, November 5, 1:00 p.m.

1. Prayer
2. Members' Replies
3. Ministers' Statements
4. Oral Questions
5. Written Questions
6. Returns
7. Petitions
8. Reports of Standing and Special Committees
9. Tabling of Documents
10. Notices of Motion
11. Notices of Motion for First Reading of Bills
12. Motions: Motion 2-84(3)
13. First Reading of Bills
14. Second Reading of Bills
15. Consideration in Committee of the Whole of Bills and Other Matters: Bills 7-84(3), 8-84(3), 10-84(3), 11-84(3)
16. Report of Committee of the Whole
17. Third Reading of Bills
18. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 1:00 p.m., Monday, November 5th.

---ADJOURNMENT

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