



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

4th Session

10th Assembly

HANSARD
Official Report
DAY 5

TUESDAY, FEBRUARY 12, 1985

Pages 117 to 157

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

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YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, FEBRUARY 12, 1985

MEMBERS PRESENT

Mr. Angottitauruq, Mr. Appaqaq, Mr. Arlooktoo, Mr. Ballantyne, Hon. Tom Butters, Hon. Nellie Cournoyea, Hon. Tagak Curley, Mr. Erkloo, 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 Tuesday, February the 12th. Item 2, Members' replies. There do not appear to be any replies for today.

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

ITEM 4: ORAL QUESTIONS

Question 46-85(1): NWT Participation, First Ministers' Conference

MR. McCALLUM: Mr. Speaker, I have a question for the Leader of the Government. On Friday last, I asked the Leader whether, in fact, he would be attending or if the government would have representation at the First Ministers' Conference on economics. He replied then that he had not heard back from the PM. I understand, now, that the Leader intends to go. Could he indicate to the House in what capacity? Will it be, to use his words, as an observer with the ability to speak, similar to the situation at the Charlottetown conference, or is he to be part of the federal delegation?

MR. SPEAKER: Mr. Nerysoo.

Return To Question 46-85(1): NWT Participation, First Ministers' Conference

HON. RICHARD NERYSOO: Mr. Speaker, I would like to indicate to the Members of this House that I do intend to attend a conference on the First Ministers' Conference on the economy in Regina and I intend to leave tomorrow. Regarding the circumstances under which we are to attend, we were given two scenarios. One, that we would be observers, placed in the auditorium away from the stage and away from the conference itself but that is not the position we have taken. We certainly are going to be part of, I guess, the observers within the federal delegation. We are still working on the distance, you might say, that we have between the federal officials and ourselves in the sense of representation of government but the Prime Minister has indicated that he will use his chairmanship's prerogative to allow us to speak on the particular item which has to do with the economy and the development of the economy. That is the subject on which I would be making any presentation. However, we will be, also, tabling a rather larger document at the conference that deals with all four items that will be debated or discussed at the conference. Hopefully, that will serve as the document on which the federal government will be able to develop policy as it relates to the Northwest Territories. Thank you, Mr. Speaker.

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

Supplementary To Question 46-85(1): NWT Participation, First Ministers' Conference

MR. McCALLUM: Mr. Speaker, just a supplementary. Is it possible that in this consensus government that we have that Members would be apprised of the document, or know what it pertains to?

MR. SPEAKER: Mr. Minister.

Further Return To Question 46-85(1): NWT Participation, First Ministers' Conference

HON. RICHARD NERYSOO: Mr. Speaker. We have not completed the summary of the presentation I will be making. It has not received Executive Council approval yet and we are in the process of developing that summary presentation. Certainly I have no problem with tabling that particular document once it is complete. In fact, it might be appropriate in publicly releasing that particular presentation to both Members of this House and, also, through a press release to the general public, to the media. We intend to look at the method of release upon completion of the document itself. I will be having someone within the government, one of the Ministers, tabling that particular document in this particular House, at the same time, hopefully, allowing the press access to that particular document, in fact, both documents so that they can ask certain questions that relate to some of the issues that I believe, and this government believes, are important and, hopefully, that the Members of the Legislature will approve as items that are of importance to the economic well-being and the economic development and stability of these Territories.

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

Question 47-85(1): Egg Production, Hay River Reserve

MR. GARGAN: Thank you, Mr. Speaker. My question is directed to the Minister of Economic Development. It is with regard to the egg production that was being proposed by the Hay River reserve. I would like to ask the Minister if he was able to obtain any quota from the egg marketing board?

MR. SPEAKER: Mr. Minister.

Return To Question 47-85(1): Egg Production, Hay River Reserve

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I thank the Member for his concern on that. I would just like to indicate to the House that although we have communicated our position in the strongest terms that we can to the federal Minister, we still have not received a final word. We intend to pursue the matter further with them because we believe it now has to be decided by the political level. We tried earlier to deal with the Canadian Egg Marketing Agency because there are a number of signatories on that board and we did not get very far with them. So, we have now communicated to the federal minister and I hope to be able to meet with the Minister of Agriculture on that matter. Failing that, I will probably ask the Leader of the Government to communicate directly with either the Prime Minister or whatnot. So, at the moment we still have not got a deal with the federal government.

MR. SPEAKER: Mr. Gargan, supplementary.

Supplementary To Question 47-85(1): Egg Production, Hay River Reserve

MR. GARGAN: Thank you, Mr. Speaker. I would like to ask the Minister then, am I to assume that you have already approached the farmers' board, and that you were not successful with them so you are now appealing to the Minister?

MR. SPEAKER: Mr. Minister.

Further Return To Question 47-85(1): Egg Production, Hay River Reserve

HON. TAGAK CURLEY: Mr. Speaker, there are two major organizations involved in running the marketing of eggs in Canada. All the provinces are involved in the Canadian Egg Marketing Agency and there is also a National Farm Products Marketing Council which is another major institution. They in turn apparently have some sort of arrangement where any quotas, whether increasing quotas of the provinces or decreasing quotas, cannot happen until these two

organizations have agreed to it. Therefore, we tried that route first and failing that we intend to appeal directly to the federal Minister. But by convention we are asked to try and get a deal, to see whether or not these two major agencies, they are federal agencies, could agree to our recommendations. So, I would like to indicate to you that we are doing anything we can to try and get the deal. We had good publicity I believe through the CBC and I think before too long we should be getting some sort of a statement from the federal government on the matter. Thank you.

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

Question 48-85(1): GNWT Accommodation Allowances

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I will be seeking a couple of questions directed to the Minister of the Housing Corporation. I will be asking about the DPW staff housing. When I was elected to the Legislative Assembly, I received a letter that I was not going to be getting the accommodation allowance which is \$450 a month. This time around when I was in Pangnirtung, I heard that a person who had worked with the government for 22 years was not able to receive this private accommodation allowance either. So, I want to know how they deal with this allowance. Are these housing allowances only received by people who work for the government? I would like to get some more information on this.

MR. SPEAKER: Mr. Minister.

Return To Question 48-85(1): GNWT Accommodation Allowances

HON. GORDON WRAY: Thank you, Mr. Speaker. This really is a question for the Department of Personnel who handle staff policy. However, because I am familiar with it, I will attempt to explain how it works.

Essentially there are two types of people who receive government accommodation allowances. There are people who live in government staff housing who receive the \$450 a month. However, they are also charged the full economic rate of rent for that particular house. So, even though they are receiving \$450 a month, they are being charged \$900 or \$1000 a month for their house. Then there are other people who live in their own accommodation which they own -- and it can be a Housing Corporation home-ownership unit, it could be their own house, it could be somebody else's house -- but as long as that accommodation is not subsidized then they will also receive the \$450 a month.

The reason that people living in public housing do not receive the \$450 a month is because they are living in subsidized accommodation. In order for somebody to receive the \$450 allowance who is living in a public house, we would have to charge that person the full economic rent and the cost of a public house is about \$1200 a month to the government. So, they would have to be charged \$1200 a month rent, then they would get their \$450 a month allowance. So that is how it works. There are three separate packages. I hope the Member understood that. Thank you, Mr. Speaker.

MR. SPEAKER: Oral questions. Mr. Richard.

Question 49-85(1): Appointments To Stanton Yellowknife Hospital Board

MR. RICHARD: Thank you, Mr. Speaker. My question is for the Minister of Health. Mr. Speaker, the revised list of public committees, boards and councils, published recently by the government indicates that the Stanton Yellowknife Hospital board of management has at present three vacancies on its board and I know the Minister has in recent months requested recommendations from the area MLAs. Given that he now has those recommendations can the Minister indicate whether he has been able to make a request of the Commissioner for appointments filling those vacancies at this time?

MR. SPEAKER: Mr. McLaughlin.

Return To Question 49-85(1): Appointments To Stanton Yellowknife Hospital Board

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I went forward, I believe, to the Executive with two names to fill vacancies on the board and there is one more vacancy which has not been filled yet.

MR. SPEAKER: Thank you. Supplementary, Mr. Richard.

Supplementary To Question 49-85(1): Appointments To Stanton Yellowknife Hospital Board

MR. RICHARD: Thank you, Mr. Speaker. Could the Minister indicate then when we might expect to receive word of the appointments?

MR. SPEAKER: Mr. Minister.

Further Return To Question 49-85(1): Appointments To Stanton Yellowknife Hospital Board

HON. BRUCE McLAUGHLIN: There is a name being put forward to the Executive Council for the vacancy in question, so the next Executive Council meeting will be dealing with the question. It is on their agenda.

MR. SPEAKER: Thank you. Oral questions. Mr. Erkloo.

Question 50-85(1): Proposed Mine, Hall Beach

MR. ERKLOO: (Translation) This question is to the Minister of Economic Development. There is hardly any employment available at all in Hall Beach and I was asked to ask this question regarding the proposed mine near Hall Beach. I would like to find out when this proposed mine is going to be opened.

MR. SPEAKER: Mr. Minister.

Return To Question 50-85(1): Proposed Mine, Hall Beach

HON. TAGAK CURLEY: (Translation) At the end of March I will be going to Baffin Region. Regarding the question you asked, they have been exploring the mine -- Borealis, I believe the name is -- but energy, mines and resources -- there have been a lot of problems with the money, the funding and that mine that they have, the ore that they have come up with is abundant. It will be open when they find the funding for it and reading in the reports perhaps if the gold is sufficient the mine will open. I am not quite sure when it is going to be open but we are expecting it to be open in the near future. It is hard to tell right now when it is going to be open.

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

Question 51-85(1): Contracts For Construction Work, Thebacha College

MR. McCALLUM: Mr. Speaker, I have a question for the Minister of Public Works. It is in relation to a capital project envisaged by this government for this coming year and that is the trades complex annex for the Department of Education that will be an addition to Thebacha College. I wonder has the Minister any comments about the possibility of having this work done by northern contractors, rather than contractors from the South as in previous construction periods? Quite obviously, I would rather have it done by people in my own constituency but I would certainly, at the least, want to see it being done by contractors in the North. I say this because I am sure the Minister knows that given the extent of the addition, it will be very difficult for northern companies to get that kind of bonding, if, in fact, the government is going to call for bonding on it. I wonder if the Minister could enlighten me as to what the process would be?

MR. SPEAKER: Mr. McCallum, your question actually is hypothetical inasmuch as a budget has not been passed, so we do not know whether we are going to, indeed, construct the building. However, in this matter on a general nature if the Minister has a reply.

Return To Question 51-85(1): Contracts For Construction Work, Thebacha College

HON. GORDON WRAY: Thank you, Mr. Speaker. I will give a general reply briefly on how we are contracting the major projects. As you know, there are several major projects which, to a certain extent, are outside the scope of many northern companies because of the complexity and because of their size. We have, however, started to establish some good northern general contractors and there are two or three of them around. It is hoped with the business incentives policy -- I should indicate to the House that when we will be assessing the bids in these contracts, one of the major criteria that is taken into account is the level of northern content, particularly around the subcontracting area which these companies are required to put in their bid forms. So, we are

hoping with that process that we can start awarding contracts to companies who not only are the lowest bidders but, I think even more important, show a commitment to hire northern subcontractors and northern tradesmen, northern labour. I think that is becoming a much more important part of contracts than just a straight price bid.

In terms of the bonding issue, this issue has been a problem for many years and I know the Member in his previous capacity is aware of it. We have as yet to find a proper vehicle to solve the bonding issue. The sad fact is that southern bonding companies, and that is all we have in this country, do not want to touch northern businesses -- not because northern businesses are unreliable or because they cannot do the work, but just because we are up north and they feel that they cannot bond us because they are not in control of the situation. I know my colleague, the Minister of Economic Development, is working very hard with his department to look at coming up with some form of resolution to this problem within the economic department and through our small business loans and guarantees funds, to perhaps take over this bonding area because it is not only a problem with large contracts, it is even a problem in smaller contracts, housing contracts, gravel contracts. It is just a fact of life that very few northern contractors can obtain bonding, even though they are financially secure. So there is a number of areas where work is being done and a number of things being reviewed to make sure that we do put the money into the community where it should go and, hopefully, if the Assembly approves the budget and we go ahead with these projects, then I can give the Member my guarantee that when we are looking at awarding these contracts, major consideration will be given to companies who are going to hire residents from that community and use northern subcontractors in the pursuit of the completion of these contracts. Thank you.

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

Question 52-85(1): Proclamation Of Education Ordinance

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Education and it is with regard to the divisional boards of education. I believe that the bill was assented to in September 1983, but this bill has not been proclaimed as of yet. Is there a reason why?

MR. SPEAKER: Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, I am not honestly sure whether it has been proclaimed or not. Could I take the question as notice and find out the facts before I reply? Thank you.

MR. SPEAKER: Thank you. Question is being taken as notice. Oral questions. Mr. Erkloo.

Question 53-85(1): Recreation Centre, Hall Beach

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Local Government. Last year when we were dealing with the budget, \$25,000 was put aside for Hall Beach for the recreation centre. The recreation centre has been closed due to the fact of lack of facilities. Can you verify if we are able to get any recreation facilities next year?

MR. SPEAKER: Mr. Minister.

HON. NICK SIBBESTON: Mr. Speaker, I would like to take the question as notice and give the Member a reply tomorrow.

MR. SPEAKER: Thank you, Mr. Sibbeston. Taking question as notice. Oral questions. Mr. T'Seleie.

Question 54-85(1): Status Of Arctic Air Facilities Policy

MR. T'SELEIE: Thank you, Mr. Speaker. My question is for the Minister of Local Government. I understand that the government right now is in the process of negotiating a new arctic air facilities policy and I would like to know whether the government has any deadline in mind about when we might see that kind of an agreement, so that airports can start to be built and maintained.

MR. SPEAKER: Thank you. Mr. Minister.

Return To Question 54-85(1): Status Of Arctic Air Facilities Policy

HON. NICK SIBBESTON: Mr. Speaker, I want to tell the Member that the matter of arctic airports and their funding by the federal government is a matter that I have been pursuing with the federal government for quite some time and I can say that more recently there has been a bit of action in that regard. The federal government is apparently dealing with the matter and attempting to provide a policy and some funding for arctic airports in the North. I have written to the Minister regarding this and Mr. Nerysoo has met with Mr. Mazankowski in this regard. The latest information I have on it is that the federal government is considering the matter and hopes to have the matter brought before the cabinet in the near future, so I can offer the Member some hope but it will probably be months yet before a decision is made by the federal government. But at least it appears that the federal government is dealing with it so there is some hope of some action and decisions taken on the matter soon.

MR. SPEAKER: Thank you, Mr. Sibbeston. Mr. T'Seleie.

Supplementary To Question 54-85(1): Status Of Arctic Air Facilities Policy

MR. T'SELEIE: Mr. Speaker, I wonder if I could have the Minister's assurance that this government will pursue the matter vigorously so that airports can be built.

MR. SPEAKER: I think you have that. Mr. Minister.

Further Return To Question 54-85(1): Status Of Arctic Air Facilities Policy

HON. NICK SIBBESTON: Mr. Speaker, I can tell you that generally when I pursue matters, I like to think that I pursue them reasonably vigorously...

SOME HON. MEMBERS: Hear, hear!

HON. NICK SIBBESTON: ...and that has been the approach that I have taken in this matter and I can tell the Member, too, that Fort Franklin, the community in his constituency, is very high up on the list of airports that will hopefully be funded when the new policy comes into existence.

MR. SPEAKER: Thank you. Oral questions. Mr. Richard.

Question 55-85(1): Transfer Of Territorial Education System, Yellowknife

MR. RICHARD: Thank you, Mr. Speaker. My question is for the Minister of Education. Mr. Speaker, in recent years the Department of Education has received requests and submissions regarding the full transfer of jurisdiction for senior high school education in Yellowknife from the Department of Education to an elected school board. And I know that the Minister has received fairly specific requests in recent months for cost information, cost of running the existing high school at Sir John Franklin, requests for a timetable to be established for the transfer of this jurisdiction. Can the Minister indicate when he will be in a position to give the government's support for the transfer, its willingness to provide the requested information and a tentative timetable for this transfer to be implemented?

MR. SPEAKER: Mr. Minister.

Return To Question 55-85(1): Transfer Of Territorial Education System, Yellowknife

HON. DENNIS PATTERSON: Mr. Speaker, thank you. I am not sure that we have received petitions calling for taking over the territorial education system in Yellowknife. We have received a proposal from the public school board to take over the operation of grades one to 12 in Yellowknife.

Mr. Speaker, I can report that the department has been looking into this issue and there is certainly more work to be done, but early indications are that this move would entail greater costs although there are a number of variables that are yet not clear -- such as the extent to which local taxpayers are willing to contribute to the costs, the financial responsibility for students from out of Yellowknife, the extent of control of the program whether it be academic or academic and vocational. But I would just like to say that generally while I am in favour of the principle

of devolution, since I believe it produces better accountability to the public for performance, I have to express my view that if this move is to require additional public funds over what we have already budgeted, then I have to ask whether this is an education situation or this is a school, which demonstratively is in need of improvement through public accountability. Are there concerns about this school which are not being adequately addressed now through the society that was set up to advise in the operation of the school? May I suggest we are willing to provide information. There are no secrets, provided that we can dig them up. Some facts are harder to get than others.

May I suggest that I will give the Members whatever information we do have prior to the main estimates and the matter could be discussed in more detail when my departmental estimates come forward. Thank you.

MR. SPEAKER: Thank you. You are taking the question as notice and will give further reply. Oral questions. Mr. Paniloo.

Question 56-85(1): Broughton Island Tank Farm Relocation

MR. PANILOO: (Translation) Thank you, Mr. Speaker. My question has been answered in written form. It is directed to the Minister of Local Government. I was informed in 1984, for the residents of Broughton Island, that the oil tanks were supposed to be moved by the airport and it said if they moved the tanks the cost of oil would go up for one litre. Even if the cost is going to go up, they would like the tanks moved because it is dangerous if it is too close to the water. I wonder if you can inform me as to what the status of it is. Thank you.

MR. SPEAKER: Mr. Minister.

HON. NICK SIBBESTON: Thank you, Mr. Speaker. The matter is really a matter that ought to be dealt with by the Minister responsible for Government Services and I guess in this case, I would gladly defer. Partly, because I do not have a good answer and really it is a matter within the Department of Government Services.

MR. SPEAKER: Mr. Butters.

Return To Question 56-85(1): Broughton Island Tank Farm Relocation

HON. TOM BUTTERS: Mr. Speaker, if memory serves well, I know that the project has been deferred a year. Consultation has occurred with the community in question and my understanding is that officials have found that there is still some question with regard to the best possible siting for the relocation of those tanks or even whether they should be relocated at all. So, deferment has occurred and I understand discussions are still ongoing with regard to that project.

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

Question 57-85(1): Airport Lighting System, Fort Providence

MR. GARGAN: Mahsi, Mr. Speaker. (Translation) When Mr. Sibbeston was talking about the airport he did talk quite vigorously about the airport. When you are talking in the House you do not seem to talk very loud in the Assembly here. I want to see next Tuesday when we play hockey just how vigorous you will be.

Last summer used lighting from Fort Franklin airport was shipped to Fort Providence. These lights do not work at times. When lots of DC3s flying from Fort Smith going onto Norman Wells and back have to land at Providence for fuel the lighting is not very good. It is second-hand material and in bad condition. At this time I would like to ask if he is thinking of getting new lighting, which is urgently needed, for the Fort Providence airport?

MR. SPEAKER: Mr. Sibbeston, you have the floor.

HON. NICK SIBBESTON: (Translation) The federal government Minister of Transport would be responsible for the lights coming to Providence. At this time I really do not know but I could look into it and once I find out about it I can write you a letter and let you know.

MR. SPEAKER: Mr. T'Seleie.

Question 58-85(1): NWT HC Housing Contracts

MR. T'SELEIE: Mr. Speaker, my question is for the Minister for Housing. I understand in the Eastern Arctic large housing contracts have been broken up into segments of supplying, shipping and erecting, rather than treating the whole contract as one large contract which would leave a lot of small northern companies out, being unable to bid on these contracts. My understanding is that that was done in the Eastern Arctic and I would like to know if that was done in the Western Arctic and if it was not done in the Western Arctic then why was it not done?

MR. SPEAKER: Mr. Minister.

Return To Question 58-85(1): NWT HC Housing Contracts

HON. GORDON WRAY: Thank you, Mr. Speaker. A number of years ago the Housing Corporation used to split their contracts and there is actually two splits; there is supply and ship and there is erect. However, I understand that around 1980 or 1981 this was changed because the Housing Corporation had major problems resulting in a substantial loss of money, so they went to the complete package of supply, ship and erect. Now, I realize the Member was not in the last House but when I was in the last House, when I was an ordinary MLA, I made the case that in effect, this did, I know, in the Eastern Arctic, almost wipe out the small northern businessmen, the small contractors. However, because of the problems associated with the previous method, when I became Minister we undertook, and it will happen this coming summer -- it has not happened yet -- but only in the Kitikmeot and the Keewatin Regions will we split the contracts.

There are two reasons why these regions were picked. One is because they are small regions and secondly, because of the shipping. We ship to Kitikmeot through Hay River and in the Keewatin through NTCL, which makes it easier for us to monitor the shipping, but I can indicate to the Member that if we are successful and if we do not encounter any major problems then this will be extended to the entire Northwest Territories the following construction year. But I did not want to take the chance of extending it to the whole Northwest Territories if we are going to have problems because we have not done it before, or at least not for four or five years. I would rather experiment on the two small regions where shipping is very well controlled, so that if there are any problems we can work the problems out, then we will extend it to the entire Northwest Territories the following year. But those are the only two regions in which it will be undertaken and it is being done on an experimental basis. Thank you.

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

Question 59-85(1): Ownership Of Outpost Camp Cabins

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Renewable Resources. There are outpost camps in my constituency. When they become outpost camps they can get funding from your department and the house or shelter built by the occupant and sometimes with the help of HTA. My question is, if the cabin was to be finished and it was being occupied, who would the cabin belong to, Renewable Resources or would it belong to HTA, or would it belong to the individual who is occupying it? Thank you.

MR. SPEAKER: Ms Cournoyea.

Return To Question 59-85(1): Ownership Of Outpost Camp Cabins

HON. NELLIE COURNOYEA: Mr. Speaker, in answer to the question, it is true the funding is given to the HTA. Generally, all these outpost programs are conducted with the consent and at a motion of the hunters and trappers association in that area. The question of whether the support from the HTA causes that cabin to belong to the individual that was assigned to that program at that particular outpost camp -- we have never legally interpreted that. But my feeling is that since it is generally a hunters and trappers association project, that the hunters and trappers association in the end would be responsible. However, the particular individual families are normally assigned that area and for a legal interpretation, I would have to go to the department to find out. If there are any specific concerns or problems, then perhaps we can deal with it according to the specific concerns.

MR. SPEAKER: Supplementary, Mr. Erkloo.

Supplementary To Question 59-85(1): Ownership Of Outpost Camp Cabins

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. When you are trying to find out, could you also find out if the individual returns back to the community, could he use this cabin for his business or would he have to return it to HTA? Thank you.

MR. SPEAKER: Ms Cournoyea.

HON. NELLIE COURNOYEA: Mr. Speaker, the Department of Renewable Resources attempts to deal with individual circumstances according to their merit and according to the particular situation that occurs. I will be taking this specific circumstance and dealing with it on its merit. Thank you.

MR. SPEAKER: Thank you, Ms Cournoyea. Oral questions. Mr. McCallum.

Question 60-85(1): Review Of Regional And Tribal Councils Ordinance

MR. MCCALLUM: Mr. Speaker, I have a question to the Minister of Local Government. Yesterday, in dealing with the Department of the Executive, we got into a discussion on the reviews that were taking place and a review in relation to the Regional and Tribal Councils Ordinance. We were talking then about a review of the Regional and Tribal Councils Ordinance in relation to the responsibilities and reporting relationships of regional directors to the regional council. Can I ask the Minister if, when this review is taking place, he would revise certain of the parts of the ordinance that is now in effect, specifically those dealing with the withdrawal from the council under section 3, subsection (3), where a plebiscite would have to be held in order to allow a member of the council to withdraw. That plebiscite would have to have at least two thirds of the qualified voters in the community. You have to get everybody out in the community to vote and in some of the areas that presents a problem. I wonder if I could have a comment. That is an example of some of the things that I would hope would be reviewed. I want some idea from the Minister if the review is only in relation to the reporting relationships or is he revising all particular parts of the Regional and Tribal Councils Ordinance?

MR. SPEAKER: Mr. Minister.

Return To Question 60-85(1): Review Of Regional And Tribal Councils Ordinance

HON. NICK SIBBESTON: Mr. Speaker, with respect to a review of the Regional and Tribal Councils Ordinance, I appreciate what was said yesterday by the Leader and certainly I do not want to -- what I want to say is that there may be a review of the reporting relationship with respect to regional directors and this pertains somewhat to the Regional and Tribal Councils Ordinance. As to specific reviews of the Regional and Tribal Councils Ordinance, I consider that the matter of review of the ordinance is a bit premature. Since the passing of the ordinance a couple of years ago, five regional councils have functioned and operated very well and a number of concerns have arisen recently in trying to establish a regional council in the Fort Smith/Great Slave Lake area.

I consider the meeting in Fort Smith which occurred a number of weeks ago a very exploratory type of meeting with a view to establishing a regional council and at this very initial exploratory meeting some concerns were expressed about certain provisions of the ordinance and I am appreciative of the concerns raised but I do feel it is a bit premature to examine and review the ordinance in relation to the matters that have been expressed thus far because the regional council has not been established in that area. So the discussions and concerns I consider are of an exploratory-type nature. I consider that a regional council can very well be established in the Fort Smith Region without any amendments to the Regional and Tribal Councils Ordinance as it is. I know too that there are provisions in the ordinance to provide for advice and suggestions to the Minister with respect to possible amendments to the ordinance. So, if ever a regional council is established in the South Slave area then I would look to the regional council for giving me advice on this matter. Apart from that, of course, the Member is free to suggest amendments in the Assembly here and that is one possible way of dealing with the matter.

MR. SPEAKER: Oral questions, please, and no debate today, if possible. Mr. Ballantyne.

AN HON. MEMBER: Oh, oh!

Question 61-85(1): Review Of Municipal Ordinance

MR. BALLANTYNE: I am not sure who the honourable Speaker was referring to but it surely was not me. But I would like to ask this question to the Minister responsible for Local Government. Since the operative word of the day is review and there has been one piece of legislation that the government has reviewed since 1975, which is the Municipal Ordinance, I wonder if the Minister can give some assurances that the final review of the review of the review will be coming in front of this Assembly at a specific time and if so, what will that time be?

MR. SPEAKER: Mr. Minister.

Return To Question 61-85(1): Review Of Municipal Ordinance

HON. NICK SIBBESTON: Mr. Speaker, the Member will know that it is true there has been a review of the department for a number of years and I am sure he will be pleased to know that things are coming to a conclusion. In the matter of the present Municipal Ordinance, the whole matter of legislation for municipal and community governments is a complex matter and involves really three different levels of government at the local level; cities and towns, hamlets and unorganized communities. So, the matter is fairly complex but he will be pleased to know that the matter is coming to a conclusion. There are still a number of consultation meetings going on and I hope to place before the Assembly a draft ordinance this coming fall.

MR. SPEAKER: Thank you, Mr. Sibbeston. Oral questions. Mr. Angottitauruq.

Question 62-85(1): Fishery Project, Kitikmeot Region

MR. ANGOTTITAUURUQ: Thank you, Mr. Speaker. My question is directed to the Minister of Economic Development. In my region people have been trying to get a fishery going for many years now and what has been holding it up is the testing of the quality of the fish and whatnot. Now, I would like to know from the Minister whether his department is working toward the fishery project and at this time I would like to know whether it is going to start very soon or does it have a date for the project to begin?

MR. SPEAKER: Mr. Minister.

Return To Question 62-85(1): Fishery Project, Kitikmeot Region

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I can assure the Member that my department is doing everything it can to develop that part of the renewable resource economy and we have committed ourselves to work with the fisheries people. We believe that there is enough commercial quota already, an existing quota that is available in that area. When I last travelled to the Kitikmeot Region, we assured the hamlet that this summer we will set aside some money and seek funds to develop a small fishery plant and I believe the plans are well under way and I will at an appropriate time, perhaps through my budget estimates, present to the Member the exact nature of the kind of small fishery plant that we are proposing to that region. But I can assure him that it is under very active consideration by my department. Thank you.

MR. SPEAKER: Thank you. Does that satisfy the honourable Member? Thank you. Oral questions. Mr. Ballantyne.

Question 63-85(1): Economic Development And Housing Construction

MR. BALLANTYNE: Thank you, Mr. Speaker. I have a question for the Minister of Economic Development. In the interim report of the housing committee, one of the recommendations was to explore the potential in the area of economic development for the construction and maintenance of housing. I wonder has the Minister had his department look into that potential and it would be very helpful for the committee if the Minister had some ideas about how his department could be integrated into the whole question of construction and maintenance of housing before we present our final report.

MR. SPEAKER: Mr. Minister.

Return To Question 63-85(1): Economic Development And Housing Construction

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I think I should start out by indicating to the House that my department has made a number of initiatives which I think will result in significant improvement to the territorial economy, particularly in support of the small business sector that we have. We recommended, as you know, that in order to free up some money, we had to amend our loans and guarantees ordinance so that the long-term residents of the Northwest Territories can establish and develop their businesses and expand from there on and take advantage of the government contracts. That was the sole purpose of that, which I know had your honourable support. So, since then we did develop also the amendments, through my department's initiative, to the business incentives policy, again to try and improve the opportunity for the small business operators whether they be plumbing or small contractors in the community, so that they can engage in these kinds of opportunity.

My colleague from the Housing Corporation and as the Minister of Public Works and my colleague, the Minister of Education and I have sat down and there is an inactive -- I say "inactive" because we only had one meeting since to try and develop some kind of plan of action to respond to your concerns, but I do want to say that I think it is the responsibility of each MLA as well as those of us in the ministries to give support to the small business sector, because I do believe in order to take advantage of the kind of opportunity that we have in acquiring contracts and securing contracts, we simply first of all have to have a small business sector in the community and I believe there are opportunities.

As a result of that, my department is putting forward a recommendation before the Executive Council. It is in the policy recommendation form, at the moment and it has not been finalized but has been presented as a recommendation to seek ways to privatize some of the government operations, particularly in many of the areas that are provided by the government either through Public Works or whatnot, and we are recommending to our Council that that be given serious consideration. Therefore we will likely be announcing some sort of policy sometime I think in May because I believe we would then have had time to comment and also receive your comments constructively through this session. Thank you.

MR. SPEAKER: Thank you, Mr. Curley. Oral questions. Item 5, written questions. Mrs. Lawrence.

ITEM 5: WRITTEN QUESTIONS

Question 64-85(1): Expulsion Of Students

MRS. LAWRENCE: Thank you, Mr. Speaker. My question is for the Minister of Education concerning drop-outs in my constituency. In the case of students who are expelled from a school residence such as Akaitcho Hall, what arrangements are made for their accommodation until they can return to the residence in the next semester or school year? I know of some students who are forced to return home and miss out on their education because they have no place to live. It is my understanding that the law requires children under the age of 16 to be in school and I am concerned that expulsion from a school residence may be used as a means for students under age 16 to drop out. Could the Minister responsible for Education advise me about his department's policies and practices with regard to this issue? Mahsi cho.

MR. SPEAKER: Thank you. Written questions. Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I have a written question directed to the Minister of Health. I suppose he will be reading it later.

MR. SPEAKER: Tell us a little about it so that it won't be too secretive, please, Mr. Pudluk.

Question 65-85(1): Vehicle For Grise Fiord

MR. PUDLUK: (Translation) There are not enough vehicles at Grise Fiord to bring sick patients to the airport in a warm vehicle when they have to leave for medical purposes. I would like the Minister of Health's department to make a vehicle available to Grise Fiord since there is no terminal building to enter for warmth for patients awaiting evacuation. I was asked to get an immediate reply on this matter.

MR. SPEAKER: The Member's question is well taken and possibly now other people might ask for one too. I can see why you wanted to keep it a secret.

---Laughter

Are there any further written questions? Item 6, returns. Ms Cournoyea.

ITEM 6: RETURNS

Return To Question 30-85(1): Bison Hunting, Fort Providence

HON. NELLIE COURNOYEA: Mr. Speaker, it is a reply to oral Question 30-85(1) asked by Mr. Gargan on February 8th, regarding legalization of wood bison hunting.

In response to your question in the Legislative Assembly concerning plans to legalize the hunting of wood bison, the Department of Renewable Resources is currently working with the people of Fort Providence as well as other interested communities to determine the most appropriate management regime for that herd. As the Member knows, we have to proceed carefully and responsibly with the management of this resource since it is classified as "endangered", both under the Northwest Territories Act as well as by COSEWIC, the committee on the status of endangered wildlife in Canada. As a result, our actions will be carefully scrutinized by national as well as international groups concerned with wildlife management issues.

Over the past year, regional staff of the department have met with community leaders including the honourable Member and Chief Jim Thom on at least a half dozen occasions to discuss possible projects related to the wood bison herd. It was agreed at those meetings that the best way to ensure local involvement was to have the settlement and band councils appoint a committee to work with the department to determine management options. However, to date, no such committee has been established by the community. The honourable Member can be assured that once the community of Fort Providence appoints the committee, my staff will be immediately prepared to meet with them to discuss the future management of the herd. We, too, would like to see this issue which has dragged on for over 18 months, finally resolved.

MR. SPEAKER: Thank you, Ms Cournoyea. Are there any further returns? Ms Cournoyea.

Return To Question 23-85(1): Wildlife Officer, Snowdrift

HON. NELLIE COURNOYEA: Mr. Speaker, this is a reply to oral Question 23-85(1), asked by Mrs. Lawrence on February 8, 1985 and this is regarding the Renewable Resources officer visiting Snowdrift.

I would like to thank the Member for Tu Nedhe for her question concerning the frequency of visits to Snowdrift by the Renewable Resources officer. At the present time, an officer from Hay River visits Snowdrift at least four times per year and possibly more often subject to budget constraints. In the interests of providing more frequent service to the hunters and trappers of Snowdrift, I will ask my deputy minister to discuss the feasibility of having Renewable Resources officers from Yellowknife visit Snowdrift on a regular monthly basis.

MR. SPEAKER: Thank you. Are there any further returns? Item 7, petitions. Mr. Arlooktoo.

ITEM 7: PETITIONS

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. This is Petition 3-85(1), from Lake Harbour requesting a gymnasium and it is going to the Department of Local Government. I will be giving this petition to the Minister of Local Government.

MR. SPEAKER: Thank you. Can you give us just a summary of what is in the petition and roughly how many signatures you have?

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. There have been a lot of people who have been requesting this gymnasium. The reasons are clearly stated in the letter that I am going to be giving to the Minister of Local Government.

MR. SPEAKER: Are there any further petitions?

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

ITEM 9: TABLING OF DOCUMENTS

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I wish to table the following document: Tabled Document 11-85(1), Direct Evidence of the GNWT before the National Energy Board in the Matter of an Inquiry into Matters Relating to the Northern Canada Power Commission, and a press release referring to the document in Inuktitut. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Tabling of documents.

Item 10, 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. Bill 7-85(1), Appropriation Act, 1985-86; Bill 3-85(1), Workers' Compensation Act, with Mr. Gargan in the chair. Is there a question, Mr. Nerysoo?

HON. RICHARD NERYSOO: Yes, Mr. Speaker, just a point of order. With regard to the comment you just made, we will not be dealing with the Workers' Compensation Board today. Okay, I am sorry.

MR. SPEAKER: Mr. Nerysoo, in this House you are never quite sure what you are going to deal with today, so that is being presumptuous. Mr. Gargan.

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

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER Bill 7-85(1), APPROPRIATION ACT, 1985-86

Department Of The Executive

CHAIRMAN (Mr. Gargan): Order in the House. Okay, the committee will now come to order. We are dealing with regional operations. Is it agreed that we ask the Minister to bring in his witnesses?

SOME HON. MEMBERS: Agreed.

---Agreed

Regional Operations, Total Capital, Agreed

CHAIRMAN (Mr. Gargan): Details of capital, on page 2.13. Okay, Mr. Minister.

HON. RICHARD NERYSOO: Just to indicate, Mr. Chairman, that we dealt with regional operations and the other elements of the budget and have now moved on, I believe, to Justice and Public Services and that we had not completed...

CHAIRMAN (Mr. Gargan): We are dealing with details of capital, regional operations and it is on page 2.13, Mr. Minister.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Gargan): We are on page 2.13, detail of capital. Regional operations, \$150,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Thank you. Page 2.14, the major information item on Workers' Compensation Board would be dealt with at a later date. Mr. MacQuarrie.

MR. MacQUARRIE: The witnesses, just before we left that, were going to bring back some information on the detail of capital and I know you called for witnesses but we have not seen them yet. Are we going to wait until the witnesses come in or not?

CHAIRMAN (Mr. Gargan): Would the Minister bring in the witnesses?

HON. RICHARD NERYSOO: No, Mr. Chairman, I will answer the questions.

CHAIRMAN (Mr. Gargan): Is that agreeable to the committee?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Okay, thank you. Mr. Minister.

HON. RICHARD NERYSOO: Yes, Mr. Chairman, I will be providing the information on the specific expenditures when we return to the budget at a later date.

CHAIRMAN (Mr. Gargan): Okay, is that agreed by the committee? Mr. MacQuarrie.

MR. MacQUARRIE: Are they coming back to detail of capital later on? Is that part of what we are coming back to later on?

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie, I believe the detail of capital has already been approved. Mr. Minister, do you have the detail of capital for the regional operations?

HON. RICHARD NERYSOO: Well, Mr. Chairman, what was requested of me yesterday was a detail of what expenditures had been made with regard to capital in the regions in the 1984-85 year and that is what we intend to table in this House. That was the commitment we made yesterday and what I am saying is that there is no need to look at the capital expenditures because we approved it a few minutes ago and I have given a commitment to table that document with Members of this House.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Major information items. The Workers' Compensation Board would be dealt with separately with Mr. Wray. We are on page 2.16 now, Department of the Executive, information item. Any questions? Mr. Ballantyne.

MR. BALLANTYNE: Just a question of clarification. We are on page 2.16.

CHAIRMAN (Mr. Gargan): We are on page 2.16, we have deferred Workers' Compensation Board. Mr. Ballantyne.

Information Item Deferred

MR. BALLANTYNE: I think it may be more appropriate if we can discuss this with Mr. Curley. It is the Norman Wells impact funding and NOGAP. If that is agreeable to everybody, if we could defer this one until Mr. Curley's secretariat is before us.

CHAIRMAN (Mr. Gargan): Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Are there any other questions with regard to the Executive? Well, we can move on to Justice and Public Services. Mr. Ballantyne.

MR. BALLANTYNE: Yes, just again, to clarify at a later date there will be general questions on the Executive when Mr. Nerysoo comes back with his document on reorganization and review and what have you. That document will be open to whatever questions this group has -- that was the agreement as I understood it.

CHAIRMAN (Mr. Gargan): Okay, thank you. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I am not quite sure, with regard to the Executive, whether or not that document would be discussed in the budget process or whether or not it would be an item of discussion in committee of the whole. I think that when I do make a statement it would be important to note whether or not it would be appropriate to discuss it as a part of the budget process or whether or not it ought to be discussed in committee of the whole as a separate item.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Ballantyne.

MR. BALLANTYNE: I think probably appropriately because it was brought up in the discussion, it does have budget implications with the \$325,000. We want to ensure that we discuss it and my understanding was that at a later date we would open up general discussion on the Executive and bring it back in that forum.

CHAIRMAN (Mr. Gargan): Mr. Ballantyne, we could defer the Executive and move on to Justice and Public Services, if that is agreed. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I do not want to delay the discussion here but we have dealt with the general comments with regard to the Executive and if there is another appropriate process to use in discussion of the document I will be presenting, then I would not suggest that we return back to general comments on the Executive but rather deal with the specific item that the honourable Member raises. It is a matter, I guess, of where and I am not sure yet whether or not it would be in the Executive budget discussions in future. I do not believe that this is the process to be dealing with it because there are a number of other items that are, I believe, dealing with other issues that will be part of that particular statement.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. I would like to tell the Members that we have to approve the overall budget of the Executive later on, once we deal with Workers' Compensation Board, Aboriginal Rights, Energy, Mines and Resources and Status of Women Secretariats. This would be the reason for deferring the Executive and moving on to Justice and Public Services. Mr. Ballantyne.

MR. BALLANTYNE: Fine, but the option is still open for general comments until we have decided on another mechanism. That was the major thrust of what the Minister himself said that we will not be finishing the Executive until we have done the secretariats, therefore, I had no concern about it. So, I do not mind if it comes up in another forum but until that happens I do not want to preclude it coming back in this forum because I do not want it to die on the order paper.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. We are generally following the schedule that you gave us. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, all I am saying is let us determine what process should be used. I think it would be a lot better for the Members in this House if we suggest the process. There may be other items that we feel may not fit within the budgetary process but within another process. Let us decide that and come forward with that recommendation.

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

MR. BALLANTYNE: I said I will make my point. I think we are splitting hairs here.

AN HON. MEMBER: Agreed.

MR. BALLANTYNE: But as long as it is open for discussion, whatever the mechanism may be. I say I do not want to have it precluded here and then another mechanism which is not acceptable to the committee brought forward. That is what I am saying. I have no problem listening to any suggestion the Leader has to make as to the mechanism but as far as I am concerned this is still open for discussion when we get back to the Executive. We can come to some agreement on another mechanism, I have no problem with that.

Department Of Executive Deferred

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. Mr. Ballantyne, what we are doing right now is we are deferring it. It is open for discussion at a later time. Is it agreeable to this committee that we defer the Executive and deal with Justice and Public Services. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Before we move on to Justice and Public Services, we will take a 15 minute coffee break.

---SHORT RECESS

Department Of Justice And Public Services

Order please. Department of Justice and Public Services. Would the Minister like to make opening remarks? Mr. Minister.

Opening Remarks

HON. RICHARD NERYSOO: Mr. Chairman, Members of the Legislative Assembly. It is my pleasure to present the budget of the Department of Justice and Public Services for your consideration. Since your last review of the budget of Justice and Public Services, the department through its many and varied functions has continued to provide services to the government and the public. During the year the department has played a prominent role in the constitutional area. A review of the ordinances and regulations of the Northwest Territories is well under way and it is hoped that appropriate legislation will be introduced at the next session to ensure compliance with the equality provisions of the Charter of Rights and Freedoms.

Mr. Chairman, at the last session I tabled a consultation paper on the proposed human rights code of the Northwest Territories. We have received several helpful comments from all over the Territories in respect to the proposed code. I have extended the deadline for giving comments to the 4th of March, 1985, to allow for more time to consider the proposed code. I have directed my officials to review all the comments received to see how best they can be incorporated in the code.

Before you begin your review of the budget of the Department of Justice and Public Services, I would like to bring to your attention the changes that have been incorporated in the 1985-86 budget. The responsibility for the Status of Women has been transferred to the Executive offices to allow direct contact with the Minister responsible for that program. The staff of consumer services division is being increased by one position in order to address increased volume growth. Volume growth has also made it necessary to add one position to be shared between labour standards office and the Labour Standards Board to provide clerical support for these programs. Funding has been added to the policing function to recruit up to 10 native special constables through a cost-sharing arrangement with the Department of Indian Affairs and Northern Development. I am happy to announce that we have now placed a superintendent for the department in the Baffin Region. From all reports received the reaction to this direct service to Justice and Public Services has been excellent.

I am pleased to further announce that as a result of a request from the involved communities we have been able to open new detachments of the RCMP in Hall Beach and Gjoa Haven. It is also expected that a detachment will be opened in Coral Harbour by April 1985. The opening of these detachments has been received very well. Over the last fiscal year we have also increased the native special constable program and hope that this trend will continue to give native people an opportunity to get involved in policing. You will note there is nothing included in this budget dealing with the impact of the Young Offenders Act. The request for these funds is currently before the Treasury Board with the federal government.

Mr. Chairman and Members of the Legislative Assembly, with these opening comments may I now invite you to examine in detail the Department of Justice and Public Services commencing with the budget of the directorate. I would also seek the concurrence of the Members of this House to invite in Mr. Stien Lal, who is the deputy minister of Justice and Public Services and appropriate witnesses.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Is it agreed by the committee that the Minister brings in his witness. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Thank you. Mr. Minister. Are there any general comments from the Members with regard to Justice and Public Services? Mr. Ballantyne.

Establishment Of Priorities

MR. BALLANTYNE: Thank you, Mr. Chairman. We talked generally with the Leader about priorities and what we will be doing with each department is to ask how each department establishes their internal priorities. Do the objectives of the department as outlined in the budget book, do they constitute a form of priority clarification? First of all, if I could ask, how does the department internally decide on its priorities?

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. The manner in which priorities are established is based on direction that has been received by the Executive Council. After having approved the required priority areas the department itself then develops a budget or at least an indicator of the types of programs or services that can ensure that the department itself is carrying out the direction that has been given by the Executive Council. The other issue, no doubt, is as a department we have to indicate some of the shortfalls in providing services that are required of the Department of Justice and Public Services in order to respond to either requests of the Members of this Legislature or requests from the general public and that is part of the presentation that we make with either increase or change in the person years that we have within our budget and also an indication of the requirement for increased person years and increased dollars to carry out those particular functions.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Ballantyne.

MR. BALLANTYNE: Mr. Chairman, I wonder if the Minister could outline what he considers to be the major priorities of this department right now.

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

HON. RICHARD NERYSOO: Well, Mr. Chairman, certainly with this, I think one has to look at what the priorities of the Executive Council are, prior to looking at only what the priorities are for the department. What we try to do is respond to the general priorities that have been presented by the Members of the Executive Council, those priorities that have been approved and have received additional funds up to \$10 million for the next three years. The other thing that we have done is try to see and indicate where there is a requirement for additional person years or dollars to improve the services we offer to the general public. You note that in the whole question of consumer and corporate affairs. While there are no dollars added, we believe that there is a process or at least a need to devolve lottery functions to regions over the next two years so that the service we are offering is better in future.

Our public trustee record keeping system, I believe, presently is manually taken care of. We want to computerize that system. We want to also consolidate all our NWT legislation and this is in conjunction with another department. Regarding the whole question of museums and heritage and the requests that have come from the Members in this House to look at the establishment of community museums, what we are doing now is working with a number of communities which have been indicated in the budget to ensure that the program that we are offering with regard to museums and the heritage function can expand and develop the appropriate museum and heritage programs.

In the case of libraries, there is no doubt that ongoing discussion has to take place with regard to decentralizing the responsibility. I must say that the work that our new librarian has been doing with communities is to be commended. She has improved the working relationship with native organizations, she has improved the relationship with community libraries and, I think, she has also made communities and the general public aware of the service that our government library has to offer to the people of the Northwest Territories and those people that are not resident in the Northwest Territories.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Ballantyne.

Absence Of Priority Funding

MR. BALLANTYNE: Yesterday we were asking about the priority process in the whole government and that is under review. The reason I am asking it here is because there is no priority or adjustment funding in this particular departmental budget so I take it, then, if priority and adjustment funding is the criterion of what is or is not a priority, then none of the objectives of this department over the next year are a government priority.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I just want to indicate that the manner in which we have allocated additional priority moneys does not necessarily mean that we have to either increase funds to particular departments and if we do then there is maybe a different process to do it but there have been some decisions that have been made that there are moneys through the normal budgetary process and we have been able to allocate funds appropriately.

Now, with regard to the whole question of policing, Members in this House have stated on a number of occasions, there is a need to improve the numbers of native people in the police force. Certainly as a government we respond to the concerns of Members of the Legislature and that in itself is part of the priority. It does not have to be set aside and indicated as per that priority process that says "Well, that is a priority." There are ways in which we can accomplish the priorities of government without necessarily identifying them as having received separate funding from a separate source. We have done things internally to address what we consider a response to Members of the Legislature. Now, if the Member is saying that we should not be doing those things then, certainly, we feel that it is necessary to do that, to make those changes. I believe that it is responsive and responsible on our part to make any changes that are necessary to respond to the wishes of Members of this House and we have done it on a number of occasions.

With regard to the justice of the peace training, we are now involved in developing materials and we have received additional money in those particular cases. We are now in the process of developing new legislation in the coroner's area, providing additional training to coroners and streamlining the process. We are developing and increasing the use of interpretation in court proceedings in conjunction with direction of the judiciary. Those are things we are doing in conjunction with the priorities that we have laid out plus direction we have received from Members in this House. We have, in the issue of providing additional dollars to the native courtworkers and Maliiganik Tukisiiniakvik responded appropriately.

Now, I think, as government, we have to look at the requests that have been made by Members in this House plus what we consider additional requirements, and priority dollars that have to address some of the concerns that have been addressed in this House. So that is the manner in which we are dealing with particular items.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Ballantyne.

MR. BALLANTYNE: Maybe we are having a problem with the definition of priority. To me a priority item is something which is given more importance and more weight than something that is not a priority item and I agree one can achieve a priority without extra funding through the normal course of events. In all these objectives it seemed to me if one believed in the concept of priorities, there were a number of these objectives that one would rather see done quicker than others. Now, I wonder if you could identify those or what you are saying is that you want to do everything and there are, in fact, no areas or objectives of the department which you give more weight or importance to.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I think that you have to realize that this particular department is not necessarily one that carries out programs. It is a service department and whatever program initiatives we take in other jurisdictions or other areas in government, we have an obligation, either through legislation, or through regulations, or just in response to initiatives of other departments to respond to those particular concerns and issues. In the case of program initiatives, that is somewhat different. I think that what we are trying to do is to provide service. We are a service department generally and, also, we are obliged by the legal system to provide certain services so our ability to manoeuvre -- we certainly would like, no doubt, to deal with all the issues that are before us but certainly, in fact, to do more.

We are restricted by funds, we are restricted on the basis of our ability to respond to the direction that is given and, also, we are, I guess, legally obligated to perform certain duties and responsibilities so in that sense we cannot respond or dig into all the priority funds if we find that it is not required, so what we have tried to do is to use, generally the ordinary process and to address the priorities as outlined accordingly.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Ballantyne.

MR. BALLANTYNE: On pages 8.1 and 8.2, I am just asking a rather simple question. There are a certain number of objectives there, are there some that you would like to see done quicker than others? Are there some that you think are more important than others? That is all I am asking. That is what a priority is to me, just that. Is there certain areas here that you, personally, would like to see speeded along or would you consider them all equal? I am just asking that.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Excuse me, Mr. Chairman. There is no question that the whole question of the issue of legal support with regard to the constitutional issue is important to us but, as you note, we are going to be receiving some funds in another area to deal with that. There is no doubt that the items that are all addressed are what we consider to be an important priority to the department. I guess the ongoing native constables program has to be addressed in the upcoming years and, certainly, the numbers have to be dealt with. We have made our commitment, Mr. Chairman. What we have not received to date is the commitment from the federal government to support our initiative, with the exception I believe, of five presently in place. So, in that sense we are looking to expend money in what we consider priority areas but which have not necessarily received the support yet of the federal government.

I do say though, again, there are some of the items in these objectives that we have indicated because we feel that they are priorities within each division and, also, there are some of these areas that do not necessarily require any financial and additional financial resources until a future date. So in that sense we are just getting the work started and with others we can do the work without any financial resources at all. So that is why we have indicated it the way it has been.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Richard.

Program Evaluation

MR. RICHARD: Thank you, Mr. Chairman. In the government process for reviewing evaluation of government programs, one level of that process is to be initiated by the Minister in each department, entitled program evaluation. Mr. Chairman, I wonder if the Minister could advise this committee how many program evaluations were initiated by him as Minister in the past year, what specifically those evaluations were to deal with and what were the results of the evaluations?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, with regard to program evaluation, I think that the important issue that I had to deal with when I took on the responsibility of Department of Justice was in fact to do an overall review of the department. First, to see if it was carrying out the responsibility that should have been carried out. We have that report done, it is complete. It has gone to the review committee. Maybe I will ask my deputy minister to give us more precise comments but I do believe that the whole question of the legal aid program is presently under review and maybe I can ask my deputy minister what additional program reviews are taking place.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Lal.

Departmental Reviews

MR. LAL: Thank you, Mr. Chairman. The most formal review that has occurred in the department is the one that my Minister just alluded to, which was that on taking charge of this department, he asked for a complete review of all the programs in the department, with a view to making recommendations on whether those programs appropriately belong to Justice as opposed to Public Services functions. That report was completed and it is in fact one of the subjects of the senior management committee that is now considering the realignment of government departments.

In addition to that, on a more informal level, there is contemplated a review of the legal aid program. This matter has been raised with the Legal Services Board in the past and although to date no specific review has taken place, it is anticipated that such a review will be taking place shortly. In keeping with government priorities as well, it is further expected that there will be a two year review of the impact on the justice of the peace training program to see how far we have succeeded with the objectives that we had placed two years ago on the justice of the peace program. Also to see how best modifications can be made or how the program can be streamlined to ensure that there would be a more effective training provided for justices of the peace, so that they can be used as they ought to, in being the backbone of the judicial system since they deal with the majority of the cases in the Territories.

Mr. MacQuarrie recently raised the question of the Coroners Ordinance review. That was a matter again which was contemplated to be done and you will find it in the list of objectives as one of the areas that we are reviewing. Probably not strictly on a program basis but more on a legislative scale it is 10 years since our ordinances were revised. The new acts will presumably go through a very detailed revision process and in a way that would be a review of the existing legislation and probably recommendations will be made as a result of that review for legislative changes to be considered by this House. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. I take it from the responses of the Minister and his deputy that in the coming year there is contemplated or proposed reviews of the legal aid program, the impact of the JP training program, the Coroners Ordinance and a revision of our ordinances as a whole. I take it from that response that the only program evaluation that was initiated in the previous year is the overall review of the department. Perhaps the Minister could just confirm that I am correct in that respect.

HON. RICHARD NERYSOO: Yes, Mr. Chairman, that is correct.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Richard.

Performance Measurement

MR. RICHARD: At the risk of stressing this little black book too much, Mr. Chairman, I note that the third level of the government process in evaluating its efficiency or performance is entitled "Performance Measurement" and that that level is initiated by an individual program manager within the department. Can the Minister indicate how many such performance measurements were initiated within his department in the past year and again the specifics and results of those studies?

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I must say that under the new performance assessment process, I believe, we are doing an assessment of one particular department in government, of which we will review whether or not the new budgetary process, plus the performance direction that has been given under the Financial Administration Ordinance, does in fact work. I think it is important first to know whether or not it is going to work and use it in other departments. The department that I believe is now being utilized is the Department of Health and Social Services, if I am correct. Maybe the Minister of Finance can confirm that but I believe that is the way in which we are doing it at the moment.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Richard.

MR. RICHARD: I take it, Mr. Chairman, that this process is not implemented as yet then?

HON. RICHARD NERYSOO: Mr. Chairman, the process is implemented in one particular department.

MR. RICHARD: Only?

HON. RICHARD NERYSOO: Yes. Because there is a need to ensure that under the new Financial Administration Ordinance and under the new arrangements that we now have with regard to financial arrangements, that we make sure that the direction we gave previously, in fact functions properly under the new arrangements. So, that is the reason those things are happening.

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

Human Rights Code

MR. MacQUARRIE: Thank you, Mr. Chairman. Mr. Minister, in looking over the objectives of the department, I am interested and happy to see that the passage of a human rights code and the establishment of a bureaucracy associated with that does not seem to be one of the objectives of the department this year. Am I correct in that?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I am glad the Member is happy that we are not proceeding so quickly. It is certainly not our intention to proceed very quickly nor is it our intention to establish a huge bureaucracy to deal with that particular item. But it is a federal transfer of responsibility and we will deal appropriately. We are hoping that we can table the legislation in the May session and receive final approval during the fall session. There is still a process of consultation which can take place. I would think that the sooner we pass it the better it will be, in assuming that particular responsibility, but we are not contemplating any huge bureaucracy to deal with the human rights code.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. MacQuarrie.

MR. MacQUARRIE: If the Minister has read the code, I think there are any number of indications that quite a large bureaucracy will result from the passage of that legislation. My own preference would be to do well some of the things that we have already undertaken and are not doing well, such as in the areas of labour standards and consumer services. A couple of questions with respect to the draft that was circulated then: number one would be has there been much input from the people of the Territories in respect of it; and in a general way, what is the tenor of the comments? I know in my own case I wrote the shortest letter that I have probably ever written in my life, to the Minister, simply saying that in respect of that piece of legislation, forget it. I meant it and I hope that he will. But, I realize that I may not have been speaking for the majority of people -- may not have been -- in the Northwest Territories. So, in a general way, could you tell me what are the results of the input that you have been receiving?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I would certainly like to indicate to the Member that there has been considerable input. In fact, the very reason that I extended the deadline for input to the 4th of March was the fact that we had received numerous letters indicating that people did want to participate in a review of that particular document, with a view to making presentations with regard to that particular document and therefore we accommodated them. I do want to say as well that today, I believe, that members of my staff are in fact meeting with lawyers representing the native organizations of the Northwest Territories to deal specifically with the whole question of the human rights code. So, there is interest even with regard to the native people of the Northwest Territories. I must say that the advisory council of women for the Northwest Territories also wants to be involved in this particular process ensuring that whatever human rights code is developed recognizes their interests as well.

Presently the Northwest Territories is covered by the Government of Canada and it is our intention to develop territorial legislation that can be passed in law, which would be enforceable. It is certainly not our intention to create a huge bureaucracy. If the Member will note there are actually two permanent employees that have been contemplated and three part-time commissioners. So, I am kind of confused as to where that huge bureaucracy would come from. I believe that there are shortcomings in the federal legislation that can be improved upon and we are attempting to improve upon that particular legislation. I think that it is necessary to make those adjustments appropriately.

I am still an advocate of this government assuming more responsibility and without question, I would not suggest us assuming more responsibility if we could not carry it out properly. I just hope that one recognizes that we are attempting to develop a human rights code that is appropriate to the North, that we recognize those shortcomings presently in the federal legislation and need to improve that legislation. The process of consultation extends far beyond the Northwest Territories. We have had and are seeking advice of universities; we are seeking the advice of

lawyers and other jurisdictions; we are seeking advice of other governments. So, the consultation process is not limited to the Northwest Territories. We have been successful in obtaining that advice.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. MacQuarrie.

Opportunity For Development Of Bureaucracy

MR. MacQUARRIE: I suppose I saw the opportunity for the development of bureaucracy in not only the establishment of a head office, but I notice in the draft they talk about the provision of branch offices, there will be human rights officers as well as the commissioner and other commissioners and a handful of adjudicators. Apparently, it would take on an educative role which would mean more personnel and so on. I guess I have two remaining questions in respect of it and I will save the rest for when the thing draws a little more near. I had hoped that maybe it was not going to draw near at all, that you were going to drop it but I guess my hopes are in vain. The two questions are these: number one, if you say that there is not going to be a large bureaucracy I assume then that you do have an estimate of the size of the possible bureaucracy and the annual cost to the Government of the Northwest Territories for passing a bill such as that and establishing a human rights commission and I would like to know what that estimate is; and secondly, we do already have a Fair Practices Ordinance which may have its shortcomings but nevertheless it is on the books and could I ask how many actual cases arose in the past calendar year under the provisions of the Fair Practices Ordinance?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I had not anticipated a large bureaucracy. I will allow the deputy minister to respond to additional specifics, but it is certainly not my intention. The other thing is with regard to the fair practices office, certainly there is a need that we have indicated to amalgamate the responsibility of the fair practices officer with that of the human rights office. There have been problems because the human rights officers are located in Ottawa, the fair practices officer is located in Yellowknife and when there are circumstances that arise that require a co-ordinated approach of those two separate agencies, we have not been able to get a working relationship that suits the situation. What we are trying to do, is to bring the thing together, bring it under a co-ordinated approach under one government. When we talk about duplication of services, certainly that is an indication of a duplication of service that can be brought under one particular jurisdiction. Again, it is probably a matter of reviewing what is presently being spent by the federal government and what we can take on without additional costs to government. Maybe if I can allow now, Mr. Chairman, the deputy minister to add to the comments made?

CHAIRMAN (Mr. Gargan): Mr. Lal.

MR. LAL: Thank you, Mr. Chairman. The proposal as it was set out in the consultation paper indicates that the chief human rights commissioner and each other member shall be appointed as members of the commission to serve on a part-time basis. So, it is not contemplated that even the chief human rights commissioner would be a person on a full-time basis. The document, however, is silent as to the number of his staff, though, as the Minister has indicated, at least in the early stages of the next two to three years, it is not expected that that staff would go beyond two to three person years. Mr. MacQuarrie again, Mr. Chairman, is absolutely correct when he says that it is contemplated that there would be an educational process involved. We see that as a very important aspect of the work of the human rights commission, to send its representatives to schools and other institutions to speak about human rights, to speak about the need to protect and respect human rights.

Present Human Rights Legislation

Mr. MacQuarrie also referred to the number of cases that have arisen under the Fair Practices Ordinance or the present human rights legislation. With respect, Mr. Chairman, that is precisely our point, that because it is now administered from Ottawa and because the human rights officer visits the Northwest Territories maybe twice a year, there is very little opportunity for complaints to the human rights commission. There is very little encouragement or incentive to get your rights corrected if they have been infringed. I can only point to the examples that have been discovered in other fields such as the status of women. Before that program was established

perhaps people felt that there was really not the need for that program, but since its establishment it has discovered that its need was greatly required to the point that a major study has been done on spousal assault, for instance.

Similarly, the victims of crime study where, again, for several years nothing was done for victims of crime but now that there is movement in that field it is being discovered that it was a program that was highly desirable. Mr. Chairman, it is not the intent of the human rights court of the Northwest Territories to generate unnecessary litigation, far from it. The point is, presently the Northwest Territories is covered by the federal Human Rights Act, which is not designed for the North, which does not take into account the special racial balance that we have in the Northwest Territories. Human rights legislation is a provincial type of legislation and it is hoped that when the Northwest Territories human rights code is passed, that it will be designed for the northern conditions, by northerners and by legislators of the Northwest Territories, as opposed to the Members of Parliament. Thank you.

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

MR. MacQUARRIE: Thank you, Mr. Chairman. Yes, I agree that when very few cases have been brought under existing legislation it could mean that people do not see opportunities to complain or to take action when rights are infringed, but it could also mean that there is not a great deal of infringement as well. There is no way of knowing clearly which is the case. I know that "needs" in quotation marks, can sometimes be created by situations that arise. I had asked whether there was an estimate of cost and in all of the response I did not get an answer to that so I would appreciate if I could have an answer to that.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, we have not done an estimate. We are basing all our assessment with regard to permanent person years, between two and three.

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

MR. McCALLUM: Thank you, Mr. Chairman. I would like to ask the Minister to just go over this whole business of reorganization of the functions of the present Department of Justice and Public Services. I know he alluded to it and spoke of certain things yesterday dealing primarily, I think, with consumer affairs. I think it was in the sense of divesting the department of those responsibilities and possibly putting them into other departments. I wonder if he would comment or indicate to me just what is the goal of this reorganization? Is it to make a truly justice department and therefore, what it connotes depending upon the kinds of responsibilities that may be given or taken by this government -- and I refer, obviously, to an attorney general.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I would like to say to the Member that certainly my goal is to establish an office of the attorney general of the Northwest Territories, which would mean that the prosecutions now presently under the responsibility of the federal government would fall within the jurisdiction of the Government of the Northwest Territories. That would be the basis on which we establish a Department of Justice. We have also made an adjustment, that consumer services is under the justice section. If you note in the organizational chart it is under the assistant deputy minister of public services but that has been moved to the legal justice section. But all the others remain accordingly.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. McCallum.

Functions Under Justice Section

MR. McCALLUM: Well, Mr. Chairman, thank you. I would agree with the Minister, that I think prosecutorial functions should be the responsibility of this government and not the responsibility of the federal government and I applaud that move. However, I have some concern, obviously, and I think the Minister will recognize that we have had this discussion over a number of years, about correction services. He referred to that yesterday, embracing corrections within the Department of Justice. Now, he may put a caveat, as it were, on it and say it depends upon where you make the break, but I have a concern that the developing Department of Justice then will have the

prosecutorial function, have the arrest, charge -- have the responsibility for the judiciary, at least at the JP level, and then would have incarceration as well. I have some concern putting all those eggs in the one basket. Again, he obviously knows because we have had this discussion at numerous times and though I applaud the initiative of the Minister in getting those functions that should rightfully be ours, that is the Government of the Northwest Territories, I would be hesitant to go along with an organization -- were I given the opportunity to voice that hesitancy -- putting all of these functions in the one area. I recognize that in certain provinces that is so but it is not totally across the country and maybe in the spirit of economy that would work here, but I just have some difficulty having all these functions in the one office. I wonder if the Minister would comment.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Yes, Mr. Chairman. Just to indicate that we have had this discussion a number of times and, certainly, your concerns that have been voiced previously have been considered. I think what we have looked at is the question of adult corrections only. We have not looked at the whole question of young offenders, because under young offenders that particular responsibility is clearly spelled out under the Young Offenders Act, that there are certain circumstances under which we must treat young offenders 18 and under very differently than we treat those that are involved in the criminal system beyond the age of 18.

I also say that nine out of 10 provinces have their responsibility of adult corrections in justice or the solicitor general's office, depending on which area is identified but it is in either one or the other. But, I must also say that in regard to the judiciary I would be extremely hesitant to say that they would be involved in our department because in the process of government, they are always identified as separate and away and outside of the Legislature and outside of the Executive. So, I think that while we do receive the funds appropriately in this department we really have no, what you might consider, influence.

AN HON. MEMBER: What?

HON. RICHARD NERYSOO: With regard to the whole question of justices of the peace, we now have to deal with that particular issue. There was a recent decision that has now caused us to review the manner in which we appoint justices of the peace. The question of the recent decision in Ontario with regard to the independence of the justices of the peace as it relates to the Charter of Rights certainly causes us, not necessarily problems, but causes us concern and also it has really directed us to review the circumstances under which those appointments take place -- permanency of those particular appointments. So, I have instructed my officials to review the Justices of the Peace Ordinance with a view to bringing it more up-to-date and to take into account those particular judicial decisions that have been rendered over the past year.

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

MR. PANILOO: (Translation) Thank you, Mr. Chairman. From our community there was someone in legal services in Frobisher Bay -- these native courtworkers in the communities have stated that they are able to work with native people but they do not have the funding available in the communities. Is this under your department? I just wanted that clarified.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, the responsibility for the funding to Maliiganik Tukisiiniakvik and also to the native courtworkers program falls within my responsibility. The Legal Services Board makes recommendations to this government and also to the Government of Canada on additional expenditures that are required. We have approved additional funding requests and in fact we have approved two supplementary appropriations over the past year.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Any further general comments? Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. I wanted to ask the Minister about the corrections and in regard to incarceration. I believe right now that anybody that must be in jail for over two years is sent to the penitentiaries. I wrote a letter to the Minister about a month ago with regard to a person from my own constituency who is in the penitentiary in Drumheller. I believe he has less

than two years. I requested whether he might be able to be transferred up here. I also received a letter from this individual just last week and he has been requesting the same type of arrangement. I was just wondering if the Minister might be able to respond to my request.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Gargan. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. Yes, just to indicate to the honourable Member that I did receive his letter. I have no responsibility for incarceration. That is the responsibility of the Minister of Social Services and Health. We have passed the request on to the Department of Social Services and they are presently working on seeking an arrangement by which the gentlemen that Mr. Gargan refers to will be dealt with.

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

Personnel In Computer Operation

MR. GARGAN: Thank you, Mr. Chairman. I also want to ask the Minister -- they are going to be computerizing a number of departments...

---Laughter

I am just wondering, if you do establish these computer programs in certain departments, what happens with regard to individuals that were actually responsible for record keeping. Does it mean that once you get into computer age less people would be employed within a department?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Gargan. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, no, it does not necessarily mean that people will be fired or removed from the public service of the NWT. It is a matter of whether you require someone to get access to that particular information. We do run, I believe, training programs with regard to computer operation in this government. It is not something that is overly complicated. In fact, with the establishment of computers in our government, we have not yet to date seen the public service of the NWT decline in numbers. Generally speaking, the public service has increased every year since the introduction of computers to this government.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. Gargan.

MR. GARGAN: Mr. Chairman, I believe there was some discussion on the establishment of special constables. I wanted to ask the Minister what would the main role of special constables be, considering that there is quite a bit of development coming up here and it would create quite a bit of, probably, legal problems in the North? I just wanted to ask the Minister what would the role of the RCMP be as opposed to the role of these native special constables?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Gargan. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. Just to indicate that the role and responsibility of the native special constable is similar to that of the members of the Royal Canadian Mounted Police. They must carry out the same duties, they must enforce the same laws, they are peace officers. There is a training session that we hold for those particular members, native special constables, in Regina, so, really they are serving the interests. Also I believe that important to their duties is to have communication with people in the community so that you have an ability as a community to communicate with the police force.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. MacQuarrie.

Establishment Of A Department Of Labour

MR. MacQUARRIE: Yes, I had not asked to speak again but you have some psychic power. I did want to thank you, Mr. Chairman. On another matter, a couple of months ago I had written to the Minister concerning whether it was at all possible that at some time in the near future the Minister was considering the establishment of a department of labour, particularly considering that labour relations functions might be something that was transferred and, of course, things like labour relations and standards, the Workers' Compensation Board, safety and training might all come

under that department. I am not necessarily urging it but I am just wondering in the review that the Minister mentioned the other day, is this something that is being considered and does the Minister have anything further to add to what he replied to me when I wrote earlier?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. MacQuarrie. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, just to indicate to the Member that that is part of the review that is taking place, that is the present responsibility for labour we have in government and as well, the question of whether or not other responsibilities that are presently held under Public Services really fit within those particular areas of responsibility. But we would not, as a government, go forward with the establishment of new departments if there were mechanisms and structures already in government that could take on these particular responsibilities. I believe that there are certain areas in this country that combine a number of departmental responsibilities under one particular name and that might be the approach we would take. It is still my intention to seek the transfer of labour relations to the Northwest Territories and, again, I have raised that particular item of concern and it is part of the strategy document that we wish to develop. We certainly are in support of that idea of transferring labour relations.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Any more general comments? Directorate, total O and M, \$878,000. Agreed? We are on page 8.5, Department of Justice and Public Services. Does the committee agree to directorate, total O and M, \$878,000? Mr. McCallum.

MR. MCCALLUM: Mr. Chairman, I wonder if I may ask a question. When is the next agreement between the government and the RCMP? How long is the present agreement for and when do you negotiate the next one?

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

HON. RICHARD NERYSOO: Mr. Chairman, I believe it is the fiscal year 1989-90. I believe it was a 10 year agreement.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Any more general comments? Mr. Ballantyne.

Legal Advice On Aboriginal Rights

MR. BALLANTYNE: I have a question. One of last years objectives, 1984-85, was to provide legal advice to support GNWT initiatives both locally and nationally which will result in the definition and protection of aboriginal rights. Now, is there any ongoing work being done in this area by the department and if so, perhaps we could have a little bit of an update on it?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Ballantyne. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. Just maybe to give a current status of the aboriginal rights conference, and I know the honourable Member is aware, the meetings were reconvened in December 1984 to prepare for a conference in March. Now, at the recent attorneys general meetings held in St. John's, Newfoundland, we had an opportunity to express our views on this particular item. As you are also aware we have a ministerial meeting that is planned for March of 1985 and there was to be an official's meeting, I believe, next week in Winnipeg. The First Ministers' Conference is to be reconvened April 2nd and 3rd of 1985. The legal people that are involved in Justice and Public Services still are responsible for providing legal service. In fact, the deputy minister is the chief legal adviser with regard to aboriginal rights and constitutional development as they relate to the First Ministers' Conference and with regard to the constitution and all those subsequent agenda items that may arise with regard to the Constitution of Canada.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. We will take a 15 minute coffee break.

---SHORT RECESS

CHAIRMAN (Mr. Erkloo): Could we have the committee come to order now, please? Any further general comments on Department of Justice and Public Services? Mr. McCallum.

Liaison With RCMP

MR. McCALLUM: Thank you, Mr. Chairman. I had asked the question about the RCMP knowing that there is a part of the budget dealing with it. One of the responsibilities of the directorate is "to act as liaison". Could I have some indication from the Minister whether in fact the government is satisfied now with the distribution of RCMP personnel throughout the Territories? We have heard in the past requests to put people into certain communities either to enhance what is already there or in some instances to put in an initial person. May I also ask the Minister -- if it is possible to get an answer -- was there any consultation with the government on the replacement of the, I guess, superintendent of "G" Division? Is that the proper terminology?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, just to indicate that there was communication with the commissioner of the RCM Police and with regard to the replacement for Mr. Feagan, we did weigh some specific concern, but it still is really the responsibility of the RCMP to make the final decision on replacement. I think it is important though to note that they are aware of the concerns we have, as well as the fact that we have been extremely pleased about the relationship that we have developed with Mr. Feagan as the chief superintendent. Hopefully that relationship will continue when the replacement for Mr. Feagan moves to the Northwest Territories.

The actual goals and objectives are set out every year through a review with the chief superintendent of "G" Division. As well, with regard to any new members of the force or an increase in the person years within "G" Division, we certainly are looking at utilizing the native special constable program more and more as the basis on which we fill positions with regard to other requirements or additional staff or vacancies. That is the manner in which we could go, to encourage those members to participate in the regular force whenever it is possible. But that is something that we are now working on with the RCM Police, trying to develop that particular direction.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. McCallum.

MR. McCALLUM: I thank the Minister for speaking about the negotiations or discussion. I should not say negotiations, discussions. I take it then that the final decision on a replacement for Chief Superintendent Feagan is an RCMP matter because the government enters into an agreement and I think the percentage that you have is -- is it roughly 60 per cent, 59 or 60 per cent? Does the Government Leader feel that those discussions were fruitful and is it simply a matter of accepting the replacement whom I met very briefly last week? I'll just leave that alone before I get into a little too much trouble. But does the government feel comfortable in those discussions or the result of those discussions with the replacement?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

HON. RICHARD NERYSOO: Yes, I guess that I am not completely, I should not say I am not completely satisfied with the discussions that went on but I believe that we had an opportunity to raise the concerns we have. They happened to be such things as northern experience and the ability to carry on what I consider it to be an extremely good working relationship that was established by Mr. Feagan between the government and the police force and also the police force in the community. Now, if the new superintendent is to change that direction, then I do not think I accept that. I think that he has to, and this was a point that we raised, maintain the relationships that have been developed and the attitudes that now exist, I feel, in the police force of the Northwest Territories. But from all analysis that we have been able to review under the terms, the RCMP is prepared to promote the gentleman and we feel that he is probably capable of handling the responsibility. I must say that the gentleman has had, not necessarily northern experience in the sense of northern Canada, the NWT or the Yukon, but certainly northern provinces. Some of the circumstances under which those people live are very similar, you might say, in the relationship to the RCMP. I must say that I did not have the opportunity to raise the item with my colleagues; I wanted to raise it a couple of times and I did not have the opportunity to do that. As I said I did have that concern of no experience in the North in the sense of northern Canada and the NWT in particular, and the concern that the relationship would not continue. If that were the case, in another year from now, more than likely I would have to voice the same concerns that I did voice prior to that decision being made.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. McCallum.

Opportunity To Voice Concerns

MR. McCALLUM: Mr. Chairman, I agree with what the Minister is saying. Those things that he said are factors that are important in such an appointment, as long as those factors or those conditions are being put forward. The gentleman, as I understand it, comes from a place that was a former capital of the Northwest Territories, so he should have some Northwest Territories experience. I do not have any difficulty with the replacement at all. The point I am trying to make is that in terms of this department having liaison responsibility with the RCMP on behalf of the government that we would be able to put forth those things, you would be able to put forth those things that seemingly are important in any kind of selection. So, I look forward, as many Members do, to seeing the continuation of the kinds of relationships that this government has now and has had with the RCMP under the new superintendent. I do not want to call into question the individual because I am sure that the individual will be more than able to take on the same role, I just want to make the point that we were able, you were able as a government to put forth certain concerns.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. Just to indicate that we had an opportunity to raise our concerns. It is very difficult for me as the Minister of Justice to judge the ability, the administrative, really the ability of the gentleman to do the job if he has not had the opportunity to do the job. I think it is important that we give the gentleman an opportunity. He has been apprized of the concerns that we have and I think that would be the appropriate method to ensure that that opportunity was given. If it was not successful, we could always point that out in a year from now with the commissioner of the RCMP and also deal appropriately with those political leaders that are responsible for the RCMP.

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

Federal And Territorial Negotiations On Policing Agency

MR. WAH-SHEE: Thank you, Mr. Chairman. In regard to the police agreement, I wonder if the Minister could indicate the status of the Department of Indian and Northern Affairs and GNWT negotiating to develop a policing agency and whether there is a possibility of the native groups becoming involved in this process, plugging into it. Also I would like to know whether the Minister is looking at any particular model, for instance the policing arrangement that exists in the state of Alaska would be an example, but could the Minister give us some indication as to how this discussion is going so far?

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

HON. RICHARD NERYSOO: In reviewing the idea of including more native people in the police force of the Northwest Territories, there were three scenarios that we looked at: increasing the amount of native members in the RCMP force; the utilization of the special constable program presently under the jurisdiction of Indian and Northern Affairs and I believe the question of establishing a Northwest Territories constabulary. Now, upon review if we find that there are not so many people that want to get directly involved in the RCMP training program, they would rather go through the process of the program that was established under Indian and Northern Affairs and therefore we are using that particular program.

In the question of assessment of our own constabulary, we find that that would be an extremely expensive venture, but that did not mean that we would not review it. In fact, what we have done is reviewed the establishment of an NWT constabulary, by reviewing the Alaska model and also reviewing, I believe, the Newfoundland model, and trying to find out whether or not they could be utilized. What were the advantages and disadvantages of either system? Maybe there is a method in which we could bring together the strengths of both. But our present priority is the utilization of the native special constable program where we could bring in native men and women, who were not generally the younger but in some cases, some of the older people in the community or the middle-aged people in the community. We would not have to focus only on the young people and that would allow us to recruit people with some experience, a lot of experience, in the community, experience as well, in some cases, with regard to the educational system, in other cases a thorough knowledge of the hunting and trapping traditions of a particular community.

So, the other thing is that we have also made contact with the Department of Indian and Northern Affairs to have our own special constable program similar to the relationship of the 3B program that we are presently utilizing. We would like to develop a program with the department that dealt primarily with the Northwest Territories, that was outside the 3B program, which basically dealt with the idea of reserve and reserve police. So, we are trying to move to a different relationship in that particular situation.

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

MR. WAH-SHEE: I wonder if the Minister could indicate whether there is any possibility of native groups plugging into this process that is in place to discuss the policing agency between the territorial government and the Department of Indian and Northern Affairs?

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

HON. RICHARD NERYSOO: Yes, Mr. Chairman. No, I have no problem with directing my staff to have discussions with the native organizations in the review of the programs that they are looking at and certainly have no concern with regard to the input of native organizations. I would hope that it would also include the organization representing native women and probably ensuring that some representation of that group was a part of the discussions that took place. But, as I said, I have no problems with that, of having a dialogue with the native organizations.

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

Lottery Applications

MR. WAH-SHEE: Mr. Chairman, I understand that the Department of Justice and Public Services will devolve approval of lottery applications to the regional directors. I wonder if some consideration has been given by the Department of Justice and Public Services in regard to, perhaps devolving this responsibility to the regional and tribal councils if an interest was expressed.

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

HON. RICHARD NERYSOO: Mr. Chairman, thank you. Just to indicate that with regard to lotteries, while there is legislation, the Lotteries Ordinance, we also have a responsibility under the Criminal Code for lotteries and the way in which lotteries are run. If there is any attempt on our part to start devolving and that is certainly our intention, we are going to do it on a step by step process, a phased-in process. The idea of us going to regions and possibly going to area offices, is something that we can look at in future. There is still some restriction on how far we can go, not necessarily because of the ordinance itself but an obligation of the individuals that are involved, to the Criminal Code of Canada. Therefore, there is a need to do some training in regard to making the individuals aware of the obligations of the ordinance and, also, the obligations they have under the Criminal Code of Canada. But it is something, I believe, we can probably do in a phased-in process. I do not think that people have been aware that there is an obligation under the Criminal Code of Canada and I think it is necessary that we make them aware of that.

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

MR. WAH-SHEE: Mr. Chairman, I wonder if the Minister could indicate to the committee whether he, personally, has any difficulty with additional authority being devolved to the regional and tribal councils.

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

HON. RICHARD NERYSOO: I guess I would not say that I am opposed to any additional responsibilities being given to the regional and tribal councils, but I think it would be the extent to which those responsibilities went and to what level. That is something that I believe has to be done through a discussion process of the Executive Council as well as a discussion between the government and the regional councils. I think that we can work out some solution in a number of areas. I do not think that we should close the door on any ideas but I am not opposed to it. I think it is a matter that you have to be cautious at times about the amount and the extent of authority you give, particularly if it could cause more problems, with regard to the legal system for individuals that

are associated with any kinds of transfers, than the idea of just having them have the authority. So, I guess it is a level. Also, you have to make them aware of the obligations that they have with regard to law. That is my responsibility as a Minister of Justice and I want to make them aware of that. I am not cautioning on the side of less authority or phased-in process as opposed to just devolving overnight the responsibilities the particular regional councils want, knowing that they could get into serious legal problems or, in some cases, probably some financial problems as well, but more as Minister of Justice dealing with the legal questions and the legal concerns that I might have and I have to make people aware of that.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. Gargan.

Moneys For Clerical Staff

MR. GARGAN: Thank you, Mr. Chairman. Mr. Minister, I wrote you a letter with regard to clerical support staff for the detachment at Fort Providence. I just wanted to mention that I made a mistake when I said that the moneys were coming from, I believe, Personnel of this government. I have just been corrected by the detachment that this support staff is created by the Public Service Commission and it is a federal program. I am just wondering whether your department has any intention of allocating moneys so that the local detachment might be able to hire clerical staff on a part-time basis or full-time basis, whichever is required, to create more of a community relationship between the detachment and the community itself.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Gargan. Mr. Minister.

HON. RICHARD NERYSOO: Yes, Mr. Chairman. Just to indicate that there is presently an arrangement with the Royal Canadian Mounted Police with regard to clerical support and that policy indicates that there is no clerical assistance for detachments under four members. In the particular case that Mr. Gargan raised, the Fort Providence detachment has an establishment of only three. That is an agreed-upon policy with the RCM Police at the moment. Now, a recommendation is that we review that policy with the idea of making the appropriate amendments. That is something that the Member can recommend but there is no intention on our part to provide those funds because if we had any additional funds at all we would be trying to spend those additional funds in the special constable area because we have had a significant request for special constables in a number of communities throughout the Northwest Territories. So, in that particular case, we would probably have to spend the money in that particular area. I must say that this special constable program is not limited to men only. It is open to women as well and they have every right to participate in that particular program.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. The other question I wanted to ask was I was wondering if the Minister was aware of the program that was started in Alaska in regard to public safety officers, I believe they are called, and whether such a program might be able to be implemented here.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Gargan. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. Yes, we are aware of that particular program. We did a report as a department on that particular arrangement. It is really a constabulary or police force, you might say. In reviewing, as I indicated earlier to Mr. Wah-Shee, the possible set-up of an NWT constabulary, we did take into consideration that program as well as the program that is now being used in Newfoundland. As I said, we did a report, and in fact we did a report as to how we could implement it in the NWT. The report has been done and as I indicated earlier to Mr. Wah-Shee, we feel at this time, with the cost associated to establishing our own constabulary it would be extremely costly and we could not proceed with establishing our own constabulary.

The other point I raised earlier was that we had already raised the issue with the Government of Canada, particularly the Department of Indian and Northern Affairs, to review the 3B program as it relates to the NWT, and change that program to reflect the circumstances under which the NWT works presently with the Government of Canada of which, if the case, is that the special constable program did change. The point you raised could be a part of that particular discussion item but presently the 3B program, as you know, under Indian and Northern Affairs is established mainly for the purposes of providing police for reserves. While we have been able to find financing from that

program, the program is really not reflective of the situation as it now exists in the NWT. It is very different from the relationships that the other people in southern Canada have to the provincial governments and also to the federal government.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. Gargan.

Libraries

MR. GARGAN: Thank you, Mr. Chairman. I just have one other question and it is with regard to libraries. I believe in your objectives you said that you are going to start negotiating decentralizing public libraries. You also indicated an inter-library network for distribution and promoting local interests and ensuring public awareness of and accessibility to public libraries. You have not indicated in there whether you are going to be creating any new library facilities in the North. Is there an intention of doing that or is there not?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Gargan. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, just to indicate that in devolving the responsibility, certainly the way in which we want to deal with it would be more on a, I believe, rental arrangement. We would like to draw up a formal agreement with municipal governments to administer library services in the community.

This year, we would like to deal with three communities: Fort Smith, Igloolik and Pangnirtung. Now, we do not intend to be building new buildings for the sake of establishing libraries because presently they exist in various communities throughout the NWT, small community libraries. They would have our intent of improving the accessible material. We would allow for the local community libraries to have access to the publications we have in our government library or whatever libraries we have throughout the NWT. We would try to develop some kind of training program that would allow people to know where they could have access to material and how they could get it. We still have, I believe, funds in our budget for community libraries. I believe, in some cases we also are offsetting utility costs in certain libraries across the Territories.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. I just wanted to express some concern about libraries. I know that most of the major municipalities do have public libraries but it is the smaller communities or settlements that do not have maybe as much access to material on which they would like information. I was watching TV yesterday and I believe that there is a new radio station open in the Yukon, specifically to make the native people aware. We do not have such a program except with CBC, a half hour on Monday and a half hour on Thursdays, I believe, specifically geared to native issues. I would like to express our concern that as long as we do not have a big network that we might be able to plug into that. Maybe the only other avenue is through the library system. It is with regard to dealing with the cruise missile or whatever it is, that people are finding interest. I just thought maybe I would express that concern.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Gargan. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, thank you very much. I would just like to indicate to the Member that the chief librarian of the GNWT has tried to make public through a number of communiques the usefulness and the functions and the responsibility of the government library. I must also say that she has been able to develop a very good working relationship with the native organizations, in particular the Dene Nation, to try to develop a working relationship between their library and the government's library in providing whatever material is requested to the communities. She has done work with the Dene Nation in improving their library system, as well as improving our library system.

The question of networks with regard to the radio system, how we might best be able to improve access, I think that that is a valid concern. We will certainly do everything possible to provide great public awareness about our library and the way in which members of the community can have access to whatever material we have. We can do it a number of ways, through taped messages. I believe that we have a good interpreter translation system now and we can develop messages even on TV. Whatever we can, we will be prepared to find. I will be prepared to work with the Minister of Information to see what access we can give to the people of the communities. I must say, we are

now developing a number of methods of access to material with communities. There have been requests for community libraries from Baker Lake, Clyde River, Hay River Dene Village, Fort Good Hope and Holman Island, where all, as well, receive book deposit collections. Book deposit collections have been requested from Lac la Martre, Fort Reliance and Tungsten and also the borrower-by-mail status has been requested by a number of communities. In addition to that, consultation has been requested from Fort Resolution for a workshop in organizing existing collections in school libraries and our headquarters librarian has consented to offer this workshop and submit a report with recommendations. So, in whatever possible way we can help, we will be prepared to work with the communities.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. I was wondering if the Minister would consider that right now there are very poor community relations between the schools and the communities themselves and that putting a public library or a school library in the community where it might be able to rent space, and also having audio-visual equipment, would be an ideal way of maybe promoting a better community atmosphere.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Gargan. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. Just to indicate that we are looking for various ideas as to how we might best improve the access to our library. As I said, we have offered the assistance of our chief librarian in our government library here to help other libraries develop and to provide assistance wherever requested. If there are workshops required, if there is a need for the development of other ways for access, including the suggestion that the honourable Member has made, we will review those suggestions and try to improve the relationship between the community and the school. Those libraries that do exist, including the central library of the Government of the Northwest Territories, I have talked about in the context of providing information to communities. We have had numerous requests to ensure that the information that we do have in our libraries is available on an educational basis to students either in Thebacha College or high schools in the Northwest Territories. We are trying to develop some kind of cataloguing system that can allow people access. Also Thebacha College would like to have, I believe, access as well, as a resource library and we are looking at developing mechanisms with that particular college. I believe that the campus of the college in Frobisher Bay is also looking at having those types of access.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Can we have order, please?

Placement Of Judge And Two Lawyers In Baffin Region

MR. PUDLUK: I needed that. (Translation) Thank you, Mr. Chairman. I have no problems on the topic of Justice and Public Services. I have one question though. On February 23, 1983, there was a resolution made requesting a judge in the Baffin Region. The resolution was passed and it was well-supported. Up until today, we have not heard anything on what has been going on. Also there were going to be two lawyers in the Baffin Region who will be working with the judge. We still have not heard anything on that up until today. Perhaps you can clarify what has been happening on this. Thank you.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Pudluk. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. We have done a detailed study with regard to the placement of a judge in the Baffin Region but I think that the placement of a judge in the Baffin Region should not be seen as only placing a judge. It includes staff as well and what we were trying to do over the past year is to respond to those areas that we thought were of critical importance. I have not yet gone forward to the Executive Council yet. It will be going before the Executive Council. However, I believe that we still have to be cognizant about the costs.

I went forward recently for an increase of up to two lawyers, which was requested again through motion, to provide advice and service to the Maliiganik Tukisiiniakvik. We received support for those funds. I thought that it would be appropriate that we deal with that particular priority

item and then come forward at a later date. Following approval in principle of the Executive Council, in December 1983 a paper was prepared to identify the impact of appointing a resident judge of the territorial court in Frobisher Bay. Preliminary studies indicate five additional person years will be required. A new court facility will also be required, as well as housing. Capital cost has been estimated at \$2.08 million and an operating cost at \$582,000 for the first year, following approval of this proposal by the Financial Management Board, and a detailed submission will be prepared. That would be \$2.6 million to establish that judge and more than that, in that we have added the housing as well, so that I think that we tried to respond in two areas: doing the study, plus responding with a lawyer and the cost associated, by providing more courtworker service. So, I just want you to be aware that we had done the work and the costs were analysed and certainly we have no problem. We are just trying to now find a method by which we can find almost three million dollars. So that is something that you probably needed to be aware of.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Any more general comments?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Erkloo): Mr. Ballantyne.

Time Frame For Devolution

MR. BALLANTYNE: Thank you, Mr. Chairman. One of the objectives identified for 1985-86 is to provide legal support in all matters related to federal, provincial and territorial negotiations on transferring responsibilities such as prosecution and labour relations. Now, I know that the Government Leader said yesterday that we are reviewing all of this but I wonder, could you tell us a potential time when there will be a time frame established for the devolution of prosecution and labour relations?

And do you have any idea right now of how your Department of Justice will co-ordinate its activities with, or transfers with the Department of the Executive, including any groups or task forces that you set up in order to review the whole process?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Ballantyne. Mr. Minister.

HON. RICHARD NERYSOO: Yes, Mr. Chairman. Just to indicate that, again, the group that is envisaged in the Executive is a central agency. I think you have got to raise that point again, I think it is the central group that is going to bring together all departments that want to take over additional responsibilities of government. A lot of the work itself is going to be done by the departments and some of that work has already been done. Discussions have already taken place between this Department of Justice and the Department of Justice in Ottawa on prosecutions. We have had an opportunity to speak to the previous Minister of Labour and not the present Minister of Labour on the question of transfer of labour relations.

There has been no timetable laid out yet. While it might be a priority of mine, I believe that it may not be a consensus of the Executive Council that it is a priority of all of government, that there may be other items of more priority in devolving to this government on which we would concentrate. For every responsibility we have, as I indicated yesterday, either it could affect one department or it could affect two or more departments. So, in that sense, I just want to indicate to you that we have begun the discussions already in these areas that I wish to transfer but the actual timetable I have not laid out for the department.

I should say on the question of prosecutions, devolution will be phased in beginning with working as agents with the federal Attorney General and proceeding to prosecuting under our own ordinance and then final responsibility. That would be the process that we would see but as to what timetable, that would be very difficult to say at the moment. I would hope, though, as I indicated that particularly the whole question of labour relations -- and as much as I like the idea of prosecutions, I think labour relations is very crucial to the ability of this government -- that the people of the North be protected wherever there is work to be done in the North. A good and recent example of that was the agreement that was reached on the Norman Wells pipeline, that we could not lay out the conditions we thought would protect the interests of people in the North as they relate to union activity in the Northwest Territories. Therefore, we, as a government, really had no control even when we voiced our political opposition to that type of an arrangement. We had no control because we had no control over the actual criteria by which those unions could operate in the Northwest Territories.

So, in that sense that, in my opinion, is very crucial to us, particularly if we are going to look at encouraging other developments to occur in the Northwest Territories. We cannot afford to wait too much longer to ensure that that transfer takes place. I would hope that we could, with the support of the Members of this House. I know that my colleague, the Minister of Economic Development, has raised that particular concern with me on a number of other projects throughout the Northwest Territories and the forecasts we have. If we are going to encourage certain developments to occur, we have to protect people in the Northwest Territories, both native and non-native people who are residents of the Northwest Territories. Particularly if we want them to have the right and the ability to work at these large projects that could, without any doubt, have union involvement. So in that sense I think that would be the item of the most significant importance to me; certainly a priority item that we would try to resolve in the upcoming year and, hopefully, by the next budget year, we will have had that particular item resolved or, at least a phasing-in process established and agreed upon so that we can begin having some involvement in labour relations throughout the Northwest Territories.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Any more general comments? Mr. Ballantyne.

AN HON. MEMBER: Agreed.

AN HON. MEMBER: A lonely cry in the wilderness, Don.

MR. BALLANTYNE: I am glad to hear the Minister is pursuing it because I think the Minister of Indian and Northern Affairs has laid out very clearly that we can look at taking over some federal responsibilities before we divide and I, for one, think that we should push ahead at that and not wait for division and take over some of these responsibilities that we are capable of handling. So I am glad to hear the Minister's response on that one. If I could go for just one technical question, during the course of this budget review we will be looking at person years, positions, underfunded person years and overfunded person years, all the way through, and along the line I hope everybody will understand exactly how this all works. In this specific department, in the Baffin Region salaries are decreasing by \$11,000 in the Baffin this year, there is one continuing PY but there is a 0.4 per cent PY increase in casual staff, so you have increased your casual staff but you are decreasing your salaries. How do you explain that?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Ballantyne. Mr. Minister.

HON. RICHARD NERYSOO: I guess maybe I want to allow my deputy minister to speak on the specifics of that.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. Lal.

MR. LAL: Mr. Chairman, I will read this for the record. The position was overbudgeted in 1984-85.

HON. RICHARD NERYSOO: See, we are honest.

---Laughter

MR. LAL: But on a more serious note, Mr. Chairman, this position was created only a year ago and there was the need to make realignments and to consult with the new regional superintendent who has been working there only since last October. Having taken his advice we feel that that reallocation and readjustment is only natural. Thank you.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Lal. Any further general comments? Mr. Ballantyne.

MR. BALLANTYNE: I want to thank Mr. Lal. Mr. Lal always has a very astute answer to all questions and I am glad to know that a miscalculation in hindsight can be looked at as good management but thank you very much.

CHAIRMAN (Mr. Erkloo): Thank you. Any more general comments? Are we ready to go to detail? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Directorate, Total O And M, Agreed

CHAIRMAN (Mr. Erkloo): Directorate, total O and M, \$878,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Court Services, Total O And M

CHAIRMAN (Mr. Erkloo): Court services. Total O and M, \$3,829,000. Mr. McCallum.

MR. McCALLUM: Mr. Chairman, I would like to just ask a question regarding JPs. I wonder if the Minister can indicate to me what the basis is for determining the number of justices of the peace in a particular community. Is there a formula? What is the basis for naming X number of JPs in one community. What is that term, James, vis-a-vis...

---Laughter

...as opposed to naming a dissimilar number in another community?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. There is presently no specific formula that we use. We do use the criteria of population, crime rate and also the ability of the territorial court to travel to particular communities in providing a service. If I could ask maybe, Mr. Lal, to speak further on that.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. Lal.

MR. LAL: Mr. Chairman, my Minister has essentially stated the criteria that we use. In addition to that there may be also a response from the community. The community may feel that it needs an additional justice of the peace. The number of times the court has to travel to that community to deal with minor matters is another factor that we would consider. Our justice of the peace training officer is specifically instructed to maintain a very close relationship with the settlement councils and hamlet councils in the communities. So, he takes advice from them as well and the numbers are determined accordingly. And, of course, the availability of suitable candidates for a justice of the peace position.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Lal. Mr. McCallum.

MR. McCALLUM: Mr. Chairman, could I have an indication of how many JPs there are now in the NWT?

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

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. There are approximately 100 active justices of the peace now; 55 of that number are of native ancestry and the rest are non-native.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. McCallum.

MR. McCALLUM: At the present time since there is no hard and fast formula, do you consider that there are communities now that have, as it were, vacancies? For example, in my own community, how many would be there and are there any vacancies? Do you have some?

AN HON. MEMBER: (Inaudible comment)

MR. McCALLUM: I am looking for one, that is right.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

Government Employees As Justices Of The Peace

HON. RICHARD NERYSOO: I must also say that as part of the criteria we usually have one native and one non-native per community. There are usually vacancies. Just recently we have instructed or made a decision that we are concerned and do not wish to have government employees as justices of

the peace as well, because they have to enforce laws that at times they are party to developing. In some cases it could be a conflict of interest with regard to the mandate and responsibilities that they have to carry out.

The other thing is the recent decision with regard to the independence of the judiciary, of which the justices of the peace have been now identified as a part. It does not really allow us as much flexibility of using our government employees as we used to have. Those kinds of things are now raising some concerns for us and at the same time we now have to respond.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. McCallum.

MR. McCALLUM: I take it this new policy is for any new appointees. It certainly cannot be for present JPs because if that is the case, you have problems in Fort Smith. I know of two JPs in Fort Smith, both of whom work for the GNWT. Unless there are more -- are there more than two JPs in Fort Smith?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

HON. RICHARD NERYSOO: Mr. Chairman, I am not aware of the numbers in Fort Smith. I just do say that we are not now renewing any appointments of government personnel because, as I said with regard to recent decisions of court, we now have to recognize the independence of the judiciary. Therefore, we are having a somewhat difficult time in reappointing. In fact, we are now not reappointing. I will be honest with you. We are no longer appointing government employees as justices of the peace. And certainly from the information that we receive that is what is happening.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. McCallum.

MR. McCALLUM: Well, Mr. Chairman, I guess I can appreciate to a certain extent the difficulty that may be anticipated, with the difficulties in Ontario, and I expect that that is what you are basing this new policy on. No? He said "yes", you say "no". Which is right?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister. Oh, sorry.

MR. McCALLUM: I did not ask the question yet.

MR. MacQUARRIE: That was rhetorical, eh?

MR. McCALLUM: I can appreciate that, if that is where it is but in my own community we have two employees of the Northwest Territories who I consider are very good JPs. They are knowledgeable of the town, they have been born in the town or have lived in the town for a number of years. Now, I do not know if there are any more, but the two that I do know, I think if you were not to reappoint those two people, you are going to lose out on a wealth of experience. It may be all right in other communities, but I mean, you, as well as everybody else here, recognize that the Territories is a different ball game. We live in a different ball park; the game may be the same but it is a different ball park. I just think that to do that without having some other people in the back-up would be wrong.

MR. BALLANTYNE: There are no lights in our ball park.

MR. McCALLUM: I have been growing in the dark a long time, I know. They are treating us like mushrooms. But I just think, Mr. Minister, that you could review that particular policy, notwithstanding that you may be anticipating something that may not become a reality. If you are not going to reappoint the two people that I am aware of in my community then I am just wondering where you are going to get the others. Now, again I do not know how many JPs there are. I would have thought that you people would know. But if there are only two of them and you are not going to reappoint them and both are native people, if you are not going to reappoint them where are you going to get somebody else? You are going to have to have somebody new come in, somebody new into the system, without those years of experience. I just think it is a wrong move.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

Decision Of The Supreme Court Of The Northwest Territories

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. Just to indicate that there are presently two justices of the peace in Fort Smith. I do say one thing that we are not basing our decision only on the recent decision by the Court of Appeal in Ontario. I must say that in September the Justices of the Peace Ordinance was challenged in the supreme court of the Northwest Territories, as to whether or not the justices of the peace were independent or impartial under the Charter of Rights and Freedoms. Now, Justice de Weerdt rendered a decision ruling that justices of the peace were both independent and impartial under the charter. However, he stated that the part of the ordinance which reads "Justices of the peace are appointed at pleasure for a term of three years" is contrary to the charter. Based on that decision, justices of the peace are essentially appointed for life until the Justice of the Peace Ordinance is amended to state otherwise. Now, from that I have instructed my officials already, as I stated, to review the Justices of the Peace Ordinance with a view of bringing it more up to date and take into account the impact of recent judicial decisions.

I do say to you that I do have that concern of losing the wealth of experience we have within our justice of the peace system and that there was one element in Mr. de Weerdt's decision and it was a recognition of the uniqueness and the wealth of experience we now have in our justices of the peace in the Northwest Territories. But, unfortunately, the decisions that have been made in a court of law, we must respond to and I just hope that you understand that it is not so much the fact that we are uncertain about what the supreme court might rule on if a charge was laid. The problem is that if a charge is laid and was struck down then we would have serious problems. We would have to review that particular issue. I suggest to you that the approach that we are taking now is the most appropriate approach. As much as we would like to maintain what we have had, the courts say we cannot have that and that we now have to change the system and the manner in which those appointments take place. Really, the key is the independence of the judiciary and now the justices of the peace are part of the judiciary. That is what has been suggested and, in fact, ruled on in a court of law including the court of law of the supreme court of the Northwest Territories. So that is the direction we have no choice but to take.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. McCallum.

MR. MCCALLUM: Mr. Chairman, I think it is great to use the motto of a Boy Scout and you are going to be prepared but I think you are anticipating and I do not think you should be anticipating difficulties. I think that when something comes up you can adjust it to that and I just think, in this instance, that is parochial in my thinking because I know the two individuals who are JPs in my community. I have a great deal of respect for both of them. They have served the system well and I just would not like to see those two people -- just do away with their particular experience and fine work. I do not think you should be anticipating what is going to happen. If something happens, then react to it and I agree that you can be a Boy Scout and be prepared.

Non-Native Person As JP

On another part, though, Mr. Chairman, you talked about the number of -- I started this with the number of people. There are two JPs in Fort Smith, and as I indicated, both are native people. Why is there not a non-native person as a JP in Fort Smith? Why do you not put one in? Or appoint one? I cannot believe there are not -- I better be careful -- I cannot believe there are not -- and I am not looking for anything personally, okay, got that down? I cannot believe that there are not reputable people who would fill that. If you are not going to reappoint these two people where are you going to get them? Surely, now would be the time before there is a changeover, so that somebody can get involved with them. They can come together and know what is going on.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

HON. RICHARD NERYSOO: Yes, we will certainly take the advice of the appointment of an additional justice of the peace. I just want to point out one thing, that we are responding to a decision of the supreme court of the Northwest Territories and, unfortunately, the points that were made were these: That it is our ordinance; the justice of the peace is our employee, subject to ministerial direction or the JP is subject to ministerial direction; there is no independence. That was the basis on which that decision was placed before the supreme court of the Northwest Territories. The ruling in the Ontario court, as you are well aware, and it received a lot of public or a lot of media attention, was that justices of the peace were a part of the judiciary, that the appointment

process had to be on a basis of a longer-term appointment, it could not be subject to ministerial direction which presently those appointments are and that the justices of the peace could not be an employee of government per se but part of the judiciary.

Now, I am referring to a number of court cases. You are suggesting that we should wait until someone appeals a judgment in a court of law. I cannot do that and wait for that to happen if the supreme court has already ruled on a particular item, particularly, if it is my responsibility to come back to amend properly the Justices of the Peace Ordinance, to respond to a decision in the supreme court of the Northwest Territories. So, in that sense we are responding to a decision that has already been made in the court of law and I am not anticipating whether or not someone would challenge a decision on the justices of the peace because that role has already been challenged and we are responding now.

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

MR. WAH-SHEE: Thank you, Mr. Chairman. I wonder if the Minister could indicate whether he has a legal problem with appointing municipal employees as JPs.

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

HON. RICHARD NERYSOO: Mr. Chairman, our decision with regard to government employees is to keep the judiciary very, very independent. Now, with regard to municipal employees, we still have to review it in that particular context of that particular independence, but I must say that the key to this process is that of being part of the law-making process because a municipal councillor would find it very difficult to be passing by-laws for a community and then sit as a justice of the peace, enforcing that law. So, you know, those kinds of things are going to arise more and more. That is the point that we have brought to the attention of and are bringing to your attention now because it is not making it any easier for us -- making it more difficult, but that is the nature of the court case and that is the nature of the law itself.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. McCallum.

Declaring An Interest

MR. McCALLUM: Thank you, Mr. Chairman. If you have sufficient people, would it not suffice that if a JP was to hear a particular case or whatever, couldn't the JP declare an interest and then have somebody else, without getting into this? If you are going to exclude government people, and I use the term "government" to look after it all -- territorial, federal, municipal -- pickings are going to get pretty slim in the Territories, especially if you are talking about spouses. You have all kinds of people in the communities and it very well may be in certain of the small communities that you are going to have a difficult time. Where are you going to get people that are totally independent of government? I mean, at the present time I recognize that there are a lot of government people on boards and in this particular part but it would seem to me that -- I am not too sure of the payment schedule that you make, but I would imagine there is some arrangement that they have, but it would seem to me that an individual JP could declare an interest in something and have somebody else look at it. It just seems to me that you are excluding the people who could contribute and have contributed.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. McCallum. Mr. Minister.

HON. RICHARD NERYSOO: Thank you, Mr. Chairman. Unfortunately, I did not write the Constitution of Canada and the Charter of Rights but...

MR. MacQUARRIE: But you supported the charter, and I did not.

---Laughter

HON. RICHARD NERYSOO: Touche. However, that is part of the law of the land now and recent decisions have caused us to make changes with regard to the judicial system throughout this country. With regard to the concerns that my colleague has raised, I have no obligation but to look at the law that now exists, the decisions that have been made and to try and to come up with the best solution possible. With regard to the direction that we have taken on the issue of public servants of the Government of the Northwest Territories, that is a decision that we made cautiously

and knew that we had to make even though that we were losing some very qualified individuals who had served this government as justices of the peace for a long, long time. But, that is the nature of the problem that is now before me and I must respond according to the law or the decisions that have been put forward. You are correct in pointing out that the pickings are going to be pretty slim, but that is the problem that is now going to exist throughout this country. We have not, at the moment -- and I say this with the possibility of coming back to you and saying that we will give instructions in future with regard to municipal employees -- we have not given instructions at all that those people should not be appointed as justices of the peace but we...

AN HON. MEMBER: (Inaudible comment)

HON. RICHARD NERYSOO: No, I said government and I am saying that those people that are part of the law-making process which includes councillors in municipalities or settlement councillors and they cannot for sure participate or be named as justices of the peace. We have not given any instructions with regard to municipal workers but there will be no doubt that that issue will have to be dealt with as we are doing this work. That is unfortunate, and much as you can be critical or somehow suggest that I am responsible, I guess, for this, I must make the appropriate changes according to the law. The law of the land. And I say...

AN HON. MEMBER: (Inaudible comment)

HON. RICHARD NERYSOO: You are right. I am responsible in the sense of making that decision. But courts are, as I said, independent bodies. They are recognized as so in the Constitution of Canada, ruling with regard to the Charter of Rights. Anyone can challenge, even a judge, in the sense of his ability to provide an independent service as a judge presiding on a particular case. That can go on and on but we are just responding to try to deal with this issue before it gets out of hand.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Minister. Mr. MacQuarrie.

MR. MACQUARRIE: Thank you, Mr. Chairman. Yes, it is because of problems like this that arise from broadly sweeping codified behavior that you find in charters that I did not wish to support that and we are faced with a kind of narrow legalism now -- that in which the common sense of well-meaning and intelligent people who are faced with special circumstances, that common sense is simply not allowed to prevail because you are faced with a legalism. But I still feel, Mr. Minister, that you are anticipating in this case and that you should not. I would say that until a case that is brought before an employee who is a justice of the peace is challenged and overturned on the basis of his employment, that you are not compelled to act -- that I would recommend that you do not act. That you go no further in this than you are compelled to go because if you include teachers and municipal councillors and territorial government employees and perhaps you mean federal government employees as well, you are creating a very difficult situation in the Territories.

Size Of Juries

This matter of anticipation leads me to a question that I was going to ask. I have two main ones. The first is that I notice under court services that you are talking about needing some increase in O and M because of increases in the size of juries. Now, I believe, that you may be anticipating again here where you may not have to. If that is simply put there as a safeguard in case the Territories is compelled to increase the size of juries then I would commend you for that. If on the other hand you actually intend to increase the size of juries from six to 12 because you feel that the charter may compel such a change under equality provisions that are going to come along soon, then I would suggest again, you would be wrong to do that.

AN HON. MEMBER: (Inaudible comment)

MR. MACQUARRIE: I believe that there is now federal legislation that enables six man juries in the NWT, that that was done because it was recognized by the federal government that there would be difficulty in getting sufficient impartial jurors in small communities. I do know that there was at least one case in which a lawyer in the NWT challenged the validity of a six man jury and to my recollection he lost that challenge and the six man jury was upheld. You will correct me if I am -- thinking of Bob Olexin, sorry -- correct me, if I am wrong, please.

---Laughter

No, he always says "Correct me, if I am right."

---Laughter

Okay. Correct me if I am wrong on that but I believe the six man juries were upheld in the NWT. So I would recommend that you do not simply make the decision here, in anticipation, to increase the juries, if in fact the six man jury is working well because you will find in smaller places a terrible difficulty in getting sufficient people and it may mean changes of venue and that kind of thing. So, can I ask your plans here. Is it merely there to safeguard in case we are compelled or is it your intention, Mr. Minister, to go ahead and begin making this a practice in the NWT?

CHAIRMAN (Mr. Erkloo): Thank you, Mr. MacQuarrie. Mr. Minister.

HON. RICHARD NERYSOO: With regard to the second item first. We cannot decide whether or not the jury will go from six to 12. That presently is within federal legislation. I can indicate to you that there will be no doubt in my mind that an amendment and certainly an omnibus bill will be introduced by the Minister of Justice ensuring that the jury is reflective of the Charter of Rights and will go from the number six to 12. I can assure you that that fact...

MR. MacQUARRIE: (Inaudible comment)

HON. RICHARD NERYSOO: ...that they are amending all their legislation to reflect the Constitution of Canada and the Charter of Rights as it is at present and that they will introduce the bills very, very soon, to in fact, I believe, have some of the amendments prepared and ready prior to the April 17th date of coming into force day of the Charter of Rights. I have not seen what those amendments are. They have not been tabled in the House of Commons but I do believe that those are some of the things that will come into force prior to April 16th. This would mean then, we would be compelled to incorporate them in our judicial system in the upcoming year which would mean we would be required to make the appropriate expenditures if it was required. But to date we have not heard whether or not there are any cases where the judge and jury would be involved. Until such time, we are guessing at the cost, which we usually do, in response or anticipation of those types of amendments.

With regard to the question of the justices of the peace, you know, I am now defending, the decisions that have been made by the code of law. Some of the arguments that you made prior to this, we had an opportunity to, as your Executive Council cabinet, review. We had the same concerns that you have and are expressing here. The nature of the judgments that have been made, particularly the one made by the supreme court judge of the NWT, is of importance to us.

CHAIRMAN (Mr. Erkloo): Thank you. It is now near the hour so if it is the committee's wish...

AN HON. MEMBER: Report progress.

CHAIRMAN (Mr. Erkloo): The Minister will not be in the House tomorrow, so I will ask the committee if it is agreed that we stand down the Department of Justice and Public Services until later in the session and proceed with the Public Works tomorrow. Is it agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): I will now report progress. Thank you, Mr. Minister and Mr. Lal.

MR. SPEAKER: Mr. Erkloo.

ITEM 16: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 7-85(1), APPROPRIATION ACT, 1985-86

MR. ERKLOO: Thank you, Mr. Speaker. Your committee has been considering the departmental details of the 1985-86 main estimates and wishes to report progress.

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. Thank you.

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

SOME HON. MEMBERS: Agreed.

---Carried

MR. SPEAKER: Are there any announcements from the floor? Mr. Clerk, announcements and orders of the day, please.

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. Members are reminded of the Social Services briefing in the caucus room immediately after recess. There will be a meeting of the special committee on housing tomorrow morning at 10:00 a.m. in the caucus room.

ITEM 17: ORDERS OF THE DAY

Orders of the day for Wednesday, February 13th, at 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
13. First Reading of Bills
14. Second Reading of Bills
15. Consideration in Committee of the Whole of Bills and Other Matters: Bill 7-85(1); Bill 3-85(1)
16. Report of Committee of the Whole
17. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Wednesday, February 13th at 1:00 p.m.

---ADJOURNMENT

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Publications Clerk, Department of Information,
Government of the Northwest Territories, Yellowknife, N.W.T.
\$1.00 per day; \$30.00 for 1st session, \$20.00 for 2nd and 3rd session; or \$50.00 per year
Published under the Authority of the Speaker of the Legislative Assembly
of the Northwest Territories