



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, MARCH 7, 1986

MEMBERS PRESENT

Mr. Appaqaq, Mr. Arlooktoo, Hon. Michael Ballantyne, Hon. Tom Butters, Hon. Tagak Curley, Mr. Gargan, Mrs. Lawrence, Mr. MacQuarrie, Hon. Bruce McLaughlin, Mr. Paniloo, Hon. Dennis Patterson, Hon. Red Pedersen, Mr. Richard, Hon. Nick Sibbeston, Hon. Don Stewart, Mr. Wah-Shee, Hon. Gordon Wray

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Friday, March 7th.

Item 2, Members' replies. Item 3, Ministers' statements. Mr. Patterson.

ITEM 3: MINISTERS' STATEMENTS

Minister's Statement 11-86(1): On Grade 11 In Pangnirtung

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Since 1978, the government has been committed to providing increased opportunities for education at the community level. One of the most successful initiatives has been the addition of grade 10. This expansion has had a positive impact on both the school and the community. Schools have noted an increase in attendance and a new interest on the part of pupils at the junior high level. Communities have demonstrated strong support for grade 10. They have showed renewed interest in education at all levels and are developing an increased awareness and understanding of secondary education. Seven grade 10 programs are now in operation.

Pangnirtung was one of the first communities to be approved for grade 10 in 1978. Over the past eight years, 74 students have enrolled in the program. Many would not have continued their schooling past grade nine if it had been necessary for them to leave home to do so. A strong commitment to grade 10 on the part of the local education authority, the school administration and staff, and the community at large, has been instrumental in bringing the program in Pangnirtung from a partial general level grade 10 in 1978, to its current status as a full grade 10 containing advanced and general academic streams, as well as business education and vocational education options. Each agency played, and continues to play, a critical role in the success of secondary programs in this community.

The local education authority, supported by the community, determined that no student would be eligible to attend secondary school in Frobisher Bay before first completing the program offered in Pangnirtung. They also pushed for the expansion of the program to its current level. The community has supported the local education authority and the school by ensuring that students attend classes regularly and by encouraging their children to remain in school. The school has worked hard at delivering a high quality program and has maintained close ties with the regional secondary school to turn out graduates well prepared to enter grade 11. This high level of support and co-operation has resulted in 57 of the 74 students who have enrolled in the program either successfully completing or still attending grade 10; 25 have gone on to grades 11 and 12 at Gordon Robertson Education Centre; and 13 students have completed grade 12. Over two thirds of the students who have taken grade 10 in Pangnirtung have either completed grade 12, or are still in school or are working.

The Baffin divisional board and the community of Pangnirtung have now requested approval to offer grade 11 programs at Attagoyuk School. Based on the success of the current grade 10 program and the strong commitment and support exhibited by all community groups concerned with education, I am pleased to inform you, on behalf of the Executive Council, that the school in Pangnirtung is authorized to deliver grade 11 programs beginning in the 1986-87 school year. Two person years and \$153,000 for O and M including salaries and other O and M have been committed to this program. The Department of Education is ready to assist in the organization and implementation of grade 11 in Pangnirtung. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements. Mr. Ballantyne.

Minister's Statement 12-86(1): Orr Air India Disaster

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I have a letter from the Minister of Justice and Attorney General of Canada, Mr. John Crosbie. It is addressed to myself.

"Dear Mr. Minister: As you may be aware, the honourable Mr. Justice Kirpal has completed the public sittings of his inquiry into the causes of the Air India disaster. I would like to take this opportunity to thank you for making Mr. S.K. Lal, Q.C., available to appear as counsel in front of Mr. Justice Kirpal. I am asked by our departmental counsel, Mr. I.G. Whitehall, Q.C., who appeared with Mr. Lal in India, to ask you to convey Mr. Whitehall's appreciation to Mr. Lal for the professional and moral support Mr. Lal gave him throughout the proceedings. As you know, the purpose of the inquiry was to attempt to shed some light on causes of the Air India tragedy. I have no doubt that the assistance Mr. Lal has rendered will assist Mr. Justice Kirpal in no small measure in coming to his conclusions. Yours sincerely, John C. Crosbie, Attorney General of Canada." Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements. The House will notice a photographer at work. The photographer is from the Toronto Star and has permission from the Chair to take photos this morning. If for any reason any Member should find this objectionable please advise me.

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

ITEM 4: ORAL QUESTIONS

Question 155-86(1): Canadian Junior Curling Championships

MR. RICHARD: Mr. Speaker, my question is for the Minister of Local Government in his capacity as responsible for sport and recreation. It concerns, Mr. Speaker, the Canadian Junior Curling Championships that were to be held in Yellowknife in 1988 sponsored by Pepsi Cola, and to be broadcast nationally by the Canadian Broadcasting Corporation. The problem, Mr. Speaker, was that CBC withdrew its commitment to broadcast this championship nationally. As a result of the question asked in this Assembly and a response by the Minister of Communications, Mr. Speaker, there was a newspaper report in the local newspaper that gives the impression that it was the fault of Pepsi Cola, the sponsor, that the NWT is in jeopardy of losing the privilege of hosting this national event when, in fact, the fault lies with CBC. Will the Minister in his capacity as Minister of sport and recreation clarify that the reason the NWT is in danger of losing this national sporting event is because of CBC, not the sponsor? And will the Minister undertake to advise Pepsi Cola that the GNWT welcomes their presence in the North and appreciates their sponsorship of youth events of this nature? Thank you.

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: Mr. Minister.

Return To Question 155-86(1): Canadian Junior Curling Championships

HON. GORDON WRAY: Thank you, Mr. Speaker. Yes, I certainly will undertake to clarify for the Member the fact that it was not Pepsi Cola's fault. CBC simply felt that they could not afford to broadcast events such as this from the North. I can indicate to the Member that I have sent a telex to the president of the Canadian Curling Association urging him and his board to reconsider their decision and to award the championship to Yellowknife as they had previously decided to. I have also sent a telex to the Minister of Communications, Marcel Masse, indicating my displeasure with the fact it now appears that as northerners, CBC regard us, in terms of their mandate, too expensive as a group of people to cover such things as national sporting events. Essentially, I have told the Minister of Communications that it is my understanding that CBC's mandate is to provide national coverage.

The last time I looked at a map, the NWT was still a part of Canada and Yellowknife was the capital of the Northwest Territories and I cannot for the life of me understand why CBC would say that it is too expensive to broadcast from Yellowknife. Given that if that rationale is used, then I guess all we are going to see is broadcasts of events from Toronto and southern cities. I guess Newfoundland and northern parts of provinces and Yukon and some of the more isolated areas of the country are not covered under CBC's mandate. So I hope that it will have some effect and I hope indeed that we will be able to see that championship take place in Yellowknife. Thank you.

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

Question 156-86(1): Investigation On Leasing Of Accommodation In Rankin Inlet

MR. MacQUARRIE: Thank you, Mr. Speaker. My question is for the Government Leader. Two days ago in the House, I asked the Government Leader whether he would formally investigate a matter with respect to the leasing of accommodation in Rankin Inlet. The Government Leader indicated that he would think about it. Can the Government Leader tell me when he will be ready to make a decision as to whether he will formally investigate that matter or not?

MR. SPEAKER: Mr. Minister.

Return To Question 156-86(1): Investigation On Leasing Of Accommodation In Rankin Inlet

HON. NICK SIBBESTON: Mr. Speaker, I can tell the Member that throughout the time that the Member has been raising questions about this matter, I have attempted to be on top of the situation. I have read all the correspondence and talked to as many people as I could about it. Since the Member has pressed me further to conduct an investigation, I have done a further review of the matter and I can tell the Member that the review is going on and I will be able to make a report to the Member and to the House early next week concerning the matter.

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

Question 157-86(1): Arctic Star Distributors Ltd. Not Receiving Contract

MR. MacQUARRIE: Thank you, Mr. Speaker. My question is for the Minister of Public Works, who was formerly responsible for the Housing Corporation. The question pertains to letters that I tabled in this House on Tuesday, I believe it was, and the letters indicated that a firm named Arctic Star Distributors Ltd., had bid on a Housing Corporation contract for 25 rehab units f.o.b. Hay River. Mr. Vincent Dixon, the marketing manager of that company, attended the opening of the bids on February 15, 1985 where he learned that he was low bidder. Yet Arctic Star did not receive that contract and Mr. Dixon inquired in a letter dated March 11, 1985 as to why not.

In response the Minister, Mr. Wray, said in effect that his answer was that he as the Minister had the right to take the matter to the Executive Council and the Executive Council had the right to award the contract to whomever it chose. Mr. Dixon felt that was no answer and I agree with Mr. Dixon. So he has requested, without success, an answer. So on his behalf I will here ask the Minister, what reasons did the Minister have that made him decide that it was necessary for him, and I quote, "to take to the Executive Council, the question of the party to whom that contract ought to be awarded"?

MR. SPEAKER: Mr. Minister.

Return To Question 157-86(1): Arctic Star Distributors Ltd. Not Receiving Contract

HON. GORDON WRAY: Mr. Speaker, I will answer in my capacity as former Minister of Housing. As the Member is aware I am responsible for awarding, probably in the neighbourhood of 1200 to 1500 contracts in a year. I have indicated in this House and in public over the last two years, that no longer when I look at a contract and when I look at decisions to award a contract, will I be constrained by the bounds of low bid versus not low bid. I look at contracts and I look at the low bidder and I look at other bidders and if there is a closeness in the bids, one of the things that I look to see is as to what the general benefit is to the NWT. Is there a greater benefit from one company over another, given that perhaps there may be just a small disparity in the amount of the bids. In this particular case, I looked at it and felt that, for reasons which I will not disclose, it was worth taking this to the Executive Council to seek my colleagues' advice on the matter. Discussions of the Executive Council are secret. The decision which we made was made public. However, I will not disclose the reasons for making that decision, neither in this case nor in any other case. As I say, discussions in the Executive Council are secret discussions and are not for public disclosure.

The Member may feel this is wrong; however, I will point out that from the hamlet council level up to the Executive Council, in camera meetings are called, discussions take place and all that is required is for people to disclose the final decision. This is in keeping with the tradition of municipal government, provincial government, territorial government and federal government. This is the process and this is the procedure and I will not break it in this case. Thank you.

MR. SPEAKER: Supplementary, Mr. MacQuarrie.

Supplementary To Question 157-86(1): Arctic Star Distributors Ltd. Not Receiving Contract

MR. MACQUARRIE: Thank you, Mr. Speaker. It was galling to Mr. Dixon that he did not receive the contract when he was the low bidder and he met the specs, the contract was timely and everything that the government had asked for was in his contract. So he was upset. But he was even more upset, Mr. Minister, in that he was told by one John Todd of Rankin Inlet, in the Mackenzie Lounge in Yellowknife on Friday, March 1, 1985, that he would not get the contract. He was then informed by telex on Monday, March 4th, three days later, by the Housing Corporation that he would not get the contract. Can the Minister explain how Mr. Todd had access to this confidential information even before the company to which the information was being sent?

MR. SPEAKER: Mr. Minister.

Further Return To Question 157-86(1): Arctic Star Distributors Ltd. Not Receiving Contract

HON. GORDON WRAY: Thank you. You're asking me? I mean how would I know? You know, I do not take into account conversations in bars. I am sorry, I cannot answer that question. That is even a ludicrous question to be asking me. How would Mr. Todd know? I do not know. Maybe the Member should ask Mr. Todd, he might get an answer. I think what is galling in this instance is that this is the same gentleman who was awarded a contract by me, which made me the subject of an Auditor General's report, because I bent over backwards to give him a contract in the face of a southern contractor who went to the Prime Minister's Office and who went to his federal MP who came to me and accused me of preference toward a northerner over a southerner. I had the Auditor General's department investigate me because I gave this gentleman a contract.

This is part of the problem. People feed certain information to Members of this House but they do not tell them everything. I would ask respectfully for the Member, when he raises his questions and when he is talking to people, to get all of the facts and to get both sides of the story because it is obvious that he is not getting both sides of the story, Mr. Speaker. Thank you.

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

Supplementary To Question 157-86(1): Arctic Star Distributors Ltd. Not Receiving Contract

MR. MACQUARRIE: Thank you, Mr. Speaker. I am well aware that this company received a second contract. They bid on two and they legitimately won both of them. The second one was won in accordance with Government of the Northwest Territories business incentive policy, which he applied. I would not ask that he or any other contractor be given contracts by ministerial discretion. So I do not hold any book for that.

Earlier the Minister said that he has decided that he will not be bound by accepting the lowest bidder. Yet the law indicates that he ought to be bound by it because the contract regulations state that the lowest bidder shall be accepted. I do acknowledge that there is a ministerial override, but surely, Mr. Speaker and Mr. Minister, we are no longer subject to rule by the divine right of kings. The fact is that under responsible government and democracy, Ministers are given that kind of power so that there can be some flexibility but they are given it, rather than a king, because they are answerable to the people.

So I will ask again. I know that Mr. Dixon, and he is sitting here, does not want anyone to protect him with confidentiality. He has nothing to hide. So I will ask the Minister once again, if you are not protecting Mr. Dixon, who are you protecting? Yourself or a third party? Please state the reasons publicly which persuaded you that you needed to take this matter to the Executive Council to overturn a low bid tender.

MR. SPEAKER: Mr. Minister.

Further Return To Question 157-86(1): Arctic Star Distributors Ltd. Not Receiving Contract

HON. GORDON WRAY: Thank you, Mr. Speaker. First of all, again the Member has his facts wrong. Mr. Dixon was not the legitimate low bidder in the case of the contract that was awarded to him. CMHC prohibits us from using our northern preference policy in application to CMHC money. In fact, Iberville Lumber Ltd., from Quebec was \$50,000 lower than Mr. Dixon in the contract that he was awarded. There were other reasons why we felt it was necessary to award him that contract and once again, Mr. Speaker, I will not reveal those reasons.

What I am protecting, and coming from somebody who is a very principled man, I am surprised he would even raise the question -- I am protecting the principle of cabinet secrecy which is one of the fundamental tenets of democracy in the western world. That is what I am protecting. I would love to tell the Member the reasons because the reasons are perfectly good reasons and are justifiable but I am not at liberty to disclose them. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Is this a different question? Mr. MacQuarrie.

Question 158-86(1): Executive Committee Attention Re Arctic Star Distributors Ltd.

MR. MacQUARRIE: Thank you, Mr. Speaker. This is for the Government Leader, who I am sure will agree that a more fundamental principle of democracy is answers to the public when they wish to have answers, rather than cabinet secrecy. Can I ask the Government Leader whether and if so, precisely when, the matter of this Arctic Star low bid was brought to the attention of the Executive Council for it to consider?

MR. SPEAKER: Mr. Sibbeston.

HON. NICK SIBBESTON: Mr. Speaker, surely the Member does not think or believe that I would have that kind of detailed information available to me without any prior notice. I will simply take the question as notice and reply to the Member as soon as possible.

MR. SPEAKER: The question is being taken as notice.

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

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

MR. MacQUARRIE: Yes, apparently the Minister did not get my question. There are a lot of messages that do not seem to get through or do seem to get through in strange ways.

MR. SPEAKER: There is a point with regard to notice being given. Although this is a habit of this House it is still not a rule of the House.

MR. MacQUARRIE: I accept that.

MR. SPEAKER: It is not a requirement of the Minister to act on such notice as given. Most of these questions should, according to your own rules, be written questions because they contain information that could not be taken to be a subject that the Ministers would necessarily have at their fingertips. Oral questions.

HON. GORDON WRAY: Point of order, Mr. Speaker.

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

Further Return To Question 157-86(1): Arctic Star Distributors Ltd. Not Receiving Contract

HON. GORDON WRAY: I am not sure if it is a point of order, but something just occurred to me that perhaps may be enlightening in terms of why Mr. Todd knew. I just remembered that in fact I awarded Mr. Dixon the contract over a company that Mr. Todd owns. So that is perhaps why Mr. Todd knew, because he was the one that lost the contract. Thank you.

MR. MacQUARRIE: It seems he is willing to give answers when there are answers, Mr. Speaker. I would appreciate that to some other questions.

AN HON. MEMBER: Open government. He wants us to table the cabinet minutes?

MR. MacQUARRIE: Yes, that would be very nice.

---Laughter

MR. SPEAKER: Order please. Oral questions.

MR. MacQUARRIE: You heard that offer, Mr. Speaker?

---Laughter

MR. SPEAKER: Oral questions. There do not appear to be any further oral questions today. Item 5, written questions. Mr. Appaqaq.

ITEM 5: WRITTEN QUESTIONS

Question 159-86(1): Caribou Study, Sanikiluaq

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Renewable Resources concerning surveys of caribou in Sanikiluaq Island. The hunters and trappers association in Sanikiluaq talked to me about having a study of the caribou in Sanikiluaq. For the past three years, the association has been requesting for funding to study the caribou in the islands, but the government has not supported this request. They have been trying all this time so they asked me to try and get funding for them. Therefore, I have no choice but to ask the Minister of Renewable Resources if he can provide funding for the hunters and trappers association this year to be used for the caribou study. We want to make sure that we are taking proper care of the caribou in the islands.

MR. SPEAKER: Thank you. Written questions. There do not appear to be any further written questions. I would like to recognize in the gallery, Senator Willie Adams. Welcome to the House, Mr. Adams.

---Applause

Item 6, returns. Mr. Pedersen.

ITEM 6: RETURNS

Return To Question 32-86(1): Compensation For Damage By Polar Bears

HON. RED PEDERSEN: Thank you, Mr. Speaker. I have a return to oral Question 32-86(1), asked by Mr. Paniloo on February 17th, regarding nuisance bears in Clyde River.

Mr. Speaker, I understand the concerns raised by the Clyde River Hunters and Trappers Association. Under the department's disaster compensation policy, hunters who have equipment lost or damaged can receive money to repair or replace that equipment, provided they are full-time hunters with no other source of income. This policy would apply to equipment damage caused by polar bears. Any full-time hunter who has equipment damaged by a bear should see the local renewable resource

officer who will assist him in filling out the application for compensation and will send it to his regional office. The regional office in Frobisher will determine the circumstances of the loss and obtain a recommendation from the hunters and trappers association. The damage claim may then be paid. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Returns. Mr. Butters.

Return To Question 97-86(1): Funding For Heating Gas For Church, Clyde River

HON. TOM BUTTERS: I have a return to a question asked by the honourable Member for Baffin Central, Mr. Paniloo, on February 26th, Question 97-86(1), regarding funding for petroleum products.

In response, sir, it has not been the practice nor is there any provision to provide funding to religious denominations to assist with the cost of heating churches. However, the government could provide assistance by way of performing an energy audit of the church through the Department of Public Works and Highways. The energy audit would provide recommendations on attaining greater heating efficiency which would result in reduced heating costs. Thank you.

MR. SPEAKER: Thank you. Returns. Mr. Ballantyne.

Further Return To Question 115-86(1): Study Re Housing Needs Of Smaller Communities

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I have a return to oral Question 115-86(1), asked by Mr. Gargan on February 28, 1986, concerning the private housing needs survey.

The private housing needs survey was conducted in October, 1985 in 22 communities in the Western Arctic south of the tree line. The results of this survey have been tabulated and analysed and I expect to be able to release a report within the next few days. The report will be available to all Members. Thank you.

MR. SPEAKER: Thank you. Returns. Mr. Wray.

Further Return To Question 21-86(1): Settlement Status For Kakisa

HON. GORDON WRAY: Thank you, Mr. Speaker. I have a return to oral Question 21-86(1), asked by Mr. Gargan on February 14th, with regard to settlement status for Kakisa.

On January 21, 1985 Mr. Gargan submitted a petition to have Kakisa declared a settlement. The petition was signed by 22 out of 37 residents. There was no formal action taken by the department on any change in status. However, the Fort Smith regional Local Government staff began to provide levels of service similar to those provided for settlements. In 1985-86 the department provided funding of \$73,880 for per capita grants, recreation administration grant, street lighting, a half-ton pick-up truck, a solid waste site, and a stove for the office/garage. Further, the community was offered contracts for garbage pick-up and disposal and half-time administrative clerk. These contracts were not assumed by the community because of some legal concerns expressed by one resident with regard to entering into contracts and the fact there were no qualified persons available to assume the clerk's duties. Departmental staff have identified, in consultation with the subchief, a person to train for basic administrative services in the community. Once she is trained, funds will be provided to afford her a part-time salary.

The community does not have a settlement council and I am advised that there is some concern on the part of some elders that they will become isolated from the Fort Providence band council of which the Kakisa subgroup is a part. There are no formal criteria established to identify the characteristics which would make a community qualify as a settlement. At one time the informal criteria were where a community which had or was approaching a population of 100, formed an elected settlement council and was prepared to assume direct responsibility for delivering municipal programs that they would be considered for settlement status. These informal criteria have been applied quite liberally and in some cases settlements were created short of meeting these requirements.

The new local government legislation will address and make clear the criteria for all levels of municipal government, including settlements.

In short, the Department of Local Government is already providing the basic municipal-type services found in other small permanent communities. We are trying to meet the needs of Kakisa on a practical basis until the proposed local government act establishes clear criteria on community government status, not only for Kakisa, but for other small communities in the western NWT. It is important that these criteria take into account the special social and cultural conditions in communities such as Kakisa. Thank you, Mr. Speaker.

MR. SPEAKER: Returns. That appears to conclude returns for today.

Item 7, petitions.

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

ITEM 9: TABLING OF DOCUMENTS

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I wish to table Tabled Document 37-86(1), A Sessional Paper: Constitutional and Political Development in the Northwest Territories.

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

HON. RED PEDERSEN: Thank you, Mr. Speaker. I wish to table Tabled Document 38-86(1), The Ministerial Committee's Recommendations for a Three Year Action Plan in Response to the Task Force on Spousal Assault Report, May 1985, in English and Inuktitut.

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

HON. TOM BUTTERS: Mr. Speaker, I wish to table Tabled Document 39-86(1), Business Incentive Interim Report, which I referred to during the committee of the whole discussion on the Government Services budget.

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

ITEM 10: NOTICES OF MOTION

Notice Of Motion 17-86(1): Sitting Hours

HON. TOM BUTTERS: Mr. Speaker, whereas it has been the practice of this House to permit the Speaker, when desirable, to set sitting hours of the House at his discretion, when the situation warrants, I am going to give notice of a motion for Monday. Now therefore, I move, seconded by the honourable Member for Pine Point, that the Speaker be authorized to set such additional sitting hours as he may consider necessary in order to effectively carry out and conclude the business before this House.

MR. SPEAKER: Thank you. Notices of motion, Mr. Patterson.

Notice Of Motion 18-86(1): Constitutional And Political Development Paper To Committee Of The Whole

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I give notice that on Monday, March 10th, I will move, seconded by the honourable Member for Yellowknife North, that Tabled Document 37-86(1), A Sessional Paper: Constitutional and Political Development in the Northwest Territories, be moved into committee of the whole for discussion on Monday, March 10, 1985, as the first item of business. And I will be seeking unanimous consent to deal with that motion today at the appropriate time, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Notices of motion. That appears to conclude notices of motion for today. Item 11, notices of motion for first reading of bills. Mr. Butters.

ITEM 11: NOTICES OF MOTION FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 11-86(1): Supplementary Appropriation Act, No. 3, 1985-86

HON. TOM BUTTERS: Mr. Speaker, I give notice that on Monday, March 10, 1986, I shall move that Bill 11-86(1), An Act Respecting Supplementary Appropriations for the Government of the Northwest Territories for the Fiscal Year Ending the 31st Day of March, 1986, be read for the first time.

MR. SPEAKER: Thank you. Notices of motion for first reading of bills. Mr. Wray.

Notice Of Motion For First Reading Of Bill 12-86(1): Taxation Act

HON. GORDON WRAY: Thank you, Mr. Speaker. I give notice that on Monday, March 10th, I shall move that Bill 12-86(1), An Act to Amend the Taxation Act, be read for the first time. I will seek unanimous consent at the proper time to get first reading. Thank you, Mr. Speaker.

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

Notice Of Motion For First Reading Of Bill 13-86(1): Write-Off Of Assets And Debts Act, 1985-86

HON. TOM BUTTERS: Mr. Speaker, I give notice that on Monday, March 10, 1986, I shall move that Bill 13-86(1), An Act Respecting the write-off of Assets and Debts for the Fiscal Year Ending the 31st Day of March, 1986, be read for the first time. And while I am on my feet sir, I would like to also give notice of Bills 14-86(1) and 15-86(1).

Notice Of Motion For First Reading Of Bill 14-86(1): Revolving Funds Act

Mr. Speaker, I give notice that on Monday, March 10, 1986, I shall move that Bill 14-86(1), An Act to Establish Certain Revolving Funds and to Set the Limit of Revolving Funds, be read for the first time.

Notice Of Motion For First Reading Of Bill 15-86(1): Supplementary Appropriation Act, No. 1, 1986-87

Mr. Speaker, I give notice that on Monday, March 10, 1986, I shall move that Bill 15-86(1), An Act Respecting Supplementary Appropriations for the Government of the Northwest Territories for the Fiscal Year Ending the 31st Day of March, 1987, be read for the first time.

MR. SPEAKER: Notices of motion for first reading of bills. That will conclude this matter this morning. Item 12, motions. Mr. Patterson.

ITEM 12: MOTIONS

HON. DENNIS PATTERSON: Mr. Speaker, I wonder if I could seek unanimous consent to deal with the motion I gave notice of earlier respecting the sessional paper on constitutional and political development in the Northwest Territories.

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Unanimous consent is being requested. Are there any nays? You have unanimous consent, Mr. Patterson. You have the floor.

Motion 18-86(1): Constitutional And Political Development Paper To Committee Of The Whole

HON. DENNIS PATTERSON: Thank you, Mr. Speaker.

I MOVE, Mr. Speaker, seconded by the honourable Member for Yellowknife North, that the tabled document, Constitutional and Political Development in the Northwest Territories, be moved into committee of the whole for discussion on Monday, March 10th, 1986, as the first item of business.

MR. SPEAKER: Your motion is in order. Proceed, Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, the last time political and constitutional development was considered in detail by this Legislative Assembly was in the Ninth Assembly. And recent events have pointed to the need for a clarification to this Assembly and to the public of the approach that this government should take in order to ensure that all the various interests involved in political and constitutional development in the Northwest Territories are reconciled and respected and rationalized as we deal with the complicated subjects of devolution, division, land claims and aboriginal self-government.

So, Mr. Speaker, I am pleased to have tabled a paper today which I trust will clarify to the public and to Members of this House our government's awareness of these interrelated issues and our government's determination to have a strategy which will respect all interests, the paramount interests of the public, the interests of the native organizations and aboriginal peoples, and our concern that there be progress overall in political and constitutional development in the Northwest Territories and in Canada.

So this paper, Mr. Speaker, attempts to present the government's current thinking on these issues and will seek approval of the House for the directions and strategies we have taken and invite input from Members of this Assembly. I am proposing that we deal with it on Monday, March 10th, Mr. Speaker, recognizing that the business of the House in considering the budget is beginning to draw to a close, and recognizing as well that Members of this Assembly -- I believe the honourable Member for Yellowknife South, had asked me earlier in this House our intention on tabling this paper in that he was concerned that it might be given at the last minute, and therefore not able to be properly discussed. So therefore, I have proposed to give Members the weekend to review the paper and it would seem to me that discussing it on Monday would give us a good opportunity to give it the proper consideration that it merits. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Patterson. Mr. Ballantyne as seconder.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I am quite happy to second the motion. I think over the past couple of years the evolution of constitutional and political development in the North has been going ahead at a phenomenal rate and the number of groups who are involved in different aspects of constitutional and political development are many. I think all of us in the North have been caught short by the speed and the complexity of the developments. I think it is unheard of how quickly we are moving ahead and I think we, as a government, realize that in the past couple of years things have been moving ahead very quickly for us also, and that we have a responsibility to try to bring things together.

I think Mr. MacQuarrie and Mr. Richard had some valid concerns. I know some of the native organizations have valid concerns. Members of this House are feeling, sometimes, left out of the process, so as an Executive Council we have worked very hard to try to bring all the thread involved in constitutional and political development -- land claims, devolution, and division -- to try to bring them together in as an orderly fashion as possible. Hopefully, this discussion paper is the beginning of a process that will bring all the people of the North together because I think it is very counterproductive that we have accusations and counteraccusations, mistrust and hard feelings among 45,000 people in a very weak economic political system compared to the rest of Canada. We cannot afford to be at each others' throats. So this paper is an attempt to leave some of the mistakes that we have all made in the past behind and put together a process where we can work together in a positive way in the future. So I wholeheartedly support it and I hope it is the beginning of a very productive exercise. Thank you, Mr. Speaker.

Motion 18-86(1), Carried

MR. SPEAKER: To the motion. Question being called. Do you wish to summarize, Mr. Patterson? Question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

I would like to welcome some grade five students from Snare Lake with their teachers, Lynn Atwood and Esther Wilbiks, to this House. Welcome to Yellowknife.

---Applause

Motions. Mr. Butters.

HON. TOM BUTTERS: Mr. Speaker, I wonder if I might have unanimous consent to put that rather administrative motion I gave notice of this morning.

AN HON. MEMBER: Nay.

MR. SPEAKER: I have heard the nay already. Unanimous consent has been denied. Item 13, first reading of bills. Mr. Wray.

ITEM 13: FIRST READING OF BILLS

HON. GORDON WRAY: Mr. Speaker, I would like to seek unanimous consent to give first reading to Bill 12-86(1), Taxation Act. Thank you.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Are there any nays? You have unanimous consent, Mr. Wray.

First Reading Of Bill 12-86(1): Taxation Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Yellowknife North that Bill 12-86(1), An Act to Amend the Taxation Act, be read for the first time. Thank you.

MR. SPEAKER: I have a motion on the floor. Are you ready for the question? All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 12-86(1) has had first reading. Mr. Butters.

HON. TOM BUTTERS: Mr. Speaker, I wonder if I might have unanimous consent to give first reading to Bill 11-86(1), Bill 13-86(1), Bill 14-86(1) and Bill 15-86(1) this morning.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Are there any nays? You have unanimous consent, Mr. Butters.

First Reading Of Bill 11-86(1): Supplementary Appropriation Act, No. 3, 1985-86

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Nahendeh, that Bill 11-86(1), An Act Respecting Supplementary Appropriations for the Government of the Northwest Territories for the Fiscal Year Ending the 31st Day of March, 1986, be read for the first time.

MR. SPEAKER: I have a motion on the floor. Are you ready for the question? All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 11-86(1) has had first reading. Mr. Butters.

First Reading Of Bill 13-86(1): Write-Off Of Assets And Debts Act, 1985-86

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Kavillivik, that Bill 13-86(1), An Act Respecting the Write-off of Assets and Debts for the Fiscal Year Ending the 31st Day of March, 1986, be read for the first time.

MR. SPEAKER: I have a motion on the floor. Are you ready for the question? All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 13-86(1) has had first reading. Mr. Butters.

First Reading Of Bill 14-86(1): Revolving Funds Act

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Yellowknife North, that Bill 14-86(1), An Act to Establish Certain Revolving Funds and to Set the Limit of Revolving Funds, be read for the first time.

MR. SPEAKER: I have a motion on the floor. Are you ready for the question? All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 14-86(1) has had first reading. First reading of bills. Mr. Butters.

First Reading Of Bill 15-86(1): Supplementary Appropriation Act, No. 1, 1986-87

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Nahendeh, that Bill 15-86(1), An Act Respecting Supplementary Appropriations for the Government of the Northwest Territories for the Fiscal Year Ending the 31st Day of March, 1987, be read for the first time.

MR. SPEAKER: I have a motion on the floor. Are you ready for the question? All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 15-86(1) has had first reading. First reading of bills. This seems to conclude this matter for today.

Item 14, second reading of bills. Item 15, consideration in committee of the whole of bills and other matters. By using one of the powers of the Speaker, I would name a Member to sit in the chair this morning, Mr. Richard, to resolve into the committee of the whole for the consideration of bills and other matters: Bill 1-86(1), Appropriation Act, 1986-87; Bill 2-86(1), Income Tax Act; and Bill 3-86(1), Institute of Chartered Accountants Act. We will try to have you relieved as quickly as possible, Mr. Richard.

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

Equal Employment Directorate

CHAIRMAN (Mr. Richard): This committee will come to order. We are on the Equal Employment Directorate, page 7.03. Mr. Minister, do you wish to make any opening remarks on the directorate?

Minister's Opening Remarks

HON. NICK SIBBESTON: Thank you, Mr. Chairman. I will just make a brief statement. The Executive Council approved the native employment policy on February 18, 1985. The policy statement indicates the GNWT is committed to a public service that is competent and representative of the people of the North. The focus is on increasing the representation of people aboriginal and indigenous to the NWT. On April 1, 1986 the mandate will be broadened to include co-ordinating affirmative action planning for women and the handicapped. To support these thrusts, the GNWT has put in place the Equal Employment Directorate to enable us to monitor and review the activities of our administration with respect to affirmative action. This group replaces the previous office of native employment which was situated in the Department of Personnel. This move follows the advice and direction which was given by this Assembly to give the Equal Employment Directorate much more status and significance in our government. So the directorate reports directly to me as Leader and, in turn, to the Executive Council.

The role of the Equal Employment Directorate, at this stage, is to co-ordinate native employment planning by providing guidance to deputy ministers on the design and implementation of their departmental employment plans. The directorate is also responsible for evaluating and reporting progress in achieving equal employment objectives.

As I indicated in my opening remarks for the Department of Personnel, the effects of the affirmative action policies of our government are already being felt. I indicated that in the last six months to December, something like 161 native people were employed in that six month period. It is approximately a 60 per cent increase over the previous six months.

Other responsibilities of the directorate are to maintain a statistical data base on underrepresented groups in the GNWT and to develop and maintain a public relations campaign. There has been a recent transfer of six equal employment officers from the Department of Personnel. This will broaden the mandate and provide some staff out in the regions to provide counselling and support services to target group clientele.

The directorate is guided in their work by an affirmative action advisory committee which has representation from native organizations, union and management, and women. In this way, we have attempted to get a good cross-representation of people that we are trying to help. The final decisions on overall affirmative action strategies are made by myself and my colleagues on the Executive Council. The government's public service-wide plan of affirmative action is currently in the final stages of development and I expect to review the plan by mid-March.

So, Mr. Chairman, these are all my comments. If the committee Members wish, I would like to invite Mr. Darryl Bohnet, who is the head of the Equal Employment Directorate, to assist me in any questions that may be asked by Members.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Is the committee agreed that Mr. Bohnet could attend at the witness table with the Minister?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Mr. Minister, perhaps for the record then you could introduce the witness.

HON. NICK SIBBESTON: Mr. Chairman, this is Mr. Darryl Bohnet, a man originally from Fort Smith, who is now working for our government. He has worked for the government for 20 years.

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

MR. GARGAN: I would like to ask the Minister concerning the preferential treatment being discriminatory, has the government considered how they are going to be handling this issue?

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

HON. NICK SIBBESTON: Mr. Gargan, could you repeat the question?

MR. GARGAN: I asked the Minister with regard to preferential treatment or preferential hiring being discriminatory. I was wondering how the Government Leader will handle this particular issue.

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. NICK SIBBESTON: Mr. Chairman, the idea of the Equal Employment Directorate is that the government recognizes that in the public services of our government, certain people are not properly represented. These include native people, women and the handicapped. So the government has taken steps to do something about it and we have passed a native employment policy, which I stated earlier was passed February of last year. We, as a government, now are acting on that policy. This past July the deputy minister of Personnel wrote a letter to all the departments saying that, as a government, we are committed to hiring native people and it is now part of our hiring practice to give preference to the native people. So that is what is being done. You ask whether this is being prejudicial, whether it is kind of practising prejudice. It really is not. It is trying to deal with a situation of hiring more native people in our government because it is recognized officially that these people have been disadvantaged, so we are trying to right and provide justice by this policy.

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

MR. GARGAN: Thank you, Mr. Chairman. I just wanted to say that I had some concern over that and I agree with the Minister. I would like to support him on that.

With regard to women being put in senior positions, I know the initiative was put in in 1985 and I am just wondering whether there are now women in senior positions or not. That is my question. I would just like to ask the Minister if there are now women in senior positions in the bureaucracy.

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

HON. NICK SIBBESTON: Mr. Chairman, in the matter of women, the Status of Women Secretariat has been set up for about a year and a half. Their general role is to promote the hiring of women in and outside of government. I think they have been serving that role. As for our own Equal Employment Directorate, women and the disabled will be added to our mandate April 1st of this year. So along with our attempts to hire native people we will be attempting to hire more women and handicapped people.

Women In Senior Positions In Government

As for women in the higher levels of government, we recognize that there are not very many women in senior levels of government. I think it is a matter that we are conscious of and any of the senior openings that we have in government in the near future, we will seriously consider hiring women to those positions.

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

MR. GARGAN: Thank you, Mr. Chairman. What the Minister has been saying then is that there has not been any change in the trend to put women in senior positions as of yet. It is still in the works. Am I correct?

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. NICK SIBBESTON: It is going to become part of the mandate of Mr. Darryl Bohnet come April 1st. Just in a few weeks we will be taking on that responsibility and dealing with it on an everyday basis. So it is something that we are conscious of and it is something that we intend to do something about; they will be added. The preference will be to native people. There is also some recognition of non-native people who were born in the North. There is a particular sensitivity toward those people and the women and the handicapped. All these people will be given special consideration in government jobs from now on.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Equal Employment Directorate, general comments. Mr. Gargan.

MR. GARGAN: Mr. Chairman, I am surprised that it is only going to be implemented now. I believe the mandate was there for a year and a half now, to establish positions for women in senior positions. Is there a reason why it has only been implemented in the new fiscal year? I do not understand that and just want to get some answers.

CHAIRMAN (Mr. Richard): Thank you, Mr. Gargan. Mr. Minister, do you care to respond to that? No. Equal Employment Directorate, general comments. Mrs. Lawrence.

MRS. LAWRENCE: Thank you, Mr. Chairman. Can the Minister indicate to me what improvement has been made in implementing that action plan? I understand it has been going on for about a year. The other concern that was brought to my attention was proper process of hiring individuals. I understand that some appointment has been made even though advertising has been in the paper, etc. Yet, an appointment has been made at the senior level position. What concerns me is that I hope that that would not become a practice because there are a lot of individuals qualified for these positions, especially when we are talking about women being in senior positions. I understand some of these positions have been advertised and responded to by very capable individual women and yet they have not been considered and appointment has been made to someone else. I just do not believe that an appointment has to be made rather than interviewing people. If that is the case, why bother having the whole department? Mahsi cho.

CHAIRMAN (Mr. Richard): Thank you, Mrs. Lawrence. Mr. Minister.

HON. NICK SIBBESTON: Mr. Chairman, Mrs. Lawrence was asking, what were the results of our action plan? I stated earlier that since the native employment policy was passed I think the government has done better in the hiring of native people. As I indicated, in the last six months we have hired 191 native persons which is a 61 per cent increase over the previous six months. So I do think we are making progress there.

The process that we have for hiring people is generally advertising and hoping people come forward, put their names forward to be interviewed and considered for positions. That is the general process. Occasionally, government does make appointments. This practice is for very, very few. With respect to the person Mrs. Lawrence talked about, a capable woman. I would really have to know the details in order to respond to that. But generally, I think we have a Department of Personnel now that is very sensitive to hiring native people and people from the North. We will be doing a better job than had been done in the past in this matter. I am optimistic that all capable people from the North, native, long-time non-native people, women and crippled will be given a fair chance from now on.

Qualifications For Jobs To Be Reviewed

I guess what we are trying to do as a government is be very open. I think government in the past has been seen as a bit closed in this regard and we intend to open things up, advertise and really bend over backwards, as it were, to hire people from the North. We will be cutting down substantially on the advertising of positions in the South and we will be reviewing the qualifications that are needed for many of our jobs to see if people in the North could fill those positions. So I think we are into a new era of more people from the North being hired than ever before.

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

MRS. LAWRENCE: Thank you, Mr. Chairman. I guess my concern was not only for the native people but especially for the women as well. I just do not like to see practising without the staffing officer involved and if they are just going to appoint individuals into the positions then we might as well do away with the staffing officers. I strongly believe that if any senior position that has to be filled is going to affect our lives at the community level, then I think someone should be involved in who should fill these positions.

I would like to see some changes and the Minister promised there will be some changes. I am trying to be positive in some changes but up until now I am having problems. As for putting native people in, I do not want to see native people being appointed for the sake of being appointed. I guess that is the point I am trying to make. Mahsi cho.

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

HON. NICK SIBBESTON: Mr. Chairman, I take what the Member says as good advice and I can tell you too that I am concerned about the matter. Throughout all of our quests to hire more native and northern people we will make sure that they are properly qualified. I know from experience the difficulty of hiring people and putting them under undue pressure and stress by them not being fully qualified and capable of doing their job. So it is a matter that we will be particularly sensitive about. I will be talking to my staff about that to be sure that the people we hire are fully qualified.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mrs. Lawrence.

MRS. LAWRENCE: Thank you, Mr. Chairman. I feel I have to say this as a Member of the Legislative Assembly. It appears that we are approving a budget whether we agree or not. It is almost set up. Although we have a finance committee, and we are trying very hard to make some changes, we are at the point where not too many changes are being made. Or if it is so, it is very slow and we are losing interest, wandering off. Maybe it is time that we should just do away with it. The budget is all set, so go for it and why waste our time? Mahsi cho.

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

Power Of MLAs Re Budget

HON. NICK SIBBESTON: Mr. Chairman, I guess I can provide some encouragement and advice to Mrs. Lawrence because I have been in that position of being an ordinary MLA and wanting to affect government. I know it is frustrating but not impossible. Sure we come to the Assembly with all the papers, all the budget seeming to be set, but really it is not impossible if you want to affect things. You can delete some of the moneys. The power that you have as an MLA is to not agree with certain items that are in the budget.

Second to that, you can make motions and you can pound the table and do whatever is necessary, I guess, to bring your concerns to the attention of the government. I think Mrs. Lawrence will find that, having been on the other side, not being Ministers of the government, we generally would be sympathetic to any great concerns that she has. So I would not want Mrs. Lawrence to feel hopeless about this whole exercise. You have to be optimistic and hopeful that changes can be made.

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

MR. RICHARD: Thank you, Mr. Chairman. There is one aspect of the native employment policy that I wanted to question the Minister on. It arises, Mr. Chairman, out of an incident that was brought to my attention by a constituent who is an employee of the government, who was born in the Northwest Territories, took all of her schooling here and virtually from the day she graduated from high school has been employed by our government and has been doing quite well, I am told, in her performance evaluation reports. Recently she was invited by her superior to apply on a vacancy at the next level up in the division in which she works. She did so and had a very favourable interview and in fact I was told that she was clearly the most qualified and most suitable for the vacancy. However, there was a native person as defined in the native employment policy from outside of government who applied for the position and was awarded the position. This constituent was advised that the native person had the minimum level of qualifications for the vacant position. The reason my constituent, who was born in the North, did not get the position, she was told was as a result of the affirmative action policy.

Need For Consideration Of Non-Aboriginal Persons Born In The North

Now, Mr. Chairman, I personally feel that that is going a little bit too far. I think there should be some consideration in the equal employment policy, the native employment policy, the affirmative action policy, for employees or prospective employees who are born in the Northwest Territories. Such a person, although maybe not an aboriginal person, is a native, small "n" native of the Northwest Territories.

I did, Mr. Chairman, hear the Minister say in his introductory remarks two days ago when introducing the budget of the Department of Personnel, that he wishes to increase the representation in the public service of non-native people born in the North. I believe he indicated as much again this morning. So, Mr. Chairman, I would ask if the Minister would not consider amending the native employment policy to change the definition, if you will, of native, with the intent of including in the affirmative action policy, native born northerners, within that policy.

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

HON. NICK SIBBESTON: Mr. Chairman, I appreciate the comments made by the Member. It is unfortunate that in the case that he refers to, it did come down to that; a native person with, as he says, less qualification than a non-native person born and raised in the North and with more qualification. I guess in this instance the native employment policy overrode and special preference was given to the native person. This I am sure was done following the staffing directive which was made by the Department of Personnel last July to all departments, indicating that native people qualified and suitable for employment would be given preference.

I have some appreciation and sympathy for what the Member is saying and the Member can receive some consolation or some hope in the fact that in the recent policy that we passed, the human resource planning policy, we did give recognition to non-native people who were born in the North. In fact, the second principle in that policy states "increased representation of northern native people, non-native people born in the North, women, the handicapped and other persons with special needs at all levels in the public service will be emphasized". So I think, as a government, we are

beginning to recognize the fact that non-native people born and raised in the North are to be given special consideration. I know, I, as a person, as Minister of Personnel, feel that way, whereas the biggest preference will be given to native people to increase their numbers in the civil service. At the moment we are at 27 per cent and most of these native people employed are at the lower levels of the public service. So that is where we are at and through the course of years, we will be attempting to increase that.

But we will also begin, in terms of policies, to give special recognition to non-native people who are born in the North. That is a matter that I am personally sensitive to. Recently in Fort Smith we hired a white person who was born in the North. He has become vice-president of Thebacha College in Fort Smith. His name is Ron Holtorf and I remember him as a person that went through the school system with us, right from high school all the way to university. He had been the principal of Thebacha when he applied for the job and we gave him the job because he was qualified. Here is a good example of a non-native person who was born in the North, went through the system and is now occupying a very high position in our government. So there was a sympathy and a very strong desire to be sure that people like that get some of the very senior jobs. I appreciate what the Member is saying and we will be very sympathetic and sensitive to what he says in this matter.

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

Status Of Human Resource Planning Policy

MR. RICHARD: Mr. Chairman, I do not know if I have the terminology correct as the Minister read it. The human resource planning policy then that he referred to, can I ask when that policy became effective or is going to become effective? And what is the status of that policy relative to the native employment policy of February 1985? Are these two policies of the government in the same blue binder? Do they have an equal status? Does one policy override the other? What is the relationship between the two policies?

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

HON. NICK SIBBESTON: Mr. Chairman, I am sorry I do not have the precise day but this policy was passed in the last couple of months by our government. The policy that I have here is not dated but it is in effect now and it has been passed just a couple of months ago. It is a general policy -- it is part of the Department of Personnel. What this is generally is that the government will be guided by this policy in its hiring of civil servants, in its granting jobs and responsibilities of civil servants, it will be guided by this policy which will see that we are going to deal with the civil servants on a planned co-ordinated basis. I really cannot say anything more than that, other than to give the Member a copy of the policy so that he can see for himself all the things that are contained in it. Regarding where it stands relative to the native policy at the moment, the native policy I guess is a special aspect of the Department of Personnel. At the moment I would say with respect to the native employment policy that that overrides presently the human resource planning policy. But certainly in the system as it were, it is part of the policy of the Department of Personnel and it will be followed. At least, I guess this policy does recognize for once that non-native people born in the North are of some significance and will be given some special considerations. So it is significant for that.

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

Policy Supports Flourishing Bureaucracy

MR. GARGAN: Thank you, Mr. Chairman. Previously when the Minister addressed Mrs. Lawrence he did indicate some sympathy toward native people but I believe that sympathy does not go far enough. I have some suggestions that the Minister perhaps might be able to consider and that is with regard to equal employment opportunities. I guess that would also have to apply toward the salaries and benefits. Right now what we are doing under this policy is we are supporting the flourishing of the bureaucracy.

What is happening right now too is that the ratio is about for every eight people there is one public servant in the Northwest Territories. Perhaps if we put more native people in the public service then that ratio would change to eventually be maybe perhaps six for one public servant. I guess the other thing is as Members of the Legislative Assembly we are supporting the government's

initiative but also at the same time it is flourishing and we as elected Members of the community should maybe be putting more emphasis toward the communities. There are inequities with regard to band councils and the kind of benefits they get, also for settlements or hamlets and whether they are under the public service or not and what type of benefits they have. I am sure if we refer to equal employment opportunities I would think that would apply to the salaries and benefits too. There is very little done with regard to the hiring of native people in the bureaucracy. I think we should be giving the same type of benefits and salaries to people at the local level who are not in the public service. I think that is the kind of direction that I would be supporting rather than supporting people coming to Yellowknife and making the bureaucracy bigger. I really think we do a disservice to the communities by supporting that kind of initiative and very little is done toward the people that we are actually representing, Mr. Minister. I have never ever looked at it because I guess the native employment preferential treatment, the equality for women or the status of women issues do make the government look good. I have never looked at it the other way around where we think we are doing good by supporting the government for taking that initiative but at the same time we have been blindly neglecting the communities. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister, do you wish to comment on that?

HON. NICK SIBBESTON: Yes, Mr. Chairman, I can say that this matter has been raised in the Assembly before. I remember a year or two ago Ms Cournoyea raising the matter. As I know it, the government did respond to this matter and has increased and provided more moneys for the housing associations and the education committees. The amount of moneys to these bodies has increased in the last number of years. Also, funding to regional councils I consider reasonably generous. I know that the hamlets have expressed this concern and I know that a study was done in the Baffin in particular to see if the benefits to hamlet employees were on a par with the government. The report did find that yes, the hamlet staff certainly in one part of the North, the Baffin, were on a par with territorial government employees. I cannot say what the situation is with the hamlets in the West but it is a matter that as a government we could consider.

The Member is probably referring to band councils. In a place like Providence I know I have suggested to the band council, the leaders of Fort Providence, that at the moment they are not a hamlet. The community does not get the funding that they would get if they were a hamlet or if they had signed a community agreement with the government. I pressed and urged them to do so but nothing has been done. As long as community councils remain band councils then they receive their money from the federal government and we of course, have no control on that and so have no way of knowing what benefits and what pay they get. So with regard to band councils I think it is up to local leaders to press the federal government for more funds. As far as hamlets are concerned I think we are on a par. The other organizations I mentioned too, are equally well-funded. So I like to think that at the local levels anyway, as a government we are providing reasonably good funding and the pay and benefits are becoming on a par with our government.

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

Support And Benefits At Band Council Level

MR. GARGAN: Thank you, Mr. Chairman. I would like to say that it is true that right now the band councils are being funded by the federal government. What is this government doing with regard to helping band councils? We are talking about native employment and I do not know what kind of role this government plays toward band councils. Certainly the settlement councils are benefiting or are getting pretty well the same as public servants or are treated as such anyway but it is the band councils, the native people, the native organization, that is not being perhaps supported as much as it should be. These are the things that we keep referring to in such matters as native employment in the bureaucracy. I do not support it as much as if it was brought toward the communities more. I would like to think that the kind of contribution the GNWT could give to the band councils is the difference between what they are getting in their salary and what the public service get, that that would possibly be subsidized by the GNWT. That type of system I would appreciate because I do not think we are doing that much as a government toward band councils.

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

HON. NICK SIBBESTON: Mr. Chairman, I have to believe anyway that the situation is not as bad as the Member suggests because we went from an era 10 to 15 years ago where the people in the communities did not want to have anything to do with our government. They did not recognize this

territorial government so their alliance or association during those years was with the federal government. The band councils were funded and provided for by the federal government. Through the course of years as things changed and as our government improved, many of us became involved in our government and the people in the communities did look more favourably on our government. Our government in turn responded to requests for assistance.

So you have many communities in the North where although they still have band councils our government provides a settlement secretary and I know that is the case in places like Fort Liard, Arctic Red River, and little communities like Jean Marie River have been assisted by our government. I do not know what the case is in Providence. I had thought that the person that works for the band was paid for by our government. So you do have situations where our government has helped communities with a person and they are paid by our government and provided with all the benefits that are normally accorded to any territorial government public servant. I like to think anyway, Mr. Gargan, that we have not done that badly and it is increasing. In places like Fort Providence the answer is to become a hamlet or get an agreement with our government so that a community can be funded like any other community in the North.

This has happened in Fort Resolution a year or so ago and I think they stated the funding that has been made available to them has increased substantially. I think the onus is on the people in the communities to make decisions as to the type of local government they wish to have and what relationship they wish to have with us as a government.

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

MR. GARGAN: Mr. Chairman, I still think we are not doing enough for the communities. Under the Public Service Association employees of the government have been protected. Their benefits are being negotiated and agreements are signed. There are also unions and steelworkers. These are people that are protected under their respective representation. As far as native employment goes, if they are not in any of these organizations they are not protected. This is one area in all the communities that I am sure a lot of the ordinary MLAs have a concern over. They will keep on having that concern for although we have an Equal Employment Directorate it does not protect native people. Rather it brings native people to the bureaucracy. That is the only way they are being protected. But for the people who are not under any of those organizations, they are not being protected and we as elected Members have to try to make concessions for these people. I would like to think that the Minister is looking toward that direction. I believe that we have gone some way, in trying to satisfy the communities but as long as the communities are out there and are not treated as equals the problem will always be there. So I would like to think that the Minister would eventually be able to come up with a conclusion that perhaps under the equal employment initiative we have to not only consider the public service or bring people into the public service but see that the people that are out there are given the same type of treatment. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister, just before you reply I would like to take this opportunity to have our committee recognize Commissioner Will Pratt, head of the Salvation Army of Canada and Bermuda, and Major Baden Marshall, divisional commander of the Salvation Army for the NWT and Alberta.

---Applause

Welcome to the Northwest Territories, the land of Nunavut and Denendeh. The land of the free as well. Democracy and free speech.

---Laughter

Mr. Minister.

Positive Government Response To Needs Of Communities

HON. NICK SIBBESTON: Mr. Chairman, I was going to say to Mr. Gargan that I really do think if he considers the positive things that have happened through some of the communities in his constituency I think he would have to say that things are looking pretty good and things have improved vastly over the way things were 10 or 15 years ago. I guess I have to make reference to little Kakisa Lake. There are not very many people there, probably in the 20s, but they were given

electricity at a cost of \$200,000 or so a year or two ago. More recently they got a truck. They have been treated as a settlement council. They have been given money for a small office and they have regular visits from the local government officer in Simpson and just generally are treated very well all around. Some of the concerns from the community have been raised by the Member and have been dealt with just very quickly and there was action by our government to concerns such as wood and things of that sort.

With respect to the reserve in Hay River, I was the MLA there in 1970 and things were desolate. Things were terrible across the river. Now, 15 years later it is like day compared to night. There has been so much improvement, so much progress has been made with new schools, new houses and just a new era of the development. The Member should not feel too badly. I think he has to concede that we, as a government, have done pretty well in responding to the small communities in terms of basic facilities and basic services to them. I want the Member to admit and say that things are not as bad as he would want us to believe today.

CHAIRMAN (Mr. Wah-Shee): Thank you. Things are certainly looking up. The honourable Member for Deh Cho.

MR. GARGAN: Thank you, Mr. Chairman. Mr. Minister, do you feel guilty?

---Laughter

I would like to thank the Minister for his support and some of the initiatives that have been taken in those communities and the support that I have had for them. However, I guess we are sort of missing the issue here. We are talking about equal employment opportunities and I would like to think we are moving toward that trend and that eventually this government would have a policy that recognizes employees regardless -- if they are serving the public they would be entitled to the same type of salary and benefits that go along with those responsibilities. I just wanted to mention that, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Honourable Member for Yellowknife Centre, Mr. Bob MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. honourable Chairman. I would like to start off by saying and trying to make it as clear as possible that I do support the government's affirmative action program. I support it for a number of reasons, the first being that when I look at the objective that is stated I approve of that objective, one part of which says to try to make the public service more reflective of the people that it serves. That is a commendable objective. And to try to extend the possibility of the public service being able to speak to the people it serves in the language of their choice to the extent that that is possible. I approve of that objective. I approve also of the additional efforts to try to break some old stereotypes and patterns that too often in the past have stood in the way of women and handicapped finding employment with this government. I also particularly approve because the government has indicated that it is not going to follow a quota system but rather that it will set what it feels to be just and reasonable targets over a reasonable period of time and attempt to meet those targets. So for all of these reasons I do support the affirmative action policy.

Undoubtedly the Minister would recognize with an introduction like that there must be a "but" coming, and indeed there is.

MR. RICHARD: (Inaudible comment)

Intelligent Implementation Required For Success

MR. MacQUARRIE: Several butts as a matter of fact. However, a large "however" says my colleague for Yellowknife South, however, it should be clear to everybody that the objectives in the affirmative action policy are in addition to and not in place of a fundamental objective of any public service and that is to ensure that there is an effective public service. It has the job of providing government services to the people and it is a disservice to the people if the services that are provided are not provided effectively and efficiently. So that is always, I am sure, the fundamental objective. In addition, there is an important principle associated with employment in the public service and that principle is that because the public service is funded by the public with public funds, that all people in the public must have public service employment open to them. So I would say that in implementing an affirmative action policy those objectives or that objective

and that principle must never be forgotten, must never be lost sight of and must be taken into account when decisions are made in implementing the additional objective of affirmative action. I say more than that, that while I absolutely support the affirmative action policy, I also say that if it is not implemented intelligently and sensitively that it will not attain that desirable objective but rather that it might undermine the fundamental objective of a public service. That it might cause grave problems of morale in the public service and by that means, weaken the public service and finally then, damage the interests of the people in the Northwest Territories who have a right to expect that they will be served by an effective public service.

So in implementing the policy I feel that there are certain critical areas which must be monitored and evaluated carefully because if they are not, there is a danger that some of these undesirable effects will take place. I would say that one of the dangers first of all is if managers begin to feel on their own. That is managers who are responsible for hiring, begin to feel on their own, that is as a result of thoughts that occur to them, or begin to feel because of actions that are taken by others superior to them, that the sole measure of their performance as managers will be how well they have met the targets of affirmative action. Then they will not make good management decisions in hiring. So it must be clear I think first of all to managers in our public service that they should not fear that that is going to be the only, or even the primary, evaluative measure of their performance as managers. It will be one of the factors and it should be one of the factors because this government has said that it wants an affirmative action policy. So it is important for managers to keep that perspective. It is also important for those who are above the managers who do the hiring, whether it is deputy ministers or Ministers, not to do things or to say things that would make those managers think or believe otherwise. The way in which they will be evaluated must be very clear to them. So that is one danger.

Motivation To Become Better Qualified May Be Lessened

I say that there is another danger that is related to implementing the policy in such a way that those who are minimally qualified will receive a job ahead of those who are better and perhaps much better qualified, if the particular person in question is suited under the affirmative action program. I say that for a couple of reasons. One reason, surely all of us and it has been said in this House many times, are trying to encourage education among northern people. We want to see northern people and native people, particularly, seek to attain higher and higher educational qualifications. In fact if this policy is not implemented sensitively and intelligently we may take away part of the motivation to try to become better qualified, because the idea might get abroad that you can get a job without having superior qualifications. There is a danger on the other side as well, with respect to this, if we take minimally qualified ahead of well and excellently qualified people, that the morale of these people will be seriously undermined. They will have taken jobs with our government. They will have devoted themselves fully to doing the job, putting in long hours perhaps, always there when they are required, doing everything they can to make sure that they can do their job effectively, maybe taking courses at night. Then when an opening comes along for promotion, they apply and they find that they cannot get the job because it will be given to someone who is minimally qualified.

Now I do not care who that person is, your morale is bound to be undermined in circumstances like that. You begin to ask what is the point of my trying to do a superior job for the GNWT because in the end it will not be recognized? I do believe it is acknowledged by everybody here that from time to time we have to go to the South to hire people because they have particular qualifications and there just is not anybody available in the North. Well, let us look at a person like that. Do we tell that person and I say we ought to, that we do have an affirmative action policy under which jobs will be given to minimally qualified people? That person ought to know that. We are giving him the first job because we need him because we do not have people in the North who have his qualifications. So we invite him to come north. It would be grossly unfair if we did not tell him that even though he got that job, he may not be able to progress through the public service in trying to attain other jobs because he will be faced with what essentially is unequal competition.

CHAIRMAN (Mr. Wah-Shee): Point of order here. Your time is up, 10 minutes. Does the committee agree that we continue?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Carry on, Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman and Members. There is a danger that if we do not implement it sensitively and intelligently that we could become known as the minimally qualified government and that would not be a description that we would want to live with. It is a serious danger, I would say because of that.

In other words, I do accept at this moment that there may be reason for accepting minimal qualifications. But I say that we should move as quickly as we can to get away from that. So that affirmative action is applied only at what I would call the upper edge. In other words you advertise employment. You say this job requires these qualifications. You get your applicants, assess their experience, their education, their suitability for the job and then when you find that you cannot decide between two because they are both superior people, very well qualified for the job, then apply the affirmative action policy. If the one of them happens to be a native, he would get the job in that case. Or if one of them happens to be a woman, she would get the job rather than the other, because they are approximately equally qualified. We must move toward that at the upper edge as quickly as we can.

Qualification And Suitability For Job

There are some issues that arise out of that particular concern. One of them is that we say that in order to receive the priority, a native person must be qualified and suitable for appointment to the position. Both of those things must be attained. So in some jobs for example, there may be a person who meets a typing qualification but they may not have had experience dealing with people and yet that is part of what the job requires. That is what I take to mean suitable for the job. We must be very careful, I say, when we do apply affirmative action, to ensure that both of those things prevail; that they are qualified and that they are suitable for the job. First issue, is it possible that under our affirmative action program as it is being implemented, that occasionally there are people getting jobs who, it is wondered, are actually competent to do those jobs? Do they have the qualifications?

I know from time to time that there will be resentment on the part of those people who did not get the job and there may be appeals to this kind of decision. If there are appeals and it is questioned as to whether somebody actually had the qualifications, I say, that for the sake of the success of the affirmative action program, for the sake of the public in the NWT, our government must be prepared to make it abundantly clear to everyone that indeed they were qualified to do the job.

I have a copy of a letter sent by the president of the NWT Public Service Association to the Department of Personnel. There was a particular job advertised at a fairly high level. There was a person who won that job under affirmative action. There was an appeal because someone felt that the person did not have the qualifications to do the job. The regime that is in place entitles the union to be party to appeals, yet there was an appeal meeting and apparently the qualifications were assessed -- the union person was not there. All that came out of it was that the government has decided to give this job under affirmative action. The union president has written saying "What were the results of that appeal? Why not tell people what the qualifications were and what it was that made you satisfied that they were qualified?" That is not too much to ask for because if we do not give answers like that, the credibility of the whole system is going to be undermined. So my question to the Minister is then, why can the union president not get a copy of the substance of the meeting where the appeal was decided?

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

Process Of Appeal For Grievance

HON. NICK SIBBESTON: All I can say to the Member is that I have not been in the Department of Personnel long enough to know all of the workings of the department, but I am becoming increasingly familiar with it. But in the situation that he states, the process of grievance of a person who did not receive a job and wishes to complain or file a grievance, the matter goes up eventually to an appeal board and as I understand it, the appeal board consists of somebody from the union, somebody from the government and an independent person. These three persons make a decision on the grievance and on the appeal. I have seen some of the results of the decisions and in all cases they provide a recommendation as to what the government, the employer, should do. In some cases they provide substantiation, some detail or reasons why they decided as they did. In other cases they do not. In those cases it is very difficult.

These matters have been coming to me and up until recently they had been going to the Commissioner. But now, because I am responsible for Personnel, they come to me. For the most part I follow the recommendations of the appeal board and to date I have not gone against any of them. So that is the procedure that is in place for grievances and appeals such as you state. It is sometimes difficult to understand why the appeal board made the decision that they did. If I wanted, as the Minister responsible, to go further and find out, I can ask our representative on the board and get the details from the person. That would be one way of finding out reasons, but I have not felt that I have had to go into further detail in any case so far.

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

MR. MacQUARRIE: Ordinarily there is a union member on appeal boards. This was done by a subcommittee apparently. The union was not a part of it and was not given the results of it either, merely told that indeed the person had minimum qualifications and would retain the job. What I am saying is that if we want the program to have credibility, we must assure the public that things are on the up and up, that there are not decisions made behind the board, there are good reasons why decisions are made.

Now in this particular case, with Personnel matters, I do not think that should necessarily be made public. But at least the union president could be told what the reasons are, to satisfy him so that he in turn could satisfy other members of the public service that indeed the qualifications were satisfactory or that they were not. The question is: Will Mr. Crook, the president of the NWTPSA get a response to that letter, that does not merely say, as some Ministers are in the habit of saying, it is confidential, but rather that provides reasons and real answers to what was done? Can he expect such a letter from the Minister?

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

Basis For Decision Of Board To Be Made Known

HON. NICK SIBBESTON: I would say to the Member that because of the changes, the fact that the matter of Personnel has gotten into the hands of elected persons, that because of this, I feel that the whole Department of Personnel and I, as Minister, will be under close scrutiny by the public. I take that responsibility very seriously. As I said in an interview for Focus North, I intend to do better than my predecessors in being the Minister of Personnel and I really do mean it. I go to the job conscientiously and seriously and very committed to the people of the North to do a good job. I will review the matter that the Member has raised with me and I will see that the boards that make decisions provide some basis for their decisions, if they can possibly do that.

So in the future, in the event of some disgruntled or dissatisfied person, if such a case exists, we can provide him with some answer. But in saying this, I would say to the Member that the person who did not get the job will probably always feel that he has not been fairly dealt with and that he is more qualified and so forth. I guess it is a good thing to feel good about yourself, that you feel you are competent, that you are well qualified and all that. I admire that in anybody. But I guess to that person I would say that you have to believe that the people who made the decisions looked at all of the candidates somewhat objectively and made a decision based on facts that are not available to this person who was not hired. So despite what is done I suppose there will always be dissatisfied people who feel they have not been fairly dealt with. But I undertake to the Member that we will attempt to provide responses to the employees and to the union that represents them, so that there can be some reason given so the person will know, in part, the reason he was not chosen for a job.

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

MR. MacQUARRIE: I appreciate what the Minister is saying and certainly people who do not get jobs will always be dissatisfied, but they will be more dissatisfied if there is not a clear reason given. That is what I am saying. I do appreciate what the Minister has said with respect to boards making decisions. The question that has to arise as a result of that is, is it left with that board? Because if it is, then I would have more confidence and I am sure the union would. The question has to arise, does somebody above the board, despite what the board recommends, decide otherwise? And if we do not know what the board recommended then we can never know that. That is why it is important. So I would ask the Minister to pursue that.

Interview Selection Panel Decisions

But it does raise the last major concern that I have with respect to proper implementation if we are going to make it a success. That has to do with interview selection committees. Now as I have understood it, in the past when jobs in the public service came open, generally there would be a panel composed of a representative of the Department of Personnel and a couple of managers from the departmental area where the job was available. These people use certain very well-defined rules; they have job descriptions with certain qualifications, they are aware of the policies that govern employment in the public service, they sit down with interviewees and make a decision as to who should get the job.

Now I accept that process. I think that is the way it should be. I am beginning to wonder if it is still that way. In other words, is it possible that under the affirmative action program that interview selection panel will make a sincere decision in its best judgment, only to find that somebody higher up says "No, you cannot do that." If that happens, that is intolerable as far as I am concerned. The managers in addition to job descriptions and qualifications and all of the other procedures that they must follow in choosing somebody, now have an additional one. They are told, "Managers, when you sit down, you must realize that there is an affirmative action policy. Our government, the Ministers, have decided that we will implement an affirmative action policy. There is a target. We want to see improvement in your statistics with respect to the employment of native people, women and the handicapped."

All right, I say, leave it at that. The managers know that somewhere down the road people will have a look at whether they are seriously trying to implement this policy. I accept that, but I would not accept it if, having all that information and those criteria on which to base their judgment, they make a judgment, but then from somewhere up above comes down an order "No, we are not going to leave it to your discretion over three years. We tell you that in this particular case, you hire that person because there is an affirmative action policy." I would find that intolerable and again I say it will undermine the morale of the public service. Because those managers are trying to keep in mind an objective of an effective public service as well as affirmative action. They will not know which way to turn and for fear of their jobs or something, they start making very bad managerial decisions. So can I have the Minister's assurance that that does not happen and will not happen?

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

HON. NICK SIBBESTON: I have to laugh a little because I appreciate the Member is very serious about this, because really there is nothing bad or sinister, nothing terrible is going to happen. The process that is in place now will basically continue and the Member is right in terms of the interview panel which includes somebody from Personnel and generally two persons from the department. So the department people have likely the most say in terms of the person who is chosen. I can confirm to the Member that it is these people who make the decision as to who should be hired. I inquired as to the role of the equal employment officers, where we now have one in each region, whether they were involved in the interview. They are involved in the hiring but they are not involved in the interview. So once a decision is made, then it goes to me for final approval and generally I follow the decisions of my staff. In fact I have in all cases thus far. I have followed all the recommendations of the appeal board thus far so life goes on as it did before me as headed by Mr. Parker.

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

MR. MACQUARRIE: I am very pleased with the Minister's response. I simply fear that perhaps again because of a lack of clarity, that perhaps some deputy ministers have a different idea of how it is supposed to be done and may be putting pressure on these interview selection committees. I see that the Minister would not want that to happen. So I have a motion that I would like to move and I believe the Minister seems to be favourable to it but the reason I would like a motion is simply so that with more formality our public service managers will realize the way we want it handled.

Motion That Employment Decisions Be Left To Selection Committees, Bill 1-86(1), Ruled Out Of Order

I move that this committee strongly urge the Executive Council to ensure that public service employment decisions are left in the hands of interview selection committees and that these not be subject to Executive override.

CHAIRMAN (Mr. Wah-Shee): Could I have a copy of that motion, please? Mr. MacQuarrie, with regard to your motion there is some difficulty with your motion and I will give you my reasons. A committee motion that has been put on the floor cannot have conditions attached to it to limit the authority of the cabinet. Therefore, as chairman of this committee, I rule this motion out of order. General comments. Mr. MacQuarrie.

MR. MacQUARRIE: Is the chairman saying that if I use the word "recommend" -- I thought I did -- but if I use the word "recommend" that that makes it acceptable? That this committee recommend to the Executive Council -- did I not say that? I was not trying to limit their authority.

CHAIRMAN (Mr. Wah-Shee): I will read it to refresh your memories. It reads: I move that this committee strongly urge the Executive Council to ensure that public service employment decisions are left in the hands of the interview selection committees and that these not be subject to Executive override. That clearly indicates to me that there are certain conditions that are being attached to the authority of the cabinet which I feel is not appropriate. Therefore I rule the motion out of order.

MR. MacQUARRIE: Could I have that piece of paper back please?

---Laughter

CHAIRMAN (Mr. Wah-Shee): I will be more than pleased to return it. General comments. Mrs. Lawrence.

MRS. LAWRENCE: Thank you, Mr. Chairman. I have a few comments to make. I fully support the native employment policy as well as the action plan but what I am having difficulty understanding is that when advertising positions such as president of the Housing Corporation, advertising right across Canada, where does the native employment policy and affirmative action come into consideration when they are advertising right across Canada? Especially for a position such as that. Are we not underestimating the program that we are trying to implement? I can name hundreds of qualified native, non-native, women and handicapped people. How do you justify your response to those who respond from the South? Just simply say, "You are not qualified, I hired a native person after advertising"? How do you justify such programs as the action plan, native employment policy? If I could have some kind of clarification on that I would appreciate it, Mr. Chairman. Mahsi cho.

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

HON. NICK SIBBESTON: Mr. Chairman, the native employment policy in the directive that was sent out in July stating that native people will have preference in jobs if they are qualified and suitable, does apply to all positions in government. So in the case of the position for the president of the Housing Corporation, that native employment policy applies. I know that the position that the Member referred to was advertised and I know that many northern and native people were considered and I know of at least one native person that was interviewed for the job. So I do feel that northern people, native people, are considered for senior level jobs such as that.

CHAIRMAN (Mr. Wah-Shee): Mahsi cho. Honourable Member for Tu Nedhe.

MRS. LAWRENCE: Thank you, Mr. Chairman. I guess one of the big concerns I have as a Member on the finance committee is that the cost of advertising across Canada is about \$15,000. As for preference I would like to think that if I get hired it is because of my qualifications not because I am a woman or because I am native. I do not wish to be put down right at the bottom level of a pay level so you can say that you hired a native person in a position and pat yourself on the back. I also am aware of a lot of senior positions that have been established at Expo, how many of our women are there? As far as I am concerned, with the exception of Sharon Firth, there were some rejects from various departments that were appointed when we have very well-qualified women who were never given the chance to even compete in some of these positions.

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

HON. NICK SIBBESTON: I will just say that I guess the result of the concerns expressed will, I am sure, make all the Ministers sensitive to the concerns raised. I really cannot go into detail and respond to the query about Expo because I have not been involved. It is primarily Mr. Curley who has been involved and I am not blaming him but I am simply saying that I do not know the answers to the questions posed.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mrs. Lawrence.

MRS. LAWRENCE: One more comment, Mr. Chairman. I can relate to the incident that Mr. Richard mentioned. That has happened to native people many times. Many times the native people have applied for positions where they are qualified and are not even considered and the positions are given to non-qualified, non-native persons. Mr. Chairman, I could sit here and talk about it for days and weeks, of the many incidents that happened to us in the past. So I can relate to that incident that he mentioned just a while ago. Mahsi cho.

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

MR. MacQUARRIE: Thank you, Mr. Chairman. I am just getting a lawyer to frame the motion so it might be acceptable to the chairman, but I can carry on with something else in the meantime.

AN HON. MEMBER: (Inaudible comment)

MR. MacQUARRIE: I am looking for a good lawyer, Mr. Patterson.

---Laughter

Employment Of The Mentally Handicapped

With respect to the handicapped, I would ask the Minister how is that defined? Is it applied to mental handicaps as well as physical handicaps?

CHAIRMAN (Mr. Wah-Shee): Is this in regard to the competition, Mr. MacQuarrie? Mr. Minister.

HON. NICK SIBBESTON: Mr. Chairman, I am going to put my left-hand man to work and ask Mr. Bohnet to answer that one. It is a particularly sensitive and hard one so I will pass the buck in this instance.

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

MR. BOHNET: Mr. Chairman, we have barely scratched the surface in dealing with the area of the handicapped. My staff are looking at it and reviewing policies and information available to them from what other governments are doing in southern Canada. And of course, they have had some consultation with the council for the disabled. I cannot specifically answer your question but I suspect that mental handicaps would be part of that definition.

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

MR. MacQUARRIE: I would appreciate it that it be examined very carefully. I can only believe that in the large public service that we have, that there ought to be some areas at least where we recognize that someone, if not with the severest mental handicap, but with a limited mental handicap could with some adequate training and direction at first, be able to do a job that was successful and worth-while for the public of the Northwest Territories. But it is clear that without benefit of that kind of initial support that firstly, they would never get the job and secondly, they might be fired the day after they got the job. So I really would urge the Minister to consider whether there are not certain jobs that could be identified as possibly being suitable for that kind of employment and then give the benefit of preference in those areas to that particular type of person.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister, did you wish to reply to that?

HON. NICK SIBBESTON: No, just to say that we will certainly follow the advice of the Member. I wanted to state, before I forget, that I think Mr. MacQuarrie made many good remarks and I concur with many of the things that he has said. I really do take the comments he has made as good advice and I will provide a transcript to all my officials for them to read and certainly be mindful of the comments that you have made. Now, I hope this sets the mood.

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

MR. MacQUARRIE: Yes, I very much appreciate what the Minister just said. I can see that in various departments people at deputy minister level will also be concerned to try to make sure that their department is moving ahead in the area of affirmative action. And they ought to, they are responsible. What I would hope would happen is that the deputy ministers from time to time meet with their chiefs and say, "Where are you at with this?" If it is not adequate, I would like to see some progress, try this, try that but not resist the temptation on any specific job to give direction to the interview selection committee, that they ought to do this or that.

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

HON. NICK SIBBESTON: Mr. Chairman, it is going to be wonderful. It is going to be as if Mr. MacQuarrie himself was running the department.

---Laughter

CHAIRMAN (Mr. Wah-Shee): What happens to the elected Ministers? Mr. MacQuarrie.

Motion That Employment Decisions Be Left To Selection Committees, Bill 1-86(1), Reworded

MR. MacQUARRIE: Mr. Chairman, I believe my lawyer has done his work so I would like to move whatever he has there.

I move that this committee recommend to the Executive Council that it ensure that public service employment decisions are left with interview selection committees; and I further recommend that the Executive Council consider refraining from overriding decisions of the interview selection committees.

CHAIRMAN (Mr. Wah-Shee): Just give me a moment to study your very important revised motion. Mr. MacQuarrie, in regard to your motion, as I understand it you are recommending to the Executive Council that they restrain themselves from interfering with some decision that they have within their authority. After having read your motion, Mr. MacQuarrie, I find that your revised motion is in order. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. In a sense it is not even an urgent motion now in light of what the Minister said just a moment ago. He seems to feel that in order for the affirmative action program to be implemented successfully, and we all want to see it implemented successfully, that indeed that is the kind of way he would like to see it done. The motion is on the floor and so in speaking to it I would say that the Ministers wisely have set an affirmative action policy and in doing that the Ministers have done their job. They have given clear direction to the public and to the public service as to the direction in which we ought to be moving. We just want to be sure now that everyone recognizes that we have faith in the integrity of managers, in their objectivity and in their willingness to implement the policies of the government and that we will leave it in their hands to do so. Again, it is a recommendation to the government.

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

MR. GARGAN: Mr. Chairman, I would like to express some concerns regarding the motion. First of all in a lot of cases where they do have a hiring committee or group to scrutinize applications a lot of times native people have been denied positions because of lack of experience. I also would like to say that where there is a lack of experience and an appointment is made, like Ministers have executive assistants, and they have the technical and support staff that advises them, and the experience is gained through that process. I do not know what the implications of the motion are but I just want to express that qualifications should not always be the only factor but whether the person is capable of making decisions with the advice of their technical support staff. I just wanted to say that.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Mr. Richard.

MR. RICHARD: Mr. Chairman, I just want to speak briefly in favour of the motion. I think it is beneficial to have the Government Leader's remarks on the record this morning in response to some of the comments of my colleague from Yellowknife Centre. I think the thrust of the motion is important. The government, I agree, the Executive Council has done an excellent job in finally putting on paper its equal employment policies. These are available to the managers in the various

departments who sit on the selection committees and I believe the managers with the assistance of expertise from the Department of Personnel should be left to make those decisions knowing what the government's policies are on affirmative action. I have reason to believe or suspect, Mr. Chairman, that in the instance which I cited this morning of a constituent who was denied a job for which she was in all likelihood the most qualified of the applicants and was told that she did not get the position because of the affirmative action policy, that in that instance there was some greater force above the selection committee level that resulted in that decision. I support the motion, Mr. Chairman, and I, too, hope that if the government policy is being printed and circulated and the selection committee is doing its job that there will be a wider acceptance of this government's policies on equal employment and affirmative action programs.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. To the motion. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I certainly can see what the honourable Member is getting at and I certainly agree that there should not be widespread political interference with the appointment of persons to public service positions. I certainly also believe that the system of selection boards or interview committees making the recommendation of the person most appropriate to be appointed to a job is invariably the way things happen. I do not think it is a problem now and I do not think it ever will be a problem. However, Mr. Chairman, I must give my respectful opinion that selection boards and review boards are made up of human beings as well and they are not necessarily always going to make the right decision.

Areas Of Concern To Ministers

I think that particularly in the case of senior appointments, a Minister at least has the right to be interested in what is going on. I think one area where a Minister might well be concerned is to find out whether or not there were significant numbers of applicants. I think it may well be appropriate on occasion for a Minister to say that we should try to find more applicants for an important job before finalizing the appointment. I would also say, Mr. Chairman, that the honourable Member may acknowledge that the appointment of a deputy minister certainly is a Minister's prerogative. I see by his affirmative nod that he agrees with that point.

I would go a little further, that a Minister might appropriately have an interest, at least, in the appointment of other senior people such as assistant deputy ministers or superintendents. While I certainly do not think it should be the rule I do not think it is inappropriate that a Minister might take an interest in such a competition and through the departmental representative on the selection or review committee, give in advance some indication of the Minister's view about what kind of qualifications might be looked for or sought. I think that departmental representatives on selection boards could appropriately be representing the policy or concerns of the Minister.

Maybe I can give a bit of an example or a general example of the kind of thing that I occasionally do myself. I may feel that a particular area of my department is not being run with the kind of efficiency and scrupulousness that might be desirable. I might say to my deputy minister that I see that a certain managerial level position is coming open and that I hope we can find a person who is going to tighten up the shop and crack the whip, if I may use that term. I think that it may be quite appropriate for a Minister who is on top of the department and concerned about the quality of delivery of service to the public to give that kind of direction to the departmental representatives on a selection board. I certainly think all Ministers must be extremely sensitive about not favouring their friends and not directly interfering with the interview and selection process.

But I would also like to respectfully point out to the Member that I do not think it is quite as simple as saying there should never be any involvement or interest on the part of the Minister. I do not think that the selection process is that perfect or that infallible recognizing that there is usually only -- well, in Education there is usually a representative of the Department of Personnel, the Department of Education and in many cases we involve a local education authority representative when we are talking about a position in which they might be interested, such as one of the superintendents or assistant superintendents. So we are not talking about a public service commission with experts who do this kind of thing all the time. We are often talking about two or three people who do their best to do a good job but are not always infallible. So while I appreciate what the Member is saying I do want to express my views that there are certain situations as I have outlined, where it may be appropriate for a Minister to have some interest in what is going on.

In the Northwest Territories in my view we have a small enough public service and really a small enough population that very often we can, as Ministers, have a pretty good knowledge especially if it is an in-house competition and applicants are coming from within the department. As Ministers and as deputy ministers we have a pretty good knowledge of the abilities and performance and dedication and subjective things such as attitude of people who are applying. So in speaking to this motion I just want to make it clear that I do not believe that we can be black and white about no involvement. I certainly agree if the Member is concerned about overinvolvement and extensive involvement and political manipulation of the system. But I think a good Minister and a good manager -- and the Minister is in addition to political duties responsible for seeing through his deputy minister that the department is managed effectively -- I think a good Minister in that regard has some right to have an interest in and a concern about the positions taken by the departmental representatives on the selection committee. That is my assessment of how it should be, based on my experience as a Minister for a few years. So I hope those comments are not alarming to the Member but I felt that I should make them, although I will abstain on the motion. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Mr. Wah-Shee, to the motion.

Motion May Reduce Effectiveness Of Affirmative Action

MR. WAH-SHEE: Thank you, Mr. Chairman. Mr. Chairman, I would like to support the unlimited authority of our Executive Council. The problem I have with that is that you have to trust their good judgment. However, in regard to the motion I have some difficulty with the motion mainly because the concern I have is that here we have a government that in comparison to other jurisdictions in southern Canada, is in a somewhat unique situation. The Northwest Territories as everyone is aware has a majority aboriginal population in our jurisdiction. Now in comparison with other jurisdictions, I am not really sure as to what affirmative actions other jurisdictions have in regard to, particularly, the aboriginal people. If we water down the affirmative action policy then I am afraid we may not achieve our objective. In the end we may be giving lip service to the aboriginal people.

Within the affirmative action policy I do not see any distinction between the involvement of the status of women and the handicapped. What I see with this affirmative policy is that you are lumping three different groups and then in the end you are talking about which has more priority, whether it is the status of women or whether it is the handicapped or whether it is the aboriginal people. I think when the first issue arose in regard to affirmative action, it was basically related to aboriginal people. I do not necessarily share the view that these decisions in regard to hiring practices should be limited to the hiring committees. As far as I am concerned within the Department of Personnel, ever since this administration moved to the Northwest Territories back in 1967, the hiring practices for the various positions within the public service have not taken into consideration the affirmative policy. The affirmative policy was only recently instituted. So when you did not have the affirmative policy previously, obviously the interests of the aboriginal people were not taken into consideration. But now that we have this particular policy, although it is not the greatest affirmative policy that I have ever seen, we still have a great deal of difficulty in regard to the percentage of the aboriginal people that hold managerial positions.

Granted it may be said that perhaps recently or previously there was political interference in regard to getting more aboriginal people who were qualified for top positions within the territorial administration. I support that initiative but of course it is subject to ensuring that they are qualified. I do not support affirmative policy that hires people just because of the shade of their skin or their religious beliefs. I believe that we should be hiring people because they are qualified and if they are not qualified then there should be other opportunities within this affirmative policy which would allow training so that you have trainee positions which may require the individual to take further courses or other training programs so that in the end they can compete like everyone else. But still at the present time I do not see where the statistics in regard to the percentage of native people, even though they are majority in this Territory -- I dare say that with a majority population of aboriginal people, the percentage of aboriginal people that presently hold public service positions certainly does not reflect the make-up of the population of the Territories.

My concern is that I am very reluctant to see this particular policy be watered down in regard to the affirmative programs and policy. I think too much has been made about one incident which I believe the honourable Member for Yellowknife South brought up, where there was an incident of a

non-native and native in regard to competition for a certain position. Now as a Member of this committee I do not believe that I should be making judgment on a decision based on hearsay. I am not aware of that particular incident. I do not see any papers in regard to that. I think that as a Member of this committee I could also bring out incidents in the past that relate to the frustrations of the aboriginal people trying to get into the public service.

Some Discrimination Inevitable

Now when you have affirmative action obviously there will be some discrimination. The whole idea of the principle of creating affirmative action in the first place, is that you give this particular policy some preferential treatment and certain judgments have to be made. Obviously if we say the fundamental principle with regard to hiring practices has to be on an equal basis where there is no discrimination, then why do we have an affirmative action in the first place if you say that every individual that applies for these positions has to be able to compete under certain criteria and qualifications? Then if you have a policy of that nature, obviously the majority of the aboriginal people are not qualified and will not be able to compete. On top of that, when you have an affirmative policy that does not at the present time attract sufficient numbers of aboriginal people and on top of that you want to include the non-native people in the Territories that were born in the Territories, giving them preferential treatment, then obviously what is the point of having an affirmative action plan? That is really my question.

I think we have to be a little sensitive with regard to how we deal with this particular motion, particularly dealing with the affirmative policy because my intent is not to try to get discrimination or a feeling that we are taking advantage of some other particular group, particularly the non-native population in the NWT. I believe that we want to get everybody to participate and everyone should have the opportunity. But you have to look at the situation in the proper perspective.

You have situations in the Third World countries where you have a lack of qualifications and the tendency is to hire people who are not born in those Third World countries, because they lack the skills and the qualifications. In a sense the NWT does fall into that category even though we are part of Canada. I think we have to improve the affirmative policy that is in place right now. There is always room for a review of that. But to try to say that we should minimize the interference of the elected people with regard to those hiring practices, it seems to me that we have already had that since 1967 to date. I do not see that as being a very progressive motion. I see that as a step backward.

If the issue here is with regard to qualifications I have no problem with that. I am not saying nor are the Members of this committee saying that you should hire people just because they are aboriginal people and if they are not qualified they should be given those positions. I do not think we are saying that. I believe that there is room for improvement and also I do not want to see within the affirmative policy competition between the aboriginal people as part of that particular policy and the status of women and the handicapped. The issue, when it was first raised, was not to get a policy where you lump all of these three categories into one and say, "Well, what is the priority here?" The management of the various divisions who will be sitting on these hiring committees I think have to be fairly sensitive to this affirmative policy. They should be aware of the objectives of this particular policy. There has to be some flexibility, I do believe, with regard to the appointment of a deputy minister, that is really the ministerial prerogative. I do not think we have any difficulty with that. But with regard to other positions below that I think the affirmative policy should really be applied.

Concern With Implementation Of Policy

So as much as I support equality and we are trying to hire the very best brains and people with good attitudes, people that know something about the NWT, we truly do want and desire a public service that will be capable of delivering those policies and programs for which the direction comes from our House. I think it is very important. As for the Executive Council, they are the cabinet, they have the responsibility of carrying out the recommendations that we make to them. But with regard to this particular policy, I have always supported having an affirmative policy. However, I always had difficulty with it as well, in terms of the implementation of it. I would have to say that I find it difficult to support this particular motion the way it has been drafted. It could be interpreted as dissatisfaction with the present policy and trying to insert equality, when on one hand it is very difficult to talk about equality when you do not have it for

a number of reasons. I support the whole concept of democracy. I have no difficulty with that. I think it is a wonderful concept, as the honourable Member for Yellowknife South referred to it at one time as motherhood and apple pie. I like to look at affirmative action in that light. However, I think we may differ with regard to our approach. I think we do not have any problem with the objective of the affirmative policy but I think there is some difficulty with regard to how we are approaching it. Obviously in the end I hope to see a consensus on this. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Wah-Shee. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, just perhaps to wrap up the discussion, Mr. Chairman. Whichever way Members intend to vote, as I said it is not critical now. I heard what the Minister said earlier and I appreciated that very much. Nevertheless, in speaking to the motion I certainly do not intend, and I will say that as clearly as I can, do not intend that this motion should be interpreted as dissatisfaction with the affirmative action policy. I support the affirmative action policy. This motion is not any attempt whatsoever to water down the affirmative action policy. I say to the Member who made those comments and to the Ministers, make the policy as strong as you wish. All I am saying is, let us be careful in the implementation so that it will win the support of people rather than the antagonism of people.

With respect to the Hon. Mr. Wah-Shee's -- is he Honourable? No. With respect to Mr. Wah-Shee's...

HON. MICHAEL BALLANTYNE: ...you think he is honourable.

---Laughter

MR. MacQUARRIE: I think he is too, in the small "h" sense. I just took away the capital "H" that is all. He said it is irrational to think that you can implement an affirmative action policy without a measure of discrimination. I agree that that is true. Not discrimination in a bad sense either but in the sense that you are trying to accomplish something so intellectually you discriminate in order to decide how you can implement it. So there is no attempt on my part in this motion to try to prevent that from happening.

Support For Management Decisions

All I am asking is that -- all right, our managers are very well aware of what the government's policy is; they know that over a period of time they are expected to try to meet certain targets -- my only concern is fine, let us respect their integrity and judgment and not try to tell them in individual cases whether or not that is the moment that the policy should be applied. If for some reason in their judgment they feel that for a particular job they are looking for a particular kind of person, please let them make that decision and not blame them for having undermined the affirmative action policy. You see they might have been in Mr. Patterson's department and he says to them in advance, which I approve of, "Look, in this job I am looking for someone who can tighten up the ship." When the managers interview people they find that there is a non-native person who in their judgment could tighten up the ship. They find a native person who in their judgment may not be able to accomplish that even though he has the qualifications to do the job. All right, I am saying let those managers decide with respect to that particular job they will employ the non-native person because they are trying to accomplish something. They are trying to make a good management decision. They know very well that if they have not applied affirmative action in that case that they are accountable over the next year and the next two years and so on to show progress in this area.

That is the intent that I have in mind and with respect to the comments Mr. Patterson made, I approved of a number of them. When he said that certainly in advance Ministers ought to be able to give an indication to the staff of the kind of people they are looking for in the department and that they may say, "Look, this is not a very good selection, we should try to find more applicants for this position" -- I do not have problems with that kind of thing.

I could assure Mr. Patterson that I am not a legalistic-minded person and this motion is not an attempt to try to wrap a rigid, airtight legalistic system where everybody is bound. I am someone who is deeply opposed to the Charter of Rights and Freedoms because I believe that is precisely what it attempts to do. I say that in a thoughtful, democratic society there does have to be room

for discretion. There must be some ministerial discretion or managerial discretion. My only point is that when it is exercised, whoever has exercised it must be prepared to say to anybody who asks what the reasons were for exercising that discretion. That should never be a secret. If they are good reasons they will be respected. So I recognize even if this motion were to pass that there will be occasions when someone above for some reason says "Look, I would prefer that you did it this way." I am the kind of person who would accept that providing they will give the answers to all of the job applicants, to Members in this House or to the public at large when they are asked. That is all I ask. So with that, I have tried to clarify what the intent was and I hope that Members will find it possible to support the motion. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Mrs. Lawrence.

MRS. LAWRENCE: Thank you, Mr. Chairman. I strongly believe in fairness, Mr. Chairman. Let us stop playing little games with the program that we put in place. I think it is time that the Executive have to start recognizing and supporting such a program as the action plan, native employment policy. I guess my main concern is that advertising for positions right across Canada is underestimating our own northerners whether they are native or non-native. Give a chance to the northerners first. If they do not qualify then okay, go across Canada -- it costs a lot of money. I mentioned it cost something like \$15,000 for advertising. That money certainly could stay in the Territories. I agree it is not the best action plan that we have. It is a better-than-nothing approach. I see many incidents too that occurred when a decision was made and we are the ones that are faced with the reality of the consequences. I do not agree in just appointing people. I believe certain appointments can be made by political appointment, but not to the point where we start playing little games and appointing little people here and there. I do not support that, therefore, I am going to be supporting this motion. Mahsi cho.

Motion That Employment Decisions Be Left To Selection Committees, Bill 1-86(1), Carried

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

---Carried

If there are no more general comments, does the committee agree we go to the details of the budget? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Equal Employment Directorate, Total O And M, Agreed

CHAIRMAN (Mr. Gargan): We are on page 7.06, Equal Employment Directorate, total O and M, \$758,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): The next pages are information items. Are there any questions? Does the committee agree that the Equal Employment Directorate is concluded?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): There is no capital so I would like to thank the Minister and Mr. Bohnet for appearing before us. The next department is the Department of Economic Development and Tourism, page 16.05. Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, might I request we report progress, rather than break up the Minister's presentation and defence of his budget.

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

---Carried

I will rise now and report progress. Mr. MacQuarrie.

Apology

MR. MacQUARRIE: I just thought I should apologize. Sometimes in an attempt to be a little humorous we make remarks that we regret later and I certainly regret having made the remark with respect to Mr. Patterson and his competence as a lawyer. I have no knowledge at all about his competence as a lawyer and I regret having said that, Mr. Chairman.

AN HON. MEMBER: Hear, hear!

---Applause

CHAIRMAN (Mr. Gargan): Apology is noted, thank you. I will rise now and report progress.

MR. SPEAKER: Mr. Gargan.

ITEM 16: REPORT OF COMMITTEE OF THE WHOLE

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

MR. GARGAN: Mr. Speaker, your committee has been considering Bill 1-86(1) and wishes to report progress with one motion being adopted 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. Gargan. 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, announcements and orders of the day, please.

ITEM 17: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton): Orders of the day for Monday, March 10th 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 17-86(1)

13. First Reading of Bills
14. Second Reading of Bills: Bills 11-86(1), 12-86(1), 13-86(1), 14-86(1), 15-86(1)
15. Consideration in Committee of the Whole of Bills and Other Matters: Tabled Document 37-86(1); Bills 1-86(1), 2-86(1), 3-86(1), 4-86(1), 5-86(1), 7-86(1), 8-86(1), 9-86(1), 10-86(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, March 10th at 1:00 p.m.

---ADJOURNMENT

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