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

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TABLE OF CONTENTS
FRIDAY, FEBRUARY 21, 1986

	<u>PAGE</u>
Prayer	248
Oral Questions	248,253
Written Questions	252
Returns	254
Tabling of Documents	255
Notices of Motion	255
Motions	255
Consideration in Committee of the Whole of:	
- Bill 1-86(1) Appropriation Act, 1986-87	
- Department of Education	256
- Aboriginal Rights and Constitutional Development Secretariat	263
Report of Committee of the Whole of:	
- Bill 1-86(1) Appropriation Act, 1986-87	278
Orders of the Day	278

YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, FEBRUARY 21, 1986

MEMBERS PRESENT

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

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Friday, February 21st. Item 2, Members' replies. There do not appear to be any replies for today.

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

HON. TAGAK CURLEY: Point of order.

MR. SPEAKER: Point of order, Mr. Curley.

HON. TAGAK CURLEY: Mr. Speaker, I had a statement.

MR. SPEAKER: I called the item. Do we have unanimous consent to go back? Are there any nays? There is one nay. Sorry, it was called twice. Item 4, oral questions. Mr. MacQuarrie.

ITEM 4: ORAL QUESTIONS

Question 76-86(1): Date Of Implementation Of Affirmative Action For Women

MR. MacQUARRIE: My question, Mr. Speaker, is for the Minister responsible for Personnel. I believe under the terms of the government's affirmative action policy it is intended that the provisions for women and the handicapped are to be implemented on April 1st. However, one of my constituents who is involved with the women's movement has heard rumours that there may be a delay in the implementation of the provisions for women. So could I ask the Minister whether in fact the government will be ready to begin implementing those provisions on April 1st?

MR. SPEAKER: Mr. Minister.

Return To Question 76-86(1): Date Of Implementation Of Affirmative Action For Women

HON. NICK SIBBESTON: Mr. Speaker, the Equal Employment Directorate, for which I am responsible, assumes the mandate for affirmative action for women and the disabled will begin on April 1, 1986. Preliminary work has started on policy development and the Equal Employment Directorate will be consulting special interests groups such as the Advisory Council on the Status of Women and the NWT Council for Disabled Persons. The Equal Employment Directorate will be inviting representatives from these two groups to sit as members on the affirmative action advisory committee.

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

Question 77-86(1): Enrolment Required For Grade 10, Clyde River

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Education. I asked here yesterday and I am sorry but I have to ask it again. I will just elaborate on my question.

In my constituency, in Clyde River we have some 15 people who are requesting grade 10 education. I asked here yesterday when this is going to be implemented. Can you please look into this? Can you ask Don to see how many enrolments there must be to be able to get grade 10 in that community? We are putting much stress on getting grade 10. Also the BDBE, Baffin Divisional Board of Education, would like to have grade 10 implemented in the community. I asked the Minister and he gave me an absolutely different answer to my question. He said there were only four students that finished grade nine and we know that in that community there were 15 students that finished grade nine. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 77-86(1): Enrolment Required For Grade 10, Clyde River

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. We have generally been requiring an enrolment of 10 grade nine students before starting a grade 10 class in a community. There are only four students in grade nine in Clyde River. There are a number of drop-outs and people who have quit school in the past who the Member may be counting in the numbers that he gave. However, Mr. Speaker, our experience in other communities and notably Coppermine this year, is that we cannot, unfortunately, count on people who have dropped out to provide the commitment and consistency of attendance that is required to make up a full class.

So, the numbers we are operating on are four in grade nine, nine in grade eight, five in grade seven and 10 in grade six. It means, in my view, that we are going to have to wait until we have more students succeeding at grade nine level in Clyde River. I fully support the Member's goal. I would love to see grade 10 implemented in Clyde River. I said so at the new school there last year but four students is not enough in my view, Mr. Speaker, unfortunately. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Mr. Paniloo, this is question period not debating period so keep your remarks to a question, if you please, Mr. Paniloo.

Supplementary To Question 77-86(1): Enrolment Required For Grade 10, Clyde River

MR. PANILOO: (Translation) Thank you, Mr. Speaker. A supplementary. I would like to get a clarification as to where you get your information and also if there is going to be documentation sent to you on this subject.

MR. SPEAKER: Mr. Minister.

Further Return To Question 77-86(1): Enrolment Required For Grade 10, Clyde River

HON. DENNIS PATTERSON: Mr. Speaker, we got the information directly from the principal of the school. I welcome any information that would show we are wrong. I won't say I welcome it but I will be glad to receive it. There is still some time to consider this decision. Thank you, Mr. Speaker.

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

Question 78-86(1): Satellite Library In Chief Sunrise Education Centre

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Renewable Resources. During our main estimates he indicated that there was to be an establishment of a satellite library in the Chief Sunrise school in the Hay River Reserve. I would like to ask the Minister, what does that mean? I really do not understand what a satellite library is and I would like to ask the Minister what it is all about. Thanks.

MR. SPEAKER: Mr. Minister.

Return To Question 78-86(1): Satellite Library In Chief Sunrise Education Centre

HON. RED PEDERSEN: Thank you, Mr. Speaker. I think I will reply as the Minister responsible for Culture and Communications and I want to thank the honourable Member for giving notice of this question. A public library section will be located at the new Chief Sunrise Education Centre on the Hay River Reserve in conjunction with the school library. Our public library service has held discussions with the chief of the Hay River Dene Band and the school principal and is proceeding with their full co-operation. The library will be open to the public two nights a week with the staff being provided by library services. The collection of books will be changed frequently and regularly and updated from the large main library in Hay River. Reference material will also be provided to patrons of the satellite library on request. Plans are to have this facility in place by April 1st. Further, Mr. Speaker, the library will also include other activities such as tours of authors and story telling sessions. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Gargan or another question? Oral questions. Mr. Richard.

Question 79-86(1): Establishment Of Board For Sir John Franklin High School

MR. RICHARD: Thank you, Mr. Speaker. My question is for the Minister of Education. Mr. Speaker, the Minister has indicated in this Assembly in the past year that he, his department and ultimately the Executive Council, would be making a decision as to whether the jurisdiction of Sir John Franklin High School might be changed, in that there might be a possibility of allowing a board of education to run that facility rather than the Department of Education. I know the Minister has been working on this, Mr. Speaker, for at least the last year. Can the Minister indicate to this Assembly today whether there is any decision yet made on this issue?

MR. SPEAKER: Mr. Minister.

Return To Question 79-86(1): Establishment Of Board For Sir John Franklin High School

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, I am well aware of the discontent within Yellowknife, particularly with a system of education governance which provides for a public school board for kindergarten to grade nine and then a society form of governance for the Sir John Franklin High School. I have, yes indeed, been working on solutions which will provide for control being surrendered from the present situation of government control to control by elected persons.

The matter is complicated, of course, Mr. Speaker, by the fact that to some extent this is a territorial school, as I know the Member is well-aware. Therefore, it has not been quite as easy a problem to tackle as it might be in an education district where all the students were resident in the district. Therefore, bearing that in mind, Mr. Speaker, I have been authorized to initiate discussions and negotiations with concerned local education authorities here, which would include of course the society for Education District No. 4 and the public school board No. 1 and perhaps the separate board in fact, and with regional local education authorities who are interested in the matter by virtue of sending students here -- taking into consideration the education needs and interests of students both from within and outside Yellowknife and taking into consideration the principle that it is not unfair to expect some contribution from the taxpayers of the city of Yellowknife, but a fair contribution so that the Yellowknife taxpayers would bear no more than the increased costs of setting up the new jurisdiction -- administrative costs.

I have been authorized to explore this concept, Mr. Speaker, toward establishing a board. I am not sure at this point whether it would be a board integrated with the present public school board or in fact a separate board. This is the matter we will want to discuss with them, to establish a board for Sir John Franklin High School with jurisdiction over administration, control and operation of the school, including the employment and supervision of teaching personnel and support staff and all matters relating to curriculum, methods of instruction and material used for instruction in the school. The discussions, which will be initiated immediately, will lead to coming back with options and recommendations for the Executive Council toward this direction, which we want to ensure would meet the approval of all interested local education authorities. Thank you, Mr. Speaker.

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

Supplementary To Question 79-86(1): Establishment Of Board For Sir John Franklin High School

MR. RICHARD: Thank you, Mr. Speaker, and thank you, Mr. Minister, for that announcement. Mr. Speaker, a supplementary. I am wondering if the Minister could indicate a time frame. This is very good news for those concerned with high school education. Given this is the month of February and the next school year starts in September, can the Minister indicate when these negotiations might commence with the various local education authorities and when might the Minister be getting back to the Executive Council with a negotiated position presumably?

MR. SPEAKER: Mr. Minister.

Further Return To Question 79-86(1): Establishment Of Board For Sir John Franklin High School

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I recognize that a lot of good work has been done toward this already within our department and also by the public school board in particular, so it is not as if we are starting afresh. I recognize that it would be a worth-while goal to aim for resolving this matter by the beginning of the next school year or, in fact, well in advance of the next school year. My deputy, who is more experienced in these matters than I am, tells me that would be quite an accomplishment and perhaps a bit of a tall order but we will proceed as expeditiously as possible to get the matter resolved. We will aim at having something in place for the coming school year but it is going to require that things proceed without any hitches. I certainly hope that will be the case. Thank you.

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

Question 80-86(1): Delay In Court Trials Of Assault Cases

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I would like to ask the Minister of Justice a question. The court party was supposed to go to Pagnirtung today. It has to do with a child abuse case which has been delayed to April because of the weather. I would like to ask you, can you possibly get the 50 cases that have to be dealt with done with sooner than anticipated? The people that have been assaulted or sexually assaulted are emotionally hurt and I was wondering if you could change the dates, as I mentioned earlier. Thank you.

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: I understand the honourable Member is concerned about the delay. It does cause some emotional hardship. I am not sure of the exact details of this or other cases but I will take the question as notice and respond to the Member early next week.

MR. SPEAKER: Thank you. The question is being taken as notice. Oral questions. Mr. Gargan.

Question 81-86(1): Delay In Installation Of Electricity In HAP Houses, Fort Providence

MR. GARGAN: Thank you, Mr. Speaker. My question is directed to the Minister of Housing. In Fort Providence we have about three HAP units that are being built this year. The shell has been put up but electricity has not been put in so that is causing a delay of about a month now. I believe there are still two weeks of wages left for the people who are waiting for the electrician to install the electricity inside the building. I am wondering what kind of influence the Minister has to push the contractor to get the power in so that they could do the inside.

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: Well, I could of course, Mr. Speaker, bring it to the contractor's attention. There might be other reasons why there is some delay. Again, I do not know exactly the details of it. If the honourable Member could give me the details of the specific case then I will see what I can do. Perhaps if he could explain a little bit more now -- this is happening at this particular time and is the detail of the problem, right now, actually getting power into the units? Is that the problem right now?

MR. SPEAKER: Mr. Gargan.

MR. GARGAN: Mr. Speaker, there is a wage component that is put in by Canada Manpower. The house got started sometime in late October and the whole structure is up already, with the exception of the inside that needs the insulation and then the walls to be put up but they cannot do those things until the electrical wiring is installed. The problem right now is that we have one electrician in Fort Providence but the houses have not been worked on for the last month because they are waiting for this particular individual to install the electricity. They cannot do very much until then. So I am just saying that because of that, the people cannot put in insulation or put up the walls in the interior of the building.

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: Okay, I will look into it, Mr. Speaker, and get back to the honourable Member.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. Wah-Shee.

Question 82-86(1): Consultation Regarding Board For SJFHS

MR. WAH-SHEE: Mr. Speaker, I would like to direct my question to the Minister of Education. In his recent reply in regard to setting up a board for Sir John Franklin school, I would like to indicate that I would have a concern with the setting up of a board. However, I wonder if the department would consider meeting and getting the views of the communities -- not only the individual communities that send students to this high school but also the regional and tribal councils?

MR. SPEAKER: Mr. Minister.

Return To Question 82-86(1): Consultation Regarding Board For SJFHS

HON. DENNIS PATTERSON: Yes, Mr. Speaker. In responding to the question of Mr. Richard, I pointed out that I am very concerned that the interests of parents whose students live outside the city of Yellowknife would be carefully considered in these discussions and negotiations. I certainly had in mind the Kitikmeot regional education authority and since I know that in the Dogrib region, if I may call it that, the tribal council has been dealing with education matters then I certainly agree with the Member that the tribal council should be very involved in consultations and discussions. I will make that commitment. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. That appears to conclude oral questions for today. Item 5, written questions. Mrs. Lawrence.

ITEM 5: WRITTEN QUESTIONS

Question 83-86(1): Transfer Of Health Services

MRS. LAWRENCE: Thank you, Mr. Speaker. I have a written question for the Minister responsible for Health. I would like to express my concern with regard to the discussion and negotiations surrounding the transfer of health services and programs presently administered by National Health and Welfare. What is the status of these discussions and negotiations? Is the Minister prepared to receive suggestions and recommendations from the Members of the Legislative Assembly whose constituents are directly affected by any transfer of jurisdiction? Could the Minister make available the documentation that forms the position by which the GNWT is negotiating with the federal government? Can the Minister further assure Members that any transfer would not, in any way, diminish the obligations and services presently being offered by the federal government? Mahsi cho.

MR. SPEAKER: Thank you. Written questions. Mr. T'Seleie.

Question 84-86(1): Low Level Military Flights Over The NWT

MR. T'SELEIE: Mr. Speaker, I have the following questions for the Government Leader. Will the government provide the following details with respect to low level military flights over land in the NWT?

- 1) Will he confirm whether or not the military will indeed be conducting low level flights?
- 2) When will these flights begin to take place?

- 3) Over what land in the NWT will these flights take place?
- 4) Over a period of how many years will these flights be conducted?
- 5) The Minister indicated in a response to an oral question on February 18th that the Department of National Defence has consulted with wildlife and environment departments with respect to their input on the effects of low level flight tests. What is the response of environment and wildlife departments on this? Thank you.

MR. SPEAKER: Thank you, Mr. T'Seleie. Written questions. That appears to conclude questions for today. I would like to recognize in the gallery this morning Mr. Dennis Farnham and a group of corrections officer trainees. Welcome to the House.

---Applause

Mr. Gargan.

MR. GARGAN: Mr. Speaker, I would like to get unanimous consent to go back to oral questions.

MR. SPEAKER: We have a request for unanimous consent to go back to oral questions. Are there any nays?

SOME HON. MEMBERS: Nays, Ludy?

MR. PUDLUK: He's an ordinary Member, he's okay.

---Laughter

MR. SPEAKER: Proceed, Mr. Gargan.

REVERT TO ITEM 4: ORAL QUESTIONS

Question 85-86(1): Power For Directives To Nursing Stations

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Health. I met this morning with a constituency member who has an appointment for specialized treatment for his back. The individual is working at Baker Lake right now on HAP units there and had an accident. He was requesting the nurse to make an appointment for him with a doctor here in Yellowknife. Unfortunately, the nurse was not willing to help him in that area. The individual ended up paying his own expenses to come over here. He is going back today and he will be coming back again on Sunday for the same type of an appointment. I would like to ask the Minister what kind of power he has in giving directives to nursing stations because this has gone on time and time again with referrals. The nurses in the communities are unco-operative and in most cases the individuals do not have phones for their use. They can only get help from the nurses, who are very unco-operative in cases like this.

I would also like to say, Mr. Speaker, the same situation occurred with me a number of times when my daughter got sick about three weeks ago. The same type of situation occurred where nurses were very unco-operative. I would like to ask the Minister whether it is within his power to give directives to nurses and if not, then who.

MR. SPEAKER: Mr. Minister.

HON. BRUCE McLAUGHLIN: Thank you very much, Mr. Speaker. Though I sympathize with the Member's complaints that is a very good example of a written question about an area over which the federal government has jurisdiction instead of me. So I will take that as notice and give a written return. Thank you.

MR. SPEAKER: The Minister is taking the question as notice. Are there any further oral questions? There do not appear to be any further oral questions. I believe we had concluded written questions but I will call it again. Item 5, written questions. Are there any further written questions? Item 6, returns. Do we have any returns for today? Mr. Patterson.

ITEM 6: RETURNS

Further Return To Question 45-86(1): Request For Teaching Positions, Grise Fiord

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I have two returns. One to a question asked by Mr. Pudluk, February 18th respecting teachers in Grise Fiord.

Allocation of teaching staff within a region or division is the responsibility of the superintendent of Education. Two years ago, when the enrolment in Grise Fiord was lower, one teaching position was moved to another school in the Baffin where the need was greater at the time, leaving one teaching position and one classroom assistant in the community. Since that time the enrolment has started to increase and as a temporary measure the divisional board has allocated an extra half-time position to the school.

The Department of Education is at present finalizing a staffing formula that will ensure equitable distribution of teachers across all regions and divisional boards of education in the NWT. This formula will be used beginning with the 1986-87 school year. Teachers will be allocated to regions and divisional boards based on the student enrolment within each school in a particular region or division. In this way Grise Fiord will receive the same consideration as all other schools when staff is allocated to the Baffin division. However, the divisional board will make the final determination regarding allocation of staff in the Baffin.

Return To Question 11-86(1): School Bus, Pangnirtung

Secondly, Mr. Speaker, if I may, a reply to Mr. Paniloo's question of February 14th, respecting student bussing service in Pangnirtung.

The student transportation problem faced by Pangnirtung is not unique in the Northwest Territories. Many communities are growing in size with the result that students are living farther away from school. In order to respond in a fair and consistent manner to the issue of getting students to and from school, the Department of Education is presently preparing a policy on student transportation. This policy will assist regional superintendents, divisional boards and boards of education to meet bussing needs within their jurisdictions by identifying and setting appropriate levels of service and by establishing a common set of guidelines for the provision of student transportation across the NWT.

The present 15 passenger bus in Pangnirtung was a gift from the former Commissioner, with the provision that the hamlet would provide a driver and insure and maintain the vehicle. I agree with the honourable Member that with the increase in the number of students from the lower end of town and the age of the present vehicle, a new and larger bus appears to be required. Although a 48 passenger bus would be the most suitable, it is too long to negotiate the sometimes narrow streets of Pangnirtung. Also, there is not a garage large enough to accommodate a bus of this size. Therefore, it would appear that a 24 passenger bus would be far more practical, even though it will mean two or more trips to bus students to school. I am prepared to provide a replacement 24 passenger school bus, provided the honourable Member can assure me that the hamlet will continue to provide the driver and insure and maintain the vehicle. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Are there any further returns for today? Mr. Curley.

Further Return To Question 6-86(1): Policy On Petroleum Exploration In NWT

HON. TAGAK CURLEY: Thank you, Mr. Speaker. Return to oral Question 6-86(1), asked by Mr. Nerysoo on February 13, 1986. In response to the Member's questions I will review for the Members some of the major issues affecting oil exploration activities in the NWT.

The recent federal changes to oil and gas management and to the fiscal regime have been strongly supported by the oil industry. Previously, the PIP grants provided a substantial incentive for northern exploration. Now the industry will likely focus its programs on the Mackenzie Valley and the Beaufort region.

An important question facing northern exploration is the availability of land. Industry needs additional lands released for exploration programs. The current exploration agreements are due to expire over the next year. Without access to new lands there can be very little exploration

activity. My officials are taking a lead role in the development of procedures that will result in the release of lands for exploration in a way that is acceptable to the nearby communities and the affected native organizations. We were a part of the "call for proposals" on lands near Fort Good Hope and are now working toward another call near Fort Norman. Our efforts there are directed at developing new exploration agreements in a manner that meets the concerns of those local communities and the Dene Nation and Metis Association. Under the federal legislation, the lands will be released as the result of a competitive bidding process. It is our hope that as a result of community and industry initiatives, new exploration programs will be beginning in the Valley.

The Energy, Mines and Resources Secretariat is also developing a proposal for the GNWT management of the benefits associated with the exploration programs and this I anticipate sharing with you more fully before the end of this session. Not only northerners but the industry as well supports the implementation of northern benefits arrangements that are designed and managed by northerners and involve the affected government and native groups. Thank you.

MR. SPEAKER: Thank you, Mr. Curley. Are there any further returns?

At this time I would like to admit that I erred with regard to the introduction of the corrections officer trainees when I indicated that there were only men in this delegation. I would like particularly to welcome the ladies too today.

---Applause

Item 7, petitions.

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

ITEM 9: TABLING OF DOCUMENTS

HON. MICHAEL BALLANTYNE: Thank you. Tabled Document 21-86(1). Mr. Speaker, in accordance with section 39 of the Interpretation Act, I wish to report to the House on the orders, rules and regulations made pursuant to the acts of the Northwest Territories. I am therefore tabling the following documents: Numbers 7, 8 and 9 of volume VI and number 1 of volume VII of Part I of the Northwest Territories Gazette; numbers 4, 5, and 6 of volume VI and an extraordinary edition of volume VII of Part II of the Northwest Territories Gazette; and indices of all regulations, statutory instruments and non-statutory instruments made pursuant to the acts of the Northwest Territories for the period from October 1st, 1985 to 31st January, 1986. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Minister. Is there any further tabling of documents? This appears to conclude tabling of documents. Item 10, notices of motion. Mr. Curley.

ITEM 10: NOTICES OF MOTION

Notice Of Motion 5-86(1): Keewatin Region Medical Services

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I give notice that on Monday, February 24, 1986, I shall move the following motion: I move, seconded by the Hon. Gordon Wray, that this Assembly recommend to the federal Minister of the Department of Health and Welfare that the regional unit of the medical services branch be relocated to the Keewatin Region without further delay, and particularly the senior officials responsible for health care programs, including zone director, zone nursing officer, assistant zone nursing officer and environmental health services. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 10, notices of motion.

Item 11, notices of motion for first reading of bills. First reading of bills. Item 12, motions. Motion 4-86(1), Public Housing Rent Payment.

ITEM 12: MOTIONS

Motion 4-86(1): Public Housing Rent Payment, Withdrawn

Mr. Arlooktoo, I understand you want to withdraw this at this time. Is this correct, Mr. Arlooktoo?

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. Yes, I would like to withdraw the motion. Thank you.

MR. SPEAKER: Thank you. Secunder of the motion, do you agree to the withdrawing of the motion? Thank you. Then Motion 4-86(1), Public Housing Rent Payment, has been withdrawn. 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 1-86(1), Appropriation Act, 1986-87; Bill 3-86(1), Institute of Chartered Accountants Act; and Bill 7-86(1), Official Languages Act, with Mr. Wah-Shee in the chair. A point of privilege, Mr. Pudluk.

MR. PUDLUK: I would like to know what is going to happen to the coffee break this morning.

---Laughter

MR. SPEAKER: There appears to be no four o'clock in this morning so I presume you will not have a coffee break other than individuals taking coffee.

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

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 1-86(1), APPROPRIATION ACT, 1986-87

Department Of Education

CHAIRMAN (Mr. Wah-Shee): The committee will now come to order. We are dealing with the Department of Education. Mr. Patterson, would you like to bring your witnesses before the committee? Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, could I have approval for my witnesses, Mr. Handley and Mr. Devitt, to assist me?

CHAIRMAN (Mr. Wah-Shee): Does the committee agree?

SOME HON. MEMBERS: Agreed.

---Agreed

Schools

Buildings And Works, Total Capital

CHAIRMAN (Mr. Wah-Shee): We are dealing with capital, page 14.17. We are dealing with schools, buildings and works. Total headquarters, \$102,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Fort Smith, \$196,000. Agreed? Mr. Gargan.

MR. GARGAN: Mr. Chairman, I want to ask the Minister. On January 16th I wrote a letter to the Minister with regard to some requirements in the Elizabeth Ward School in Fort Providence. I believe that the federal day school was built around 1969. The basement was used for industrial arts and home economics. However, the machinery has been there since I believe 1975 and has not been changed and is in an unsafe condition. A lot of the industrial arts equipment is really close together. I would like to ask the Minister, has there perhaps not been enough time to respond to that request and also the request for additional classroom space? Thank you, Mr. Chairman.

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. On our assessment based on the enrolment and capacity of the school we do not believe that there is any justification for new classrooms. In fact our calculations are that the school is only used to 61 per cent of its capacity at the

moment. However, Mr. Chairman, we are quite willing to look at the renovations and the level of maintenance and I have asked my capital planning chief to visit Fort Providence within the next month or so with his counterpart in the Department of Public Works to take a close look at the school and respond to the Member's request respecting renovations. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Gargan.

MR. GARGAN: Mr. Chairman, I would also like to request that if the Minister does have statistical data that does not require additional classrooms that I would like to get copies of that data too because this is not what I am hearing from the principal of the school and it was the principal of the school who requested I look into these matters.

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

Formula For Calculating School Capacity

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. We will provide the Member with those details. In fact I might mention here that we have a formula that we use for calculating school capacity and we will be making that information available to each superintendent in the NWT so that any other Members who wish to inquire about our views as to whether schools are getting crowded or not could get that information through their superintendent. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Gargan.

MR. GARGAN: Thank you, Mr. Chairman. I just wanted to also say that studies are good because we need the data but sometimes the search for information becomes an excuse for not doing anything. I would like to think that the requirement is there and that the Minister does meet with the LEAs and the principal in identifying the needs on that basis. Thank you.

CHAIRMAN (Mr. Wah-Shee): Do you wish to respond, Mr. Minister?

HON. DENNIS PATTERSON: I will provide that information as I said, Mr. Chairman. I did visit the school this fall and met with the principal and received no indication then that there was a space problem. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Total Fort Smith, \$196,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Inuvik, \$1,950,000. Mr. T'Seleie.

MR. T'SELEIE: Thank you, Mr. Chairman. I would like to ask the Minister about the addition in Good Hope. I would like to ask him if increasing the size of the school is going to require an extra janitor and whether or not he has budgeted for a janitor for the time when the addition will be completed. As well I would like to ask him whether his department is taking care of the playground for this school since we know that with the new school in Fort Franklin there was some problem with having the playground completed. I want to be assured by the Minister that this same problem will not occur in the new school addition in Good Hope.

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. There is an extra janitor budgeted in the operational plan for the 1987-88 fiscal year which is when the school addition will be completed. As far as the playground is concerned, Mr. Chairman, I am informed that moneys to develop a playground are included within the program and that there will be consultation with the community about the feasibility of developing a new playground area between the school addition and the community hall. That is the direction that we want to go. I have looked it over carefully myself with the help of the Member and I will make sure that we keep an eye on that aspect. I agree that a new school or school addition is not complete unless the playground is renovated as well. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Total Inuvik, \$1,950,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Baffin, \$953,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Keewatin, \$1,643,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Kitikmeot, \$4,974,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Buildings And Works, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total buildings and works, \$9,818,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Equipment Acquisition, Total Capital

CHAIRMAN (Mr. Wah-Shee): Equipment acquisition, total headquarters, \$252,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Fort Smith, \$156,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Inuvik, \$150,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Keewatin, \$58,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Kitikmeot, \$49,000. Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I have a question on furniture generally with government. I see in the capital plans that the government spends probably millions of dollars every year on acquiring furniture for new offices and such. It sort of occurs to me that someone somewhere has a pretty thriving furniture business.

AN HON. MEMBER: ...moving business.

MR. T'SELEIE: It also occurs to me that the furniture business could be something that is done by northern people as far as building furniture is concerned. I wonder if the department has ever considered perhaps privatizing it as part of their capital plan. Mr. Chairman, I am mainly referring to building the furniture not ordering it from the South.

CHAIRMAN (Mr. Wah-Shee): Thank you for that clarification. Mr. Minister.

HON. DENNIS PATTERSON: Mr. Chairman, we are always open to good ideas and new ideas. This is one that we have not considered. My deputy minister tells me that there are in fact native-owned corporations in northern Manitoba that provide furnishings for schools. So, I wish to say that the Member's suggestion makes sense. I think it would require some co-ordination with my colleague, the Minister of Economic Development, to see if we could provide a guaranteed market for a new enterprise that might be established. We will follow that suggestion up. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Total Kitikmeot, \$49,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Equipment Acquisition, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total equipment acquisition, \$665,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Contributions, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Contributions, total headquarters, \$647,000. Mr. McCallum.

MR. MCCALLUM: I just have a question on the roof retrofit at St. Joseph's in Yellowknife. That is a fairly recent school. Is there trouble with the roof to that extent? That school cannot be more than five or six years old.

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. The simple problem is that the area that is giving us difficulty is the flat part of the roof. We are having pools of water which freeze and cause cracks in the joints, the seals, so the new classroom additions have been built with sloped roofs but it is the flat roof that is giving us the problem. It is true, it is a relatively new school.

CHAIRMAN (Mr. Wah-Shee): Thank you. Contributions, total headquarters, \$647,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Baffin, \$173,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total contributions, \$820,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Schools, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total schools, \$11,303,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Arctic College

Buildings And Works, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Arctic College, buildings and works, total Fort Smith, \$1,230,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Inuvik, \$500,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Baffin, \$470,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total buildings and works, \$2,200,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Equipment Acquisition, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total Fort Smith, \$645,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Inuvik, \$250,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Baffin, \$70,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total equipment acquisition, \$965,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Arctic College, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total Arctic College, \$3,165,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Residences

Buildings And Works, Total Capital

CHAIRMAN (Mr. Wah-Shee): Residences, buildings and works, total headquarters, \$17,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Fort Smith, \$6000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Inuvik, \$1,506,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Baffin, \$6000. Mr. Pudluk.

MR. PUDLUK: (Translation) I was wondering how they were going to renovate or fix up the residence in Frobisher Bay because it is a very old building. I was wondering if they are going to fix the residence up.

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

HON. DENNIS PATTERSON: Mr. Chairman, we know the building is old. A couple of years ago, we looked at the cost of bringing it up to current building code standards and the amount of money involved was very significant, in the order of \$10 million. So, we are not planning any major renovations for that reason, the cost. We basically feel that the building is still in good working order. I am aware that it gets cold on the north face in a wind but there does not appear to be much we can do about that. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Pudluk.

MR. PUDLUK: A supplementary question, Mr. Chairman. The residence in Frobisher Bay has been used by the students going to school in Frobisher Bay. I was wondering how many have committed suicide that have gone to that residence?

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

HON. DENNIS PATTERSON: Since I have been Minister in the last five years, there has been one, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Total Baffin, \$6000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Keewatin, \$6000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Kitikmeot, \$5000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Buildings And Works, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total buildings and works, \$1,546,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Equipment Acquisition, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total headquarters, \$12,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Fort Smith, \$12,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Inuvik, \$12,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Keewatin, \$12,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total Kitikmeot, \$5000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total equipment acquisition, \$53,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Contributions, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Contributions. Total Baffin, \$12,000. Mr. Paniloo.

MR. PANILOO: (Translation) Thank you, Mr. Chairman. In the Baffin area it says for furnishing, \$12,000. I heard this year in Ukkivik that the water there was not very good. The utility will have to be upgraded. I think it is pretty old. One student had to move out for that reason and I am asking, will the pipes in the residence be upgraded?

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

HON. DENNIS PATTERSON: Mr. Chairman, that is the first I have heard of this problem. I am certainly shocked to hear that a student left because of water. We will certainly look into the condition of the utilidor that supplies the residence. I should say we will ask the Department of Public Works to look into it. It is news to me and I will certainly follow it up. I would like to ask the Member privately for the name of the student who left because that is a great surprise to me. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Total Baffin, \$12,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Total contributions, \$12,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Residences, Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total residences, \$1,611,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total Capital, Agreed

CHAIRMAN (Mr. Wah-Shee): Total department, \$16,435,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Are there any questions on the next page on capital recoveries? Does the committee agree that this department is concluded? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): I would like to thank the Minister and the witnesses for providing us with all the information.

Aboriginal Rights And Constitutional Development Secretariat

We are now dealing with the Aboriginal Rights and Constitutional Development Secretariat. I would like to ask the Minister if he wishes to make opening remarks.

HON. DENNIS PATTERSON: Yes, I do have opening remarks, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Please proceed.

Minister's Opening Remarks

HON. DENNIS PATTERSON: Mr. Chairman, the Aboriginal Rights and Constitutional Development Secretariat is involved in a wide range of political and constitutional matters. In brief its mandate includes comprehensive claims negotiations and the co-ordination and monitoring of claims settlement implementation. Additionally the secretariat provides advice on the interrelated political and constitutional development issues arising from the Constitutional Alliance process, devolution initiatives, division of the Northwest Territories, as well as on matters relating to aboriginal rights and the Canadian Constitution.

The 1986-87 budget totals \$611,000. This is made up of \$490,000 for salaries for eight positions and casual positions and \$121,000 for other operations and maintenance. This represents a 3.5 per cent increase in salaries and a three per cent increase in other operations and maintenance over 1985-86. These are standard increments covering the cost of living increases, inflation and so on. I would like to point out that this budget represents only 4.7 per cent of the total Department of Executive budget.

I would like to just briefly discuss the main activities, Mr. Chairman, beginning with the directorate. Contact with the general public and other organizations such as the Travel Industry Association and the recently established NWT Wildlife Federation has become increasingly important as progress toward the settlement of the two outstanding claims in the NWT begins to gather momentum. I would like to say, Mr. Chairman, as I pointed out in the House the other day that both the Inuit and the Dene and Metis are getting into the big area of land and resources. This is the most difficult and probably most important aspect of the claims process. I am confident that if things proceed well we may well see the reaching of, at least, overall agreements in principle within the life of the 10th Assembly.

The need for greater public awareness about the rationale behind claims negotiations, the negotiating process, the role of this government in that process as well as what is on the table for negotiation has become very apparent over the past few months and days. To meet this need the secretariat is preparing an information package on comprehensive claims in the NWT. I said the other day, Mr. Chairman, I would hope that we could release it before the end of this session but I am told that it will certainly be available to the public by mid-April of this year. The secretariat is discussing with the chief federal negotiators and the native organizations the idea of making regular press releases on claims negotiations as progress is made at the table. In addition, the secretariat is scheduling information sessions on claims with regional offices and with organizations such as the Association of Municipalities and the Chamber of Mines. The secretariat recently provided a comprehensive briefing on claims for officials in the Department of Local Government.

Progress Of Claims Negotiations

In the area of claims negotiations, Mr. Chairman. After a decade of negotiations only one of the three comprehensive claims in the NWT has been settled. The Western Arctic claim of the Inuvialuit was finally settled and passed into law on July 25, 1984 and is now being implemented. Negotiations of course are continuing on the Dene/Metis claim in the Mackenzie Valley and the Inuit claim in the Nunavut area. Progress has been slow during most of this past year. One major factor has been the striking of a task force by the Minister of Indian Affairs to review the federal claims policy which was called "In All Fairness". Certain key issues were set aside by negotiators pending the outcome of that review. This government, as you know, made a presentation with 20 recommendations to the task force which was tabled in the Assembly last session. The task force report will be made public, at the end of this month we expect, and at that time we will have an opportunity to respond. Amendments to the federal policy are not likely to receive cabinet approval until sometime this summer.

Over the past two or three months negotiations on both the outstanding claims have picked up considerably. All parties including this government have made a recommitment to the early and satisfactory resolution of these claims.

Inuvialuit Settlement Implementation

With respect to Inuvialuit settlement implementation, Mr. Chairman, there has been considerable progress in implementing that settlement in spite of funding difficulties. Government, however, and this includes our government, has been hampered by delays in funding approvals at the federal

level. On February 6 of this year, the federal Treasury Board finally reviewed an omnibus submission which included our government's net additional costs as a consequence of fulfilling our obligations under the terms of the agreement. It should be noted that our government's submission was approved by our Financial Management Board on March 1, 1985, and immediately sent to Ottawa for inclusion in the federal Treasury Board omnibus submission being prepared by Indian and Northern Affairs.

However, significant cuts were made to the GNWT original submission which forecast a cost of just over nine million dollars for a five year period. These cuts were made by both the cabinet committee and Treasury Board. The major areas affected in these cuts were wildlife studies necessary to enable the Wildlife Management Advisory Council to set management and harvesting quotas. Our Financial Management Board is very concerned about the implications of these cuts in terms of our government's ability to fulfil obligations it has undertaken under the agreement.

On a more positive note, the contribution agreement by which these funds will be conveyed to the GNWT calls for a major funding review in December, 1987. At that time we will have accumulated concrete evidence of our actual requirements and we hope we will be in a much better bargaining position in order to persuade the federal government of the actual costs than we have been to date.

Dene/Metis Claim

With respect to the Dene/Metis claim, Mr. Chairman, on July 9, 1985, an interim agreement on key elements of lands and resources was initialled by government and Dene/Metis negotiators. A tripartite working group, our government, the Dene/Metis and the federal government, has been established to further develop this agreement away from the main negotiating table. This second table concept is an innovative move which will provide for our government's participation on an equal basis with the Dene/Metis and the federal government in drafting integrated land, water and resource planning and management regimes that will enable the meaningful and equitable participation of the Dene and Metis. These participation rights would be included in the claims settlement while the actual regimes and structures would form part of the public government's legislation. The role of this government and these regimes and structures will be part of the working group discussions and where there is agreement by all parties there may be devolution of responsibility and authority in land and resource management from the federal to the territorial government.

At the main negotiations table, our senior negotiator, who happens to be Mr. Charles Overvold, will continue to lead our government's participation in discussions respecting a fractional property interest in all minerals including oil and gas in the settlement area. As I noted earlier, land selections are expected to begin this summer. Thus, movement on three fronts in this claim will be under way shortly and should considerably speed up progress toward a settlement.

Public relations has become an important element of this claim. A recently leaked copy of one of our incompleated drafts of the Dene/Metis wildlife agreement has resulted in considerable controversy. I met with representatives of the NWT Wildlife Federation which represents tourism and renewable resource interest groups about their concerns with the process and the provisions of the draft wildlife agreement. I believe the meeting was mutually enlightening. The secretariat will continue to meet with this group to discuss their concerns and to keep them advised at the claims table. Care of course must be taken to ensure that the confidentiality of negotiations is not violated. I also encouraged the federal negotiator to meet with the federation which he did last month in Hay River. That meeting too, I know, was enlightening for both parties.

Negotiations With Tungavik Federation Of Nunavut

With respect to the Inuit claim, Mr. Chairman, since negotiations respecting this claim began in earnest in 1980, a total of 15 subagreements in principle and two discussion papers have been initialled by the negotiators. However, over the past year only three of those were initialled. They include water provisions, Inuit water rights and the Inuit impact and benefit agreements. After the initialling of the Inuit impact and benefit agreements the TFN briefly discussed the subagreement with the media. Consequently, certain concerns with the principle underpinning the agreement were brought to my attention. Some of the concerns expressed, Mr. Chairman, reflect a basic philosophical difference of opinion, in my view, on what ought to constitute comprehensive aboriginal claims. In view of this, I would like to briefly discuss what claims are about.

Comprehensive Claims

First and foremost, I must stress that comprehensive claims as they have developed in recent years involve more than just land and cash deals. While the lands in the Nunavut settlement area are for the most part crown lands, the Inuit have an aboriginal interest in these lands. There is as yet an incompletely defined aboriginal title in this land. This casts a cloud over the title. Its resolution will provide a much more certain climate for economic development. The federal government has agreed to negotiate, with the Inuit, their claim to these lands. Through the process of negotiation it is well-established that claimants will secure title to certain lands. For those lands where they give up their claim to title, certain compensation, cash and/or rights and benefits will be secured. The Inuit impact and benefit agreements fall into this category of certain rights and benefits. It is understood too that there will be trade-offs as negotiations continue. The more rights and benefits secured, the less land and cash will likely be given in return. This kind of exchange in the final analysis may not be acceptable to either party.

In its report, the claims task force will be addressing the questions of extinguishment of title and rights in the context of claims settlements. In our government's recommendations to the task force we stressed that rights should not be extinguished but affirmed. It is my hope that this affirmation of rights will become entrenched in the revised federal claims policy.

Claims Negotiation Process

I would also like to briefly review the claims negotiation process. There are three major stages in that process that are important to understand. The first stage is the initialling of subagreements in principle by negotiators. This is an indication that negotiators are prepared to recommend the provisions to their leadership. The next major step is taking all the subagreements in principle and developing a single overall agreement in principle. At that stage, a fair amount of give and take will occur with some provisions being dropped and others added. When negotiators are satisfied they bring the total package to their leadership for ratification. Then the agreement in principle is made public. The final stage is, of course, negotiation toward a final agreement. Changes can occur at this final stage as happened in the case of the Inuvialuit negotiations. It is clear from this brief overview of the negotiation process that in the case of the two outstanding claims a great deal of work is still required. It is a dynamic process where negotiators are encouraged to be innovative and creative.

Finally, what we are talking about are aboriginal rights. The eyes of the world are on Canada and its North to see how it will deal with its original inhabitants. Our government and this Assembly is on record as supporting aboriginal rights. This has to mean something. I certainly agree that non-claimants' interests must be safeguarded but so must the interests of the claimants. Thus change, in new ways of approaching things, is inevitable.

The Executive Council has indicated to the TFN that, before the final agreement stage, the role of the Government of the Northwest Territories in land and resource management must be more clearly defined. We hope to explain the claims working group concept with the TFN in the near future. I feel that through such a process land and resource management regimes satisfactory to all concerned can be worked out and it may be that the need for Inuit benefits from major projects in the settlement area can be accommodated in some other fashion. Negotiations are far from complete and much can change between now and then.

In the course of conducting research into what benefits are currently being provided by governments to aboriginal people in the Northwest Territories, a considerable amount of information was accumulated. I felt that such information would be of great interest and use to the aboriginal people of the Northwest Territories and have had it prepared for publication in the form of a handbook. It should be ready for distribution within the next few weeks and I plan to table it at this Assembly.

Political And Constitutional Development

On political and constitutional development, Mr. Chairman, I would like to note that preparation for the 1987 First Ministers' Conference on Aboriginal Rights and the Canadian Constitution are again under way. In fact a preparatory meeting for that conference, a preparatory meeting of officials is going on in Montreal today and a meeting of Ministers having responsibility for aboriginal matters is scheduled for March 20 and 21 in Ottawa which will be attended by myself,

Mr. Sibbeston and Mr. Ballantyne. This will be in preparation for the final First Ministers' Conference required before April 1987. Much has still to be done in defining aboriginal rights and it may be that there will be agreement to hold more First Ministers' Conferences in the future. It is unlikely now, in our view, that there will be a First Ministers' Conference during this calendar year.

At the proposed northern leaders conference we will be addressing the three major political and constitutional development issues facing the North today; claims, division and devolution. All three are linked but the manner in which these linkages occur depends to a large extent on which is the priority. Representatives from the four major aboriginal groups in the Northwest Territories, as well as the two forums will be invited to the conference, which we hope will take place in the near future. There we hope to map out and agree upon a plan of action for pursuing political and constitutional development for the next two years.

In conclusion, Mr. Chairman, I would like to say that generally I believe claims are now proceeding well and at a healthy pace. The working group concept being advanced in the Dene/Metis claim is an innovation that will afford our government equal participation in the development of land and resource management and planning structures and regimes in much the same way as the 1985 land use planning exercise, which was very successful. We will certainly be exploring this concept with the Tungavik Federation of Nunavut.

Negotiations On Claims Overlap

Negotiations between the aboriginal groups on the question of claims overlap, that is the boundary between the two claims -- that is the land claims boundary rather than political boundary -- have been continuing. I am encouraged with the progress being made. A resolution of that issue is likely in the near future.

The Dene, Metis and Inuit have also begun to communicate regularly on matters of political and constitutional development. Lines of communication between our government and the aboriginal organizations are open and I look forward to renewed close working relationships as we advance toward more autonomous and responsible governments in the Northwest Territories. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Minister, do you wish to introduce any witnesses to the committee?

HON. DENNIS PATTERSON: Yes, Mr. Speaker. I would like to ask the agreement of the committee to have Mr. Angus MacKay, executive director of the secretariat, present with me when the estimates are considered.

CHAIRMAN (Mr. Wah-Shee): Does the committee agree?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): We now invite general comments from committee Members. Mr. MacQuarrie.

MR. MACQUARRIE: Thank you, Mr. Chairman. Perhaps I can lead off by congratulating the witness, Mr. MacKay, who now sits in the Assembly as a citizen of Canada. We are very proud of that and welcome him to the Assembly as a Canadian citizen.

AN HON. MEMBER: Hear, hear!

MR. MACQUARRIE: With respect to the secretariat I have a number of concerns and I will not go through all of the concerns that I raised in my reply the other day but will deal more with specific issues that revolve around the regime that is in place for giving guidance to our representatives at the claims table.

Implications Of Recent TFN Subagreement

Just before proceeding into that I would ask the Minister in respect of the recent TFN subagreement called "Inuit Impact and Benefit Agreements", would the Minister agree that in fact if that type of subagreement became part of a final agreement which was entrenched in the Constitution of Canada that:

- 1) That would mean an alteration in the authority of public government as that authority of public governments is presently understood and practised in jurisdictions throughout Canada?
- 2) If it were implemented that it would place one group of citizens, the Inuit, in a different relationship with respect to the development of resources on publicly owned lands, in a different relationship to access to those resources, from other citizens in that political jurisdiction?
- 3) That, thirdly, resource developers would thereby find a more complex regime in seeking to develop resources in that they have to address not only perhaps the federal and territorial governments but a designated Inuit organization as well and meet the requirements of whatever is agreed upon?
- 4) That the substance of that agreement has implications for constitutional development work that is going on in the Western Constitutional Forum and the Nunavut Constitutional Forum?

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

HON. DENNIS PATTERSON: Mr. Chairman, I think those are difficult questions in that as I have said in this House previously, I think it is still too early to forecast with certainty how this initialled subagreement in principle will eventually be fleshed out and some of the concerns the Member has outlined will be certainly in our minds as we work toward a final agreement.

Authority Of Public Governments

The first question, would this mean the alteration of authority of public governments as presently practised throughout Canada? In considering the answer to the question I noted that there was an item on the news this morning about the granting of oil rights in the Good Hope area and I would simply note that, as far as I understand it, the Minister of Indian Affairs has gone to considerable lengths to ensure that the community of Good Hope and the band at Good Hope are consulted about the awarding of leases and in fact are guaranteed certain benefits in connection with the awarding of those leases. The Minister of Indian Affairs has also made public statements about the principle of encouraging involvement of communities affected by developments, in the awarding of leases and rights. So, it seems the Government of Canada at least is willing to consider the interests of Dene people in the impact of resource development. I would also cite the Norman Wells project as an example of a situation where through discussions and negotiations, specific measures were instituted of exclusive benefit to the Dene people and those benefits and moneys were provided to the Dene Nation not through the GNWT. I do not think it is unprecedented that public governments should not exclusively deal with such matters as development impact.

However, I do acknowledge that yes, indeed, in that the designated Inuit organization will have a first opportunity to negotiate, in my view, a somewhat narrow range of benefits that indeed the public government need not regulate or legislate or have authority with respect to benefits for Inuit people although I would point out that I think it is quite possible that the GNWT or future territorial or even federal governments could still legislate on matters respecting aboriginal impacts outside what might be negotiated. I do agree that it has implications on the authority of public government not perhaps as extensive as the Member seems to think.

It certainly would place one group of people in a different position with respect to access to resources and that is not necessarily surprising in that the Inuit have an unresolved title. They have an interest in those resources. Indeed I think every law and land claims negotiation is specifically designed to put the native people in a different position with respect to a range of matters. There is no point in negotiating claims if they do not have some real significance or meaning or value.

It is also true that resource developers would find a more complicated regime. I agree that they likely have to -- well, they certainly are now according to the principle of this agreement -- required to negotiate with Inuit while a major development project is being planned. My assessment is that developers have not been unwilling to negotiate with communities and with Inuit in the past concerning development projects and in fact have even gone out of their way to consult with Inuit without any legal obligation being there to do so. I know that every developer would prefer if

there were no processes that had to be undergone before initiating a major development. I agree this would add an extra burden but if we can, by the time this claim is finalized, resolve the issue of jurisdiction over resource management and clarify who has the authority between the federal and territorial level of government, I think that would immeasurably simplify the regimes that resource developers might have to undergo in order to secure approval.

Implications For Constitutional Development

The fourth question was, does the substance of the agreement have implications for constitutional development work going on in the Western and Nunavut Constitutional Forums. Certainly, yes. I would agree with the Member on that and of course note, what I do not need to note to him, that in fact the Western and Nunavut Constitutional Forums are composed of representatives of the claimants so that one would hope that, being composed of representatives of this Assembly and representatives of the aboriginal claimants, the implications could be resolved within the constitutional forums. If they are not, as I have said before, certainly our government is concerned that there be a clear place established for public government and we are committed to doing so both through the monitoring of the work of the constitutional forums and, secondly, through meetings with the claimant organizations directly. I hope that answers the Member's questions, Mr. Chairman. Thank you.

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

MR. MacQUARRIE: Thank you very much, Mr. Minister. In each case you did outline certain qualifications in your response and I appreciate that in each case there is substance for discussion and thought. But nevertheless in each case you acknowledged that there is an impact of some sort. With respect to the first you said that indeed a public government need not negotiate with the group. I would put it a slightly different way -- indeed a public government would not be able to deal with benefits for that particular group. It would no longer have the authority or the power to do so.

You did say that they could thereafter legislate outside of whatever was agreed in the claims. But you did in a sense agree that there would be an alteration in public government as it is practised, although you referred to certain areas such as what the federal government is now doing in order to try to address aboriginal concerns with respect to resource development by consulting, by setting up special regimes for ensuring that their concerns are addressed. I said in my reply that I have no problem with that at all. That is not what my concern is. In fact I would hope that the public governments would do that and if in some way they are compelled to do that that would not disturb me either, but it would still be the public government which finally had the authority to deal with things like that on public lands and public resources.

The Minister acknowledged that it would put the Inuit in a different relationship with respect to the development of public resources but also qualified that by indicating that indeed there is aboriginal title to lands and therefore an interest. At some point I would like the Minister to clarify legally at the present time what is the extent of aboriginal title. I would be interested to hear an explanation of that, as to the extent that it is understood in the law.

He acknowledged that there would be a more complicated regime for resource developers. Also that it does have an impact on constitutional development work. So I merely say that in light of that, I feel that the Minister's public description of the concerns that I raised was unfair. I believe on the radio he said that I had overblown the issue.

HON. DENNIS PATTERSON: That is Margo McDiarmid's word.

MR. MacQUARRIE: The interpretation. Oh, I see. Okay, I apologize then, Mr. Minister, because it appears that while we may disagree about the full extent of the concern, that we both agree there is a concern. And I say that as soon as you alter public government jurisdiction that that is a significant concern immediately and ought to be addressed. I will not go on about that particular area any longer.

Overall Government Policy

I am concerned, within the secretariat and with the Minister and within the Executive Council, about just how matters are handled. I have seen a number of references in response to questions from Members of this House that indeed departments are consulted when certain issues come up. That

is a concern to me just as it is when I sometimes consider the general work of the Executive Council. I sometimes feel that Ministers get caught up in the operation of their particular departments and feel that their sole, or major job at least, is to run a department.

Myself, I quite disagree with that approach. I believe that the reason why we hire deputy ministers and assistant deputy ministers and so on, is to run the departments and that Ministers should have a greater concern with what I would call, whole government policy. So I would like to see them spend more time on that.

The reason I raise that concern in this context is that, yes, it seems there is provision for departments to be consulted but a department is not looking at whole government interests, or the interests of the people as a whole that that government represents. So could I ask the Minister to explain for me how that is addressed presently, and if the Minister feels that it is maybe not addressed adequately at present, whether there are plans to try to ensure that that is addressed in the future?

CHAIRMAN (Mr. Wah-Shee): Thank you. That question might be more appropriately directed at the Leader I think. Perhaps the Minister responsible for Aboriginal Rights may wish to complement his Leader's reply. Which one of you wants to reply? Mr. Patterson.

Extent Of Aboriginal Title

HON. DENNIS PATTERSON: Mr. Chairman, I certainly would be happy to pass some of these difficult questions on to anyone else but I would like to just comment briefly. I am sure the Government Leader could more appropriately answer about the whole government concept.

Mr. Chairman, the Member asked me to clarify the legal extent of aboriginal title and I am flattered that he has so much regard for my legal knowledge. I must say, Mr. Chairman, that I believe that since the constitution entrenched the definition of aboriginal rights but left it open to definition, I believe that case law on that subject to date no longer is as relevant as it might have been prior to the constitution in answering that question. I would not want to try and offer an opinion here on the floor of the House. I could provide the Member with an opinion that I would seek from the Department of Justice but I am quite certain that the big issue is that "aboriginal title" is unclear. In fact, through the claims negotiation process and through the First Ministers' Conference on Aboriginal Rights we hope to define more precisely the extent of aboriginal title.

If you ask the Inuit they would say "It is our land, period. We were here first, we have no treaties. It is our land." Of course, the federal government has a different view and somewhere between lies the truth which I think will emerge through these processes. I would say we are defining the extent of aboriginal title in the claims process.

Mr. Chairman, I would like to just expand a bit. I would say that in coming to positions on claims matters, departments are really more than consulted. They are in fact approached and made acquainted with any implications of an agreement that might affect the jurisdiction they have and they very often appear with our negotiators at the table and are at the preparation sessions. We know that departments are controlled by Ministers and directed by Ministers. So I think it is quite proper for me to state that, in fact, Ministers of affected departments are directing the input into the negotiation process and resolution of concerns of this government while negotiations are going on.

With respect to the whole government policy and the broader implications, I think it is my secretariat's responsibility to be quite aware of overall government policy, positions taken on all matters by the Executive Council which might relate to claims, in fact, positions taken by this Assembly. In that respect, Mr. Chairman, I would like to assure the honourable Member that where there is any question about departments' concerns not being resolved there is a committee within the Executive which deals with these matters as they arise.

I would like to just also point out, Mr. Chairman, that indeed the Aboriginal Rights and Constitutional Development Secretariat is located within the Executive Secretariat so that there can be access to the Government Leader's office. He is principally in charge of overall constitutional development and overall political development. As well, we have a very close relationship with the Department of Justice and in fact the work of at least one of Mr.

Ballantyne's lawyers is very largely taken up with participating in these questions. So I feel that it is certainly my responsibility, as well as the Government Leader, to have a sense of how these things impact in a broad way. I feel that this is very much my mandate as Aboriginal Rights and Constitutional Development Minister, that is to try to ensure that in the fairest way possible the interests of aboriginal people and the public interests are reconciled where they might be possibly in conflict. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you, Mr. Minister. Mr. MacQuarrie, I just want to raise a point with you perhaps. I am not sure if it is appropriate for a Member of the committee to ask for a legal opinion of another Member of this committee. However, if you wish to ask for a legal opinion we do have a Law Clerk at our disposal to this committee. It may be appropriate to direct legal opinions through that route. I am just raising that as a concern as chairman of the committee in that it may not be appropriate. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I appreciate the fine point that you made, Mr. Chairman, although it did not apply to what I was asking because I was not asking for a legal opinion. I was asking for an opinion on the extent to which aboriginal title in law is now understood. I think there is a difference and the Minister certainly very readily offered an opinion that whatever that is, it is no longer the same. So I thought that he ought to have been able to offer an opinion as to what it was in the first place but I will not press that matter. I will accept his offer to hear more about it later.

The Minister said that there is a committee within the Executive Council that is to address these issues. I would be very pleased to hear more about that, the whole-government kinds of issues. Who comprises the subcommittee, when was it established, what kind of work does it do and that sort of thing?

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

Executive Council Subcommittee

HON. DENNIS PATTERSON: Mr. Chairman, I do not have the terms of reference of that committee at hand but the principal Members are the Government Leader, the Minister of Aboriginal Rights, the Minister of Justice, the Minister of Renewable Resources and the Minister of Economic Development and Tourism. Its function is, I believe, precisely what the Member is concerned about and that is to ensure that issues that arise in the land claims negotiations and other issues respecting aboriginal rights be considered by a committee of Ministers with a broad range of responsibilities relating to that area.

I should also point out that, Mr. Chairman, while I have mentioned the permanent Members of the committee it, in fact, is a committee that reports to the Executive Council and therefore its work is subject to the review of all eight Ministers. As well, although the committee has a permanent membership as I outlined, it is open to other Ministers and quite often does involve other Ministers. I see its function as dealing with these unresolved issues, dealing with areas where concerns of departments might not be fully met through the claims negotiations process and taking positions considering the government's position from that holistic perspective that the Member is referring to so that the matters are just not left to one Minister, i.e. the Minister directly responsible for our input in negotiations but rather are considered by a broader range of viewpoints and responsibilities.

I would like to note, Mr. Chairman, that the Inuit impact and benefit agreements which curiously was on hold for about three and a half years until quite recently when federal instructions were given that would allow the negotiator to proceed with that matter, that particular agreement was in fact considered by the full Executive Council. Thank you.

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

MR. MacQUARRIE: When did that committee come into being? Has it been functioning all along or is it a new committee that the government has established?

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

HON. DENNIS PATTERSON: Mr. Chairman, it has been in existence since as long as I have had the responsibility related to this portfolio, which I believe is since 1982 when it was constituted. Mr. Chairman, the committee meets when it needs to meet and as I indicated in the House the other

day the negotiation process is a dynamic process and in most cases concerns expressed by the GNWT departments through their participation in the negotiations are resolved. We have such a status at the negotiations that especially when matters respecting our jurisdiction are dealt with, we have found that we are able to persuade either the federal government, with which we have a team relationship, or indeed the aboriginal organization or both parties, that their proposals should be modified to accommodate our concerns. While I realize the honourable Member may not be satisfied with precisely what has resulted in this latest agreement, I can say that in many other agreements changes have been satisfactorily incorporated which reflect our concerns. So, to answer the Member's question, Mr. Chairman, the committee has not needed to meet that often. Thank you.

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

MR. MacQUARRIE: I assume that the kind of thing that that committee would deal with is the basic principle, that it would not get into details. So, I can see that the Inuit impact and benefit agreements are founded on a certain principle and that principle was outlined in a letter that Mr. Patterson wrote to Mr. Crombie. Now, I can only assume that at some point a year ago or two years ago or three years ago, that specific principle was brought to the Executive Council or to the committee that the Minister referred to and that that committee said yes, that is a principle that is acceptable and therefore our negotiators participated in the discussions. It certainly would not be fair to them otherwise. I should say in all of this I am not criticizing the capabilities of our people in the Aboriginal Rights and Constitutional Development Secretariat. I believe from what I have seen it is generally very competent but I am just concerned about the kind of direction they get. So, can I assume that that principle was specifically raised at some point in the Executive Council and our negotiators were told "Yes, go with that", so that there isn't a surprise that comes up two or three years later?

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

HON. DENNIS PATTERSON: Mr. Chairman, as I have indicated to the Member, negotiations on this area got nowhere up until 1983 and simply were in abeyance at the initiative of the federal government. It was only within the last two or three months that the discussions emerged to the point where we believed -- first of all it was only in the past two or three months that the negotiations were resumed and only in the later part of those several months that it became clear that the parties were coming toward an agreement. At that point the principle and indeed the details of the agreement were discussed with the Executive Council so that a position could be taken by our negotiator when the matter was coming close to a head. So we considered it before that point. But we certainly had not considered it two or three years ago because the progress had not really fleshed out to the point where we could be certain where it was going or if it was going anywhere at all. In fact as I said, the refusal of the federal negotiators to discuss that concept had led us to believe that it was in abeyance or even off the table.

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

Adequate Discussion Of Important Issues

MR. MacQUARRIE: So it seems that what is a principle that has significant implications for a number of things in the Northwest Territories, appears to have been addressed only very recently. For the moment I will stand down and give opportunity to other Members. I think I would want to say some things later but at any rate it appears to me that if there has been a regime in place that the moment a question like this arises, it ought to be flagged and that it ought to be brought for full consideration of the Executive Council. If it has particularly significant implications it ought to be brought for discussion in the Legislative Assembly so that decisions can be made and clear guidance given, so that we do not get into circumstances where rather hurriedly we have to reach some kind of conclusion about making a decision in that respect without really knowing what all the implications are of that decision.

So I would urge the Minister and other Ministers to make sure that there is a regime in place that will ensure that all important issues are addressed adequately and in a timely way and with as much discussion as seems to be necessary. In this case I say it ought to have been discussed right in this House. Thank you, Mr. Chairman.

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

HON. DENNIS PATTERSON: Mr. Chairman, I accept the Member's advice on that and certainly agree with what he is saying. I would point out though, Mr. Chairman, that on this particular one it would not have been possible to discuss the matter in the House before the parties initialled the agreement. They were quite determined to initial the agreement and did so I believe mid-January. Therefore, short of calling an extraordinary session it would not have been possible to consult the Assembly. I will also note, Mr. Chairman, that as the Government Leader has indicated, we are working on an overall strategy which would see a clarification of the links between the various processes of political development, the devolution aspect, claims and division. So we can ensure and perhaps provide evidence to this House that in fact we do recognize that in this complex process there is a need to make sure that one interest does not prevail over another. I expect that during the course of this session we will be able to provide more detail on what we are doing to see that that can be worked out.

As I have indicated, with the Dene and Metis, we are having quite a good working relationship at this second table, with the working group that has been established, which I think is going to avoid that kind of conflict as the land and resources elements of the Dene claim emerge. We are still working with the TFN to encourage them to participate in a similar manner to that which the Dene have agreed to. So we have some more work to do in that area but I am confident that it will soon be recognized that it is in the interests of the aboriginal claimants as well as in our interests to set up a working group to look at those specific issues of public government and aboriginal interests with respect to lands and resources. So this is why I had written the TFN and the Minister to say that we feel this needs to be done. If I did not think it was important before now I certainly realize that it is important after having heard concerns of Members in this House. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. General comments. Mr. T'Seleie.

Importance Of Negotiations To Aboriginal People

MR. T'SELEIE: Mr. Chairman, I have some general comments on this subject. First of all I would like to say that in the last couple of days I think the record should show that there has been a silent sort of majority in this Assembly on the concerns that have been brought up. I want to also say that the whole area of land settlements are extremely important for the aboriginal people. People have to appreciate the importance of this subject for the vast majority of aboriginal people. Every once in a while I have the feeling that the negotiations are actually taking place in this room and I am not quite in agreement with that.

Another point that I would like to make is that aboriginal people, native people, those with an interest in pursuing land rights, aboriginal rights, would not be involved or pursuing certain objectives if they did not believe that what they were doing would in the end lead to certain objectives for aboriginal people. What I am saying here is that aboriginal people would not be negotiating their rights if they did not believe that at the end of these negotiations certain objectives would be met.

One of the objectives that I am aware of that native groups are after is the continuation of themselves as a people and that objective involves the exclusive use of certain lands. The exclusive control of certain lands. In my opinion if these were to be watered down substantially by any group under any kind of guise such as public government, aboriginal people are not so naive to think that the subject has not been so watered down that they would not achieve their objective. In this discussion, it causes me quite a bit of concern that, under the guise of consulting a public government, certain subjects would be watered down to the point where it would be meaningless for aboriginal people to negotiate a whole new relationship with the Government of Canada in their continued existence. The way I see it, we are beginning to see the process of this watering down of agreements that could be pretty substantial for native people in terms of wildlife, for instance, which is one area I feel that native people should have exclusive rights to be able to say who should hunt in this country. I see nothing wrong with giving that authority to a certain group of people who have more of an interest than anyone else. Interests of others or mainly a monetary interest could be addressed in some way. I am not against recognizing it. I recognize they have a financial interest in the wildlife of this country and that is mainly what they are interested in. Then it should be addressed that way. To begin to treat it with the equal importance as the aboriginal concern is, in my opinion, not doing justice to the negotiation

process. In that connection, I think I would be concerned about what kinds of information this government is planning to release on negotiations. Mr. Chairman, those are the comments that I wish to make.

CHAIRMAN (Mr. Wah-Shee): Thank you. General comments. Mr. Pudluk.

Support For Continuing Devolution

MR. PUDLUK: (Translation) First of all, I would like to mention this subject is quite interesting. I would like to say the ITC and TFN had a meeting in Frobisher Bay along with the Minister, plus some other officials from the Inuvialuit regions on the subject of devolution, the fact that they did not want it to go ahead to the northern governments. They did not want it to go ahead or continue. Being a northerner, elected by the people, I disagreed with the position that was taken. What are your concerns? Have you agreed with the people or negotiators on the fact that they did not want devolution to take place or authority given to the northern people or northern groups? We have considered that the Inuit interests should be adhered to. They would like to have more power or be given more rights. I do agree that the departments concerned with mining or oil and gas -- maybe I can agree with that area. But when it comes to the Department of Fisheries and Oceans or Department of Education or Economic Development and Tourism, the way I see it the people would like to have more rights or be given more authority. I would like to ask the Minister if he has considered or if he agreed with the people or the working groups or the ITC or the TFN? Thank you.

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Perhaps I should point out that the Government Leader is principally in charge of devolution and the devolution office which is within the Executive Secretariat. But, since the Member asked my opinion I will make a short comment.

Devolution May Complement Division

Mr. Chairman, I attended the meeting of Inuit leaders in Frobisher Bay that was held last fall and I had a first hand chance to hear what they were saying. The basic point was they were concerned about devolution because they were concerned that all the powers would go to Yellowknife and that devolution could build up the present undivided structure of the Northwest Territories by putting everything in the West. I respect that concern, but I tried to point out to the Inuit leaders that if in fact they would participate with us in planning devolution they could likely be satisfied that devolution can be planned in such a way as to actually complement division.

For example, if the federal government is considering handing over responsibility for marine matters which are of particular concern to the Inuit, then we could, with their support, support devolution of certain powers in that area which might be located in the High Arctic rather than Yellowknife. I merely give that as a hypothetical example, Mr. Chairman, of my view that devolution does not have to undermine division. It can be planned in such a way as to actually complement or even enhance the preparation for division and it is not impossible to devolve authorities in two pieces. In fact I observed to the Inuit leaders that there are many areas in which, in my view, this kind of approach can take place. I encouraged them to become involved in discussions with our government which would lead to their being satisfied. I think our approach and the Government Leader can expand on it, but I think our approach is going to be to seek their agreement and support for steps in the area of devolution. We have already received their support for devolution in the health area.

The same is true of claims. The Inuit leaders were concerned about land claims being moved along and resolved first. I think I can say that this government believes as well that the settlement of land claims is a very high priority. But again, certain forms of devolution can proceed in a way which also complements land claims, for example, in the wildlife management area. If the federal government would hand over powers relating to wildlife management, such as inland fisheries, then wildlife management would be a little bit easier in the North because a wildlife management board could consist of representatives of the territorial government of the day, and the Inuit, and need not necessarily include another party, i.e., the federal government, with respect to, for example, inland fisheries. So I understand their fears but urge them to sit down and talk with us to work them out. I expressed the view that we will not be able to proceed in a great number of areas of devolution over the next couple of years. We would like to meet with them and find out which areas they might support in order that we can get moving on those areas and get something done.

So far, Mr. Chairman, the Inuit leaders have been concerned with meeting with the federal government and the federal Minister but we are encouraging them to get together with us as soon as possible. To that end, Mr. Sibbeston and I did meet with them subsequent to that Frobisher Bay meeting and assure them that we would like to work together with them so that we can have a common course which all parties can support. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I just want to thank the Minister for replying to my question. I just want to find out from him whether he is in support of the position of the government? In 1976, we used to be against each other -- the Members and the organizations used to be in disagreement. I do not want to be in disagreement again, I just want to work with the different organizations.

Motion To Have Inuit Organizations Meet With Nunavut Members On Devolution, Withdrawn

I would like to make a motion that the native organizations, ITC and TFN and the Quebec representatives of the organization there, meet with the Nunavut Members to talk about devolution and the concerns of the people so we can hear each other's views on devolution. And for them to meet in 1986-87. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Could I have a copy of that motion, Mr. Pudluk? Perhaps I can sort of just phrase what I understand to be your motion and then perhaps you can correct me if I am wrong, Mr. Pudluk. You stated that: I move, that TFN, ITC and the northern Quebec Inuit group meet with the Nunavut Constitutional Forum to discuss the issue of devolution of the Northwest Territories and to meet in the 1986-87 year. Am I correct?

MR. PUDLUK: Mr. Chairman, that ITC, TFN and representatives from Quebec meet with us from the Nunavut caucus.

CHAIRMAN (Mr. Wah-Shee): Okay, just for a point of clarification. It is not to meet with the Nunavut Constitutional Forum but it is to meet with Nunavut caucus of this House.

MR. PUDLUK: When I say Nunavut caucus -- it is already included in the constitutional forum. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Pudluk, there appears to be some problem with the way the intent of the motion is being made. Perhaps I could maybe just point it out to you, Mr. Pudluk, if I could. Mr. Pudluk, go ahead.

MR. PUDLUK: I will withdraw my motion for now because the Nunavut caucus is going to meet Monday. After that I will introduce my motion. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. General comments. Mr. Nerysoo.

Concerns Expressed Over Agreements

MR. NERYSOO: Thank you, Mr. Chairman. I just want to say that there are, and I should say I did raise some particular concerns with regard to the agreement, but one most important element is the fact that there is a major policy change and that policy change has to do with the principle that there initially was the discussion that took place around lands that had been identified for preferential or exclusive title to aboriginal people. What is happening now is, and it is a very important principle that the federal government has decided to embark upon, and that is to include what might be considered to be public government responsibility on public lands. I think that if there was an interpretation or at least a clarification of that particular decision, on the part of the Minister in light of the task force that the Minister of Indian and Northern Affairs set up to review the public policy that surrounds or is being utilized as the mandate for negotiating land claims and aboriginal rights in this country, I think that that is important for not only this Legislature to know but those organizations and those people that are presently negotiating aboriginal rights in this country because I do not think you can have such a significant policy change apply only to one claimant group or for that matter apply to one particular area.

From the comments that the Minister made earlier on the authority and the jurisdiction that had been negotiated in the case of Good Hope, that particular negotiation was very different, firstly, in the manner in which it was dealt with, and secondly, in the final agreements that were reached because it surrounded not only the question of the jurisdiction, or what might be considered the role of the community and the people, but also was dealt with from a corporate structure perspective. I think that that is also very, very different.

There are still a couple of concerns with regard to the recent agreement because if you read the agreement that was reached, you could not only have a Nunavut-wide Inuit organization but you could also have a regional organization, you could have a community organization. Whatever deals were made you could have what might be considered some very serious problem areas unless of course we resolved it in between now and the final agreement. You could have a community negotiating a deal on the development that took place within the municipality, that excluded or affected the ability of other Inuit in other communities to be employed or to receive benefits from that particular development. You could also have the same situation with regard to regional organizations where they excluded other Inuit from other regions from participating in the development. So, you could have a situation where those kinds of problems occurred. I would hope that the role of the elected government in Nunavut, or if the same situation occurred, in the Dene region, would recognize the importance of the Ministers and public government in trying to resolve what might be some very serious differences.

Conflicting Agreements

I know that we have been quite pleased about the COPE agreement but let me remind the Minister of the problems that have arisen out of that particular agreement being signed. I know it has been an advantage to the Inuvialuit but you must recognize the problems that have resulted with the Loucheux people within the Mackenzie Delta. We thought we had a treaty as well and it seems that that is of no value and it is not really worth the paper it is written on because the legal obligations under the constitution are not being abided by even though that agreement was in existence when the Constitution Act was amended to recognize treaty and aboriginal rights and in fact the settlement that was arrived at with COPE was after the constitution recognized the treaty was in place and the lands which that treaty applied to. So, maybe at some time you might have a legal battle as to what has more legal recognition from one document to another. I think that as much as we might be happy with the agreement that was reached there still are those particular issues and particular concerns because you placed the communities in the Delta in a very precarious position. I am just hoping we can resolve it without a lot of difficulty. Certainly, we will have to lean on the Ministers of our government to bring a resolution to the questions that might be necessary to resolve. Of course the Minister of Aboriginal Rights and Constitutional Development is going to be of key importance in trying to resolve what might be some of those differences.

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

Speedy Resolution Of Dene/Metis Claim

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I am interested to hear the Member's comments. I did understand that the Inuvialuit and Dene were working on overlap problems both before and after their claim was signed. I do indeed hope that the conflicts between Treaty 11 and the COPE claim and, more importantly, between Inuvialuit and Dene, can be resolved. I guess in the long run the best solution will be speedy resolution of the Dene/Metis claim and I understand this is why there is some real concern in the Member's region to get moving on those claims. If there is a way in which our government can help to mediate or assist if there are unresolved matters then I am certain we would be willing to do so.

Mr. Chairman, with respect to the comments of the Member that this recent agreement represents a new policy, I must say that I think every one of the initialled agreements in the TFN claim in some way impacts on public government and in some way provides a preference to the Inuit. I think the concern undoubtedly is this; that this agreement is perceived as possibly having a much greater impact on public government jurisdiction than perhaps in other areas. But I am sure the Member is well aware that in initialling the wildlife agreement, our government also made significant commitments and concessions to the Inuit interests in wildlife and indeed some preferential measures with respect to aboriginal peoples. So it is the extent of the impact on the public government that may be new about this approach, but I do not think it represents an entirely new policy in that regard. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. Just to respond. Yes, I know and have supported the wildlife agreement, but I think there is a very fundamental difference in what was signed in the agreements that we made, because in the case of the wildlife board, it is a public board, with the recognition that there are exclusive rights for the Inuit and there are preferential rights for the Inuit as well. We do have a public board that has the Inuit designating representatives, the Government of the NWT designating representatives and the federal government designating representatives. That same agreement, in fact, that same structure will be in place after having signed with the Dene/Metis. There is that public board process, but there are those exclusive preferential rights that apply. What I am saying here is that I have no problem with the preferential rights, but the problem is, as I see it, the mechanism. That is basically what I see as the process that has to be resolved. Mr. Chairman, we are also embarking and have given direction on the question of an Arctic accord, and one has to look at what the implications are and the authorities that might arise out of an Arctic accord that might be given to future governments. I think that that has to be dealt with.

Clarification Of Links Between Issues

Mr. Chairman, the one other issue the Minister raised which is very important is the clarification of links between the question of constitutional development and aboriginal rights and of course the question of devolution and the question of division -- those particular issues. Because as much as we feel that it is important and necessary to resolve the question of aboriginal rights, we also have to recognize how those issues are going to dovetail with constitutional development. The reason I say that is, in the case of the Dene Nation for instance, in proposing a new government, one of the requirements they are seeking is guaranteed seats in the Assembly. It makes no sense for me, for instance, as a representative in a public government to ask for guaranteed seats in a government that may not have jurisdiction or authority. Why do those kinds of things? I think in the case of even a senate having veto power, you know those kinds of things make no sense if they are not going to have any jurisdiction or a responsibility for ensuring a public government's responsibility. Those are the kinds of things I refer to as trying to dovetail things so that if you have jurisdiction and responsibility as a government, then what is that responsibility? And if you are negotiating rights, that you do not try to undermine the process of constitutional development. At the same time you try to ensure that what you are protecting in an aboriginal rights settlement is protected by the government in power.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. DENNIS PATTERSON: Mr. Chairman, with respect to the northern accord or Arctic accord as the Member described it, which would see Canada and the Government of the NWT entering into agreements which would allow the territorial government to have a share of resource revenues and take over or have a larger role in resource management, I would offer my opinion that the so-called Inuit impact and benefit agreements would very largely not relate to or prejudice the development of a so-called northern accord. Certainly the Inuit impact and benefit agreement in no way relates to resource revenues and in no way relates to resource management. In fact, provision in the agreement specifically directs that benefits shall not be subject to negotiation if they are so significant as to jeopardize the viability of the project. So I would hope that that matter which is still wide open between our government and the federal government has not substantially, significantly, been prejudiced by claims negotiations to date. But I do certainly agree with what the Member has said about the need to clarify linkages. We have been working hard on ways of doing that.

As I mentioned, I think with the Dene/Metis claim, we have their agreement on a structure that is going to take those linkages into account through this so-called second table concept. We have to do the same with the Inuit and in that connection I might say that I would welcome the thrust of Mr. Pudluk's motion to encourage those representatives to come and discuss with our government those linkages. So I accept the Member's advice and say that in the coming period of time, as we work toward a final agreement, we will have to very carefully ensure that the final agreement does not result in a regime which seriously erodes the authority of a public government. At the same time I must say that I do not believe that government has to do everything. I do not believe that -- I think if we were to take the position that claims negotiations should in no way impact on public government, then there would be nothing to talk about because really every subject is now under the jurisdiction of one government or another. So it is a question of balance, not of absolutes. And we certainly have got good advice so far about being sensitive to this question of balance. Thank you.

Aboriginal Rights And Constitutional Development Secretariat, Total O And M, Agreed

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. General comments. Aboriginal Rights and Constitutional Development Secretariat, total O and M, \$611,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): I would like to thank the Minister and the witness. Is someone moving that we report progress? Mr. Nerysoo.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Gargan): All those in favour? Opposed, if any?

SOME HON. MEMBERS: Agreed.

---Carried

CHAIRMAN (Mr. Gargan): I will rise now and report progress.

MR. SPEAKER: Mr. Wah-Shee.

ITEM 16: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 1-86(1), APPROPRIATION ACT, 1986-87

MR. WAH-SHEE: Mr. Speaker, your committee has been considering Bill 1-86(1) and wishes to report progress and requests leave to sit again.

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. Wah-Shee. Members have heard the report of the chairman of the committee of the whole. Are you agreed?

SOME HON. MEMBERS: Agreed.

---Carried

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

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. Members are reminded of the corrections briefing at 1:00 p.m. today in the caucus room.

ITEM 17: ORDERS OF THE DAY

Orders of the day for Monday, February 24th at 1:00 p.m.

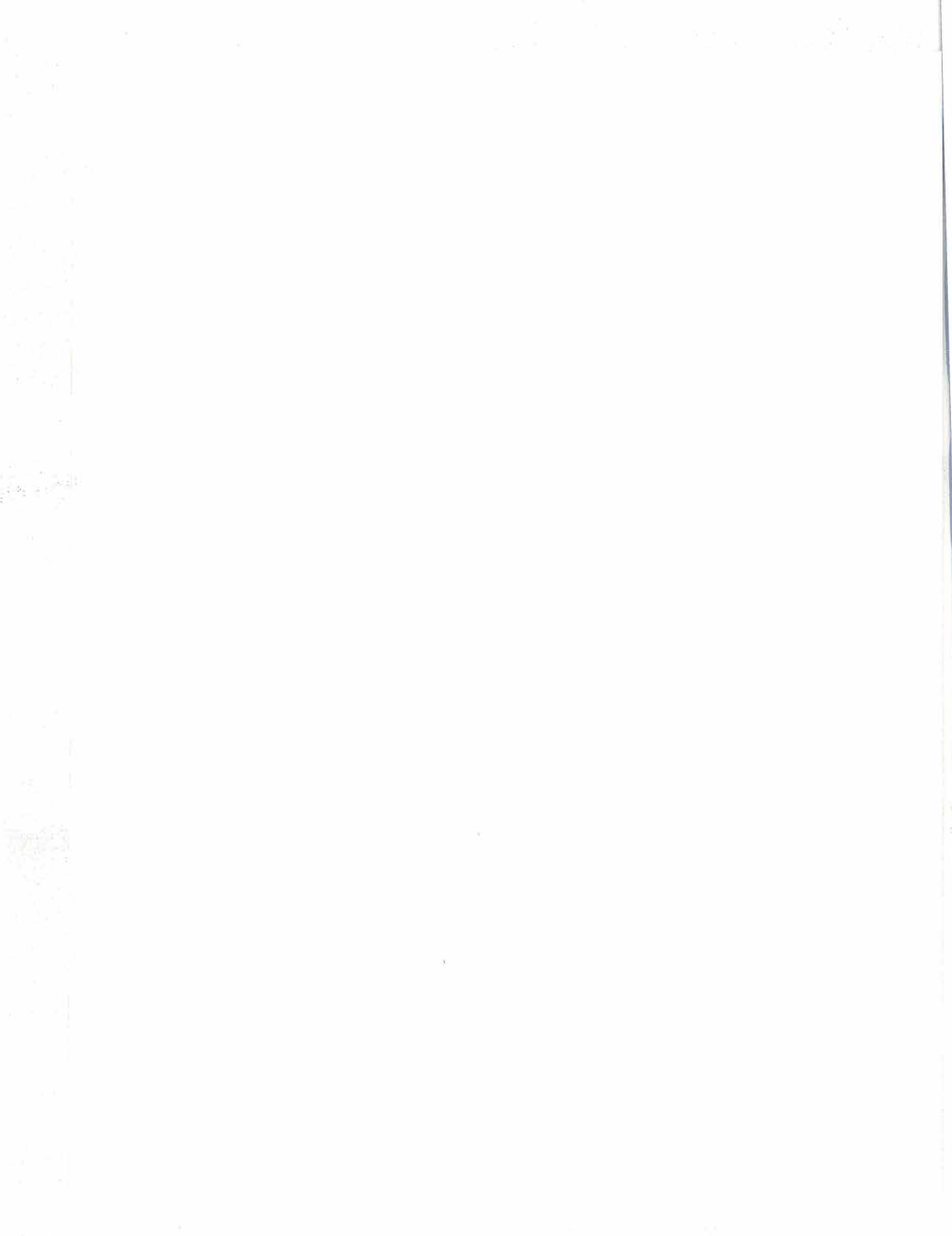
1. Prayer
2. Members' Replies
3. Ministers' Statements
4. Oral Questions
5. Written Questions
6. Returns
7. Petitions

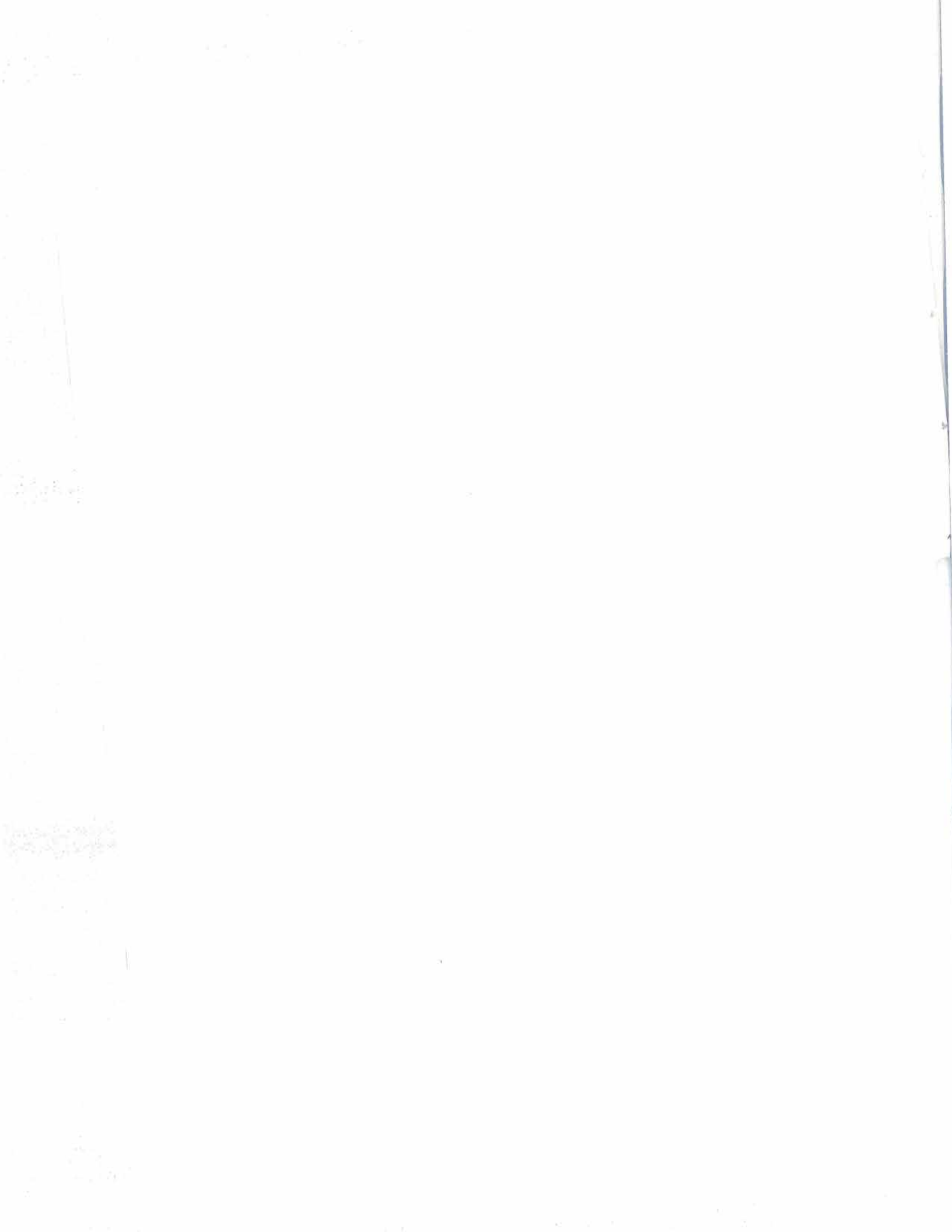
8. Reports of Standing and Special Committees
9. Tabling of Documents
10. Notices of Motion
11. Notices of Motion for First Reading of Bills
12. Motions: Motion 5-86(1)
13. First Reading of Bills
14. Second Reading of Bills
15. Consideration in Committee of the Whole of Bills and Other Matters: Bills 1-86(1), 3-86(1), 7-86(1)
16. Report of Committee of the Whole
17. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Monday, February 24th at 1:00 p.m.

---ADJOURNMENT







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