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

# LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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TABLE OF CONTENTS  
TUESDAY, JUNE 10, 1986

	<u>PAGE</u>
Prayer	931
Ministers' Statements	
- 22-86(1) Canadian Laws Offshore Application Act	931
- 23-86(1) Workers' Compensation Board Pension Increases	933
- 24-86(1) Comprehensive Claims	934
- 25-86(1) Sessional Paper on Political and Constitutional Development in the NWT	934
- 26-86(1) HAP Labour and Training Funding	936
Oral Questions	937
Written Questions	945
Returns	945
Tabling of Documents	946
Notices of Motion	947
Motions	947
Consideration in Committee of the Whole of:	
- Bill 2-86(1) Income Tax Act	967
- Bill 3-86(1) Institute of Chartered Accountants Act	968
- Bill 4-86(1) Insurance Act	953
- Bill 9-86(1) Public Trustee Act	955
- Bill 10-86(1) Society of Management Accountants Act	956
- Bill 12-86(1) Taxation Act	960
- Bill 13-86(1) Write-off of Assets and Debts Act, 1985-86	964
- Bill 14-86(1) Revolving Funds Act	948,957

TABLE OF CONTENTS (CONTINUED)

PAGE

Report of Committee of the Whole of:

- Bill 2-86(1) Income Tax Act	969
- Bill 3-86(1) Institute of Chartered Accountants Act	969
- Bill 4-86(1) Insurance Act	969
- Bill 9-86(1) Public Trustee Act	969
- Bill 10-86(1) Society of Management Accountants Act	969
- Bill 12-86(1) Taxation Act	969
- Bill 13-86(1) Write-off of Assets and Debts Act, 1985-86	969
- Bill 14-86(1) Revolving Funds Act	969
Orders of the Day	970

YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, JUNE 10, 1986

MEMBERS PRESENT

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

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Tuesday, June 10th. Item 2, Members' replies. Item 3, Ministers' statements. Mr. Ballantyne.

ITEM 3: MINISTERS' STATEMENTS

Minister's Statement 22-86(1): Canadian Laws Offshore Application Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. The federal Minister of Justice has recently introduced the Canadian Laws Offshore Application Act in Parliament. The principal purpose of this proposed legislation is to establish a regime for the application of Canadian laws to the offshore in which this country has jurisdiction.

The primary purpose of Bill C-104 is to ensure that most Canadian laws will be applicable to oil rigs and other installations out to the outer edge of the offshore continental margin in which Canada has exclusive resource jurisdiction. If the bill is eventually passed, it will define in precise terms how Canadian criminal law and labour and immigration legislation will be applied to these offshore installations. There have been a number of events which have led to the introduction of this bill. The first one is the Ocean Ranger disaster off the coast of Newfoundland which raised an international debate as to who was supposed to regulate offshore installations and what laws should apply.

At a Ministers of Justice meeting in Newfoundland in the fall of 1984, my predecessor, Richard Nerysoo, raised concerns with his federal counterpart, Mr. Crosbie, that Ottawa planned to introduce an act which would also include an amendment to the Northwest Territories Act. By amending the definition of "Territories", the boundaries of the NWT would be restricted to include only the land mass of the Territories. Mr. Nerysoo took the position that this position would be challenged by all northerners.

In August 1985, the US coast guard ship, Polar Sea, passed through the Northwest Passage. As a result of this controversial passage, the Minister of External Affairs was anxious to enhance Canada's sovereignty in the North in the event this country wished to submit its case before the international World Court. On September 10, 1985, Canada took a more active role to solidify its position in international law by creating straight base lines which are drawn headland to headland joining the islands within the Arctic Archipelago. No longer is Canada relying on the sector theory to substantiate its claims to offshore waters. This dramatically changed the whole

situation and waters of the Beaufort which may have been thought to have been internal waters of Canada and the Northwest Territories were now declared by the federal government to be offshore waters.

Pursuant to the 1982 International Law of the Sea Convention this country is drawing base lines in order to declare that waters surrounding the Arctic Islands were indeed internal waters of Canada over which we had sovereign control. In addition, as a result of drawing these lines, the seaward extension of Canada's territorial sea and exclusive fishing zones can now be measured in the High Arctic.

Soon after I took over the position of Minister of Justice, I was approached by Mr. Crosbie, my federal counterpart, to enter into negotiations concerning the implementation of Bill C-104. This proposal was put before our Executive Council and approved.

#### Definition Of NWT Changed

At my initial meetings with the federal officials in late 1985, I emphatically took the position that northerners would not settle for the proposed change of the term "Territories" to include only the land mass of the NWT. After several protracted meetings and discussions with Mr. Crosbie and his officials in January of this year, the federal government altered the definition of the Northwest Territories to include also the waters within the Arctic Archipelago. This change has now been made to the latest draft of the bill.

During these discussions with Ottawa, on a number of occasions, I have advised the native organizations of my concerns regarding the proposed new act and requested their input and support in addressing these matters. In our deliberations with the federal government, it became clear that they were taking the position that Amundsen Gulf and Foxe Basin were not going to be included as part of the NWT. It was the position of the GNWT that this stance was unacceptable to all northerners. The Inuit have hunted and travelled in these areas for centuries. The communities of Igloolik, Hall Beach, Repulse Bay and Cape Dorset are on the shores of Foxe Basin and depend on these waters for subsistence hunting and fishing and to travel between their communities. To date, the federal government has always accepted these waters as falling within the jurisdiction of the NWT. Acceptance by Canada that waters are within the NWT, could strengthen her claim to historical use and occupancy of these waters, in the event of an international dispute with other nations.

With respect to determining which jurisdiction has management and control over the waters of Hudson Strait and Hudson Bay, the federal government has stated that future negotiations will include the Inuit and the Government of the Northwest Territories, in addition to the provinces of Quebec, Ontario and Manitoba. Bill C-104 would still state that all the islands in Hudson Bay, James Bay and Ungava Bay, except those which are within the provinces of Manitoba, Ontario and Quebec, are part of the NWT.

#### Application Of Legislation

In addition to federal laws applying to the arctic offshore, the proposed act will also provide for the application of most territorial legislation in these offshore areas. With the exception of territorial taxation and resource management statutes, our laws will apply to the outer limits of the territorial sea. By regulation, it may also be possible to extend our laws to the outer edge of the continental margin. To provide ample time for consultation between the native groups and the two levels of government, the proposed act will proclaim such legislation separately for each province and territory.

It should also be noted that the enactment of the Canadian Laws Offshore Application Act will not preclude a co-operative joint resource agreement being entered into between the native groups, the GNWT and Ottawa along the lines of the Atlantic Accord, which was signed with the province of Newfoundland in February, 1985. It is anticipated that such a document could form the basis of a comprehensive management and revenue-sharing regime for resource development in arctic waters for the benefit of all northerners residing in this jurisdiction. A northern accord and the Canadian Laws Offshore Application Act could, in all likelihood, operate concurrently in the best interests of all residents of the NWT.

Prior to the GNWT developing a final position with the federal government concerning the boundaries of the Northwest Territories and which legislation will apply to the arctic offshore waters under the proposed act, I intend that my legal staff meet with all the native organizations to develop a comprehensive legal strategy in addressing northern concerns with respect to the proposed act. A great deal of benefit can be derived from this co-operation between the GNWT and the native organizations. The North must present a united front in addressing these important issues which will affect the constitutional development of the Northwest Territories for generations to come.

Although section 18 of the proposed act states that existing aboriginal or treaty rights of the aboriginal peoples will not be abrogated, it will be the position of this government to attempt to clarify what is meant by the term "existing" in defining aboriginal or treaty rights under Bill C-104.

In the most recent letter I have received from Mr. Crosbie, just last week, the federal government has now confirmed that the waters of Amundsen Gulf will fall within the boundaries of the Northwest Territories. He also made it very clear that his department will hold further consultations with this government and native groups with respect to also including Foxe Basin within the boundaries of the Northwest Territories.

In summary, the proposed Canadian Laws Offshore Application Act will reinforce Canada's sovereignty in the Arctic by providing a framework of legal certainty in the offshore. My department, in conjunction with the native organizations, will continue to negotiate with the federal government in determining the boundaries of the Northwest Territories and which territorial laws will apply to these waters. It is my intention that the final draft of this bill and the delineation of the Northwest Territories boundaries will meet with the approval of all northerners. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 3, Ministers' statements. Mr. McLaughlin.

Minister's Statement 23-86(1): Workers' Compensation Board Pension Increases

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I have a statement concerning workers' compensation in the Northwest Territories. As the Minister responsible for the Workers' Compensation Board, I am pleased to tell the House that certain pensions for disabled workers and for widows and children of workers who were killed in accidents are being increased.

AN HON. MEMBER: Hear, hear!

HON. BRUCE McLAUGHLIN: The Executive Council has approved a recommendation by the Workers' Compensation Board that pensions for disabled workers and dependants which were awarded before July 1, 1985, should be increased to put them on the same basis as pensions awarded since that date.

Effective from July 1st of this year, widows' pensions awarded before July 1st, 1985, will go up from \$726 to \$836 per month. Children's pensions will go up from \$165 to \$190 per month. A total of 74 widows, three guardians and 100 children are affected by these increases.

At the same time, the maximum monthly pension for workers totally and permanently disabled as a result of accidents prior to July 1st, 1985, will be increased from \$1650 to \$1900. These increases will add \$4.7 million to the pensions liability of the board. I am pleased to tell you that this liability will be fully met from within the accident fund and there will be no additional cost to the employers.

While on the subject of workers' compensation, I would like to also mention that I have appointed a committee of three to review the Workers' Compensation Act and make recommendations regarding any changes that should be made. I have done this because it is 10 years since the legislation governing workers' compensation in the NWT was written. During that time, many of the provinces have made significant -- and in some cases radical -- changes to their legislation. The NWT Workers' Compensation Act was state of the art legislation when it was enacted, but it is now out of date in some ways and it needs to be revised.

The committee reviewing the act is chaired by Letha MacLachlan, a Yellowknife lawyer. Workers are represented by George Foley, area president of the steelworkers' union. Lyle Hawkins, a businessman who has been in the North for many years, represents employers. As a result of the committee's work, I expect to be able to bring to this House a bill to amend the Workers' Compensation Act,

during the winter session in February, 1987. In the meantime, however, I shall bring forward an amendment in the fall session this year dealing with the maximum assessable remuneration. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Item 3, Ministers' statements. Mr. Patterson.

Minister's Statement 24-86(1): Comprehensive Claims

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. It is with pleasure that I announce to this Assembly the re-initialling of the Tungavik Federation of Nunavut wildlife subagreement. Members may be aware that this document was originally initialled on October 27th in 1981 but was not accepted by the federal government until May 23rd of this year. Our government has supported this initiative and will, I trust, at the appropriate time, reaffirm our support during the agreement-in-principle stage.

We, as an Executive Council, have noted a number of concerns with regard to this subagreement and we have recently dealt with these issues and reserved the right to discuss them further before the overall agreement-in-principle stage. Among these concerns are:

- a) The disparity of days allotted for ministerial disallowance between the federal government and the territorial government.
- b) Further and more detailed review of all the subagreements in the claim, including the wildlife provisions, to ensure that the provisions are in harmony with the Canadian Constitution and the Charter of Rights.
- c) The financial requirements that may be imposed on the Government of the Northwest Territories as a result of presettlement implementation.

The initialling itself represents a major step forward toward the resolution of this claim and is a major building block toward an overall agreement in principle.

With regard to the specifics of the subagreement, it provides for the establishment of a Nunavut wildlife management board made up of members appointed by a "designated Inuit organization", the Government of the Northwest Territories and the federal government. A chairman is appointed by the Governor in Council, based on recommendations from the board members. This board will be the main body responsible for managing wildlife in the TFN settlement area. It will be the main regulator for access to wildlife, will conduct primary harvesting studies and allocate resources. With the board's establishment, the residents of Nunavut will have a major role in the management of wildlife resources on which many northern communities depend.

The Inuit wildlife harvesting rights affirmed in the subagreement are based on traditional and current use of resources and are governed by generally accepted conservation principles. As well, the interests of people not included in the claims settlement benefits are respected in the agreement.

I am also pleased to note the recent initialling of the claims boundary agreement by the TFN and the Dene/Metis negotiation secretariat. This represents a significant breakthrough in the claims process in the Northwest Territories. While this agreement requires ratification by the respective parties, it demonstrates a great perseverance and determination to proceed ahead toward early resolution of the two outstanding claims. The parties are to be commended for the good will they have exhibited, as well as for the hard work done by both on this important issue.

Mr. Speaker, with your kind leave, I have another short statement on another subject.

Minister's Statement 25-86(1): Sessional Paper On Political And Constitutional Development In The NWT

I would like to announce that a sessional paper titled "Political and Constitutional Development in the Northwest Territories", has been prepared for discussion by this Assembly session. This is a revised version of a document which, you may recall, was tabled at the last session of this Assembly and which dealt with the current issues of political and constitutional development, especially the issues of comprehensive aboriginal claims, devolution and division of the NWT.



Unfortunately, as Members will recall, because of the pressures of a large workload and a short period of time, this House did not really get a chance to properly address that document and discuss these important matters. I am hoping that this session will provide an opportunity for Members to give the Executive Council some guidance on the issues raised in this revised paper -- issues which will shape the destiny of both the NWT and future territories.

This paper is a revised version of our earlier paper, partly because Executive Members have had some time to give the issues more consideration, but largely because certain events of the past few months have overtaken that document and rendered it a little out of date. Firstly, since the last paper was tabled on March 7th, we have seen the release of the Coolican Task Force report on federal claims policy. That report contains a comprehensive list of recommendations -- many of which echo this government's concerns and most of which we are in wholehearted agreement with.

We have also seen this government sit down across the table with the leaders of aboriginal organizations at the Northern Leaders' Conference here in Yellowknife where we discussed constitutional and political development matters in frank but friendly terms. We held that meeting with a view to reaching a consensus on the political future of the NWT and I can personally report with some satisfaction that it allowed significant progress toward agreement, especially on the problem of how to reach agreement on a boundary between a Nunavut and a western territory.

We have also seen a very concrete development occur at that same leaders' meeting in the form of a memorandum of understanding signed between the GNWT and the Dene/Metis. This MOU sets out in clear terms a process for determining the degree of participation that the Dene/Metis will have in the negotiation of devolution matters with the federal government when those matters impinge upon aboriginal rights. And we have just recently seen a significant agreement reached between the Tungavik Federation of Nunavut and the Dene/Metis negotiating secretariat on a boundary between their claims areas.

Any one of these developments would be cause for us to update our strategies on the various issues facing us, but together they make revision essential. These events have, therefore, expanded the document by several pages but my hope is that it is still sufficiently comprehensive without being too long.

Specifically, this new draft deals with the Coolican Task Force recommendations on expanding the scope of claims negotiations and the steps this government would see as necessary if that recommendation is adopted. It also outlines the effects of our memorandum of understanding with the Dene/Metis on the devolution process and the advisability of a similar MOU with the Inuit. It briefly sketches out a plan to facilitate the process of planning and implementing the division of the NWT and the territorial government, and it suggests ways of keeping both the constitutional forums and the Executive Council better informed of the political and constitutional work each one is engaged in.

This revised paper deals with most of the issues raised in this House respecting our constitutional evolution. It makes several recommendations to the Assembly and it will have served its purpose, I think, if it can generate deep thought and lively discussion on the issues. Mr. Speaker, I hope that this session will allow some time for consideration of this sessional paper -- perhaps on a date set by agreement of Members. I look forward to Members' comments on these subjects of such vital consequence to our political future. As soon as the Inuktitut translation is available, the paper will be tabled. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Item 3, Ministers' statements. Ministers' statements. That appears to conclude Ministers' statements for today. Item 4, oral questions. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I have one Ministers' statement, Mr. Speaker, if I might indulge the House.

MR. SPEAKER: It is not the indulgence of the House you require, Mr. Ballantyne, it is mine. I called the item three times. However, we wish to expedite the business of the House. Proceed, Mr. Ballantyne.

Minister's Statement 26-86(1): HAP Labour And Training Funding

HON. MICHAEL BALLANTYNE: Thank you. Mr. Speaker, I would like to take this opportunity to advise the Assembly on the home-ownership assistance program. As Members know, the Housing Corporation is delivering more HAP houses to people of the NWT than ever before. So far 171 packages have been or will be delivered for construction this year. To assist the HAP clients the corporation has arranged to have construction supervisors located in each community where HAP housing is to be built. These supervisors will be hired locally wherever possible. The cost of the supervisors is being jointly funded by the NWT Housing Corporation and CMHC and should be of great assistance to HAP clients.

The situation regarding labour and training funding is unfortunately not so positive. As Members know, labour and training funds have usually been obtained by HAP clients from programs of the Canada centre for Employment and Immigration and from programs through Indian Affairs. Due to fundamental changes under the CEIC Canadian job strategy policy, funding is no longer available, and in fact the changes to CEIC programs have limited their general applicability in the NWT. As a consequence, no money from CEIC is directly available for HAP labour and training. Unfortunately, existing programs in Indian Affairs do not provide a secure source of funding that can be used to replace lost CEIC dollars. Under the Indian community human resources strategy, ICHRS, the NWT was only allocated \$1.5 million. In addition, the funds are granted for general programs of economic and human development and cannot be counted on as solely for HAP labour and training.

Mr. Speaker, this is the difficult situation facing HAP clients. Due to a significant change to federal programs, their usual source of labour and training funding assistance is no longer available to them. In an attempt to overcome this shortfall, the NWT Housing Corporation decided to take a lead role in preparing a proposal for construction support funding. The proposal outlined a program of project supervision and training. Its preparation involved co-ordination with the GNWT Departments of Education and Economic Development, as well as numerous meetings between officials of the corporation and the federal agencies.

In early March of this year, the proposal for \$2.7 million was submitted to the Minister of Indian Affairs and Northern Development, the Hon. David Crombie. You will recall that this proposal was distributed in the Legislative Assembly prior to its submission in Ottawa. The Minister indicated an initial strong support for the proposal. It was impressed upon him that the funds were urgently needed in time for the short northern construction season. The proposal has enjoyed the unparalleled support of community groups and northern leaders. Support included a unanimous motion from this House, followed by a letter from the Government Leader to the federal Minister. Unfortunately, despite the great interest expressed by the northern groups and initial support by the federal Minister, no funds have yet been made available.

In spite of the current difficulties, I am continuing discussions with the Minister on this critical issue. I realize the urgency of the situation and will be looking with vigour to see what alternatives might be realized for this construction season. The only known source of funding at this time remains the ICHRS program, and the uncertainties about the allocation of these funds have already been identified. Nevertheless, I have instructed staff of the Housing Corporation to work closely with Indian Affairs to maximize any opportunity that exists under the program to assist HAP clients in obtaining labour and training funding.

Clearly a long-term solution is required. To that end I am still hopeful that our proposal to Mr. Crombie will produce positive results. In addition, I have asked staff of the Housing Corporation to meet further with officials of CEIC to look for ways of making this federal program more applicable to the specific housing needs of the NWT. If HAP is to succeed as an enduring program, the issue of labour and training funding must be resolved. I ask for the support of this House in the resolution of this problem. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 3, Ministers' statements. That appears to conclude Ministers' statements for today.

AN HON. MEMBER: Perhaps you should check just once more.

MR. SPEAKER: Item 4, oral questions. Mrs. Lawrence.

ITEM 4: ORAL QUESTIONS

Question 212-86(1): Care Of The Elderly In Snowdrift

MRS. LAWRENCE: Thank you, Mr. Speaker. I have a question for the Minister responsible for Health. Can the Minister respond to the letter that I hand delivered to him a few weeks ago regarding a couple of elders who are living in a shack in my constituency and are not able to look after themselves and the home care funds that have been cut off several weeks ago? What is the Minister's plan to do something about this situation? Mahsi cho.

MR. SPEAKER: Mr. Minister.

Return To Question 212-86(1): Care Of The Elderly In Snowdrift

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. The Member has outlined to me the problem in Snowdrift. Her solution which she has suggested is making use of the former federal nursing station. Plans are already made to transfer that to the government, DPW, and have use of that made by another department. Apparently Fort Smith regional office intends to use that facility for the housing of staff. As for the present difficulties with the funding of the home care, I will have to get back to the Member with details on that.

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

Question 213-86(1): Cancellation Of Job Offer, Fort Smith

MR. McCALLUM: Thank you, Mr. Speaker. I have a question for the Minister responsible for Personnel. I wonder if the Minister could indicate to me how the government goes about redefining qualifications for positions within the public service after the competition closes, after interviews have been completed and after a particular job offer has been made to an employee of the government at the present time.

MR. SPEAKER: Mr. Minister.

Return To Question 213-86(1): Cancellation Of Job Offer, Fort Smith

HON. NICK SIBBESTON: Thank you, Mr. Speaker. The matter that the Member has raised a question about is an administrative officer position in Fort Smith. It is a situation where the position was advertised and there were 14 people that applied for the job. Of these, four were selected to be interviewed. An interview was held and one of these persons was offered a job verbally and the person accepted. After all of this was done, as a result of a complaint from one of the unsuccessful candidates about the whole way that the competition was held and also the qualifications that were required in the job description and as a result of a review that was done by my department, Education and Finance, it was discovered that there were unreasonably restrictive requirements -- three years of FIS experience -- which prevented many other, more qualified candidates for the job from getting the job. We also considered that it was also a barrier to the affirmative action plan.

So on discovering this, the department, with the concurrence of other departments, did decide to cancel the job offer and readvertise the position and do the whole process anew. The plans are to have officials from the Department of Education and Personnel, from headquarters here, go to Fort Smith next week and do the interviews over again with a new and different job description.

So, Mr. Speaker, I appreciate that it is a matter that ought not to have gone to the point where it has. I must say that I feel badly and apologize that the process was permitted to go to the extent which it had and after discovering some faults, as it were, having to redo the whole thing again. But we decided in the interest of getting the best person for the job in this case that we would do the whole competition over again.

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

Supplementary To Question 213-86(1): Cancellation Of Job Offer, Fort Smith

MR. McCALLUM: Thank you, Mr. Speaker. I have a supplementary for the Minister. He indicated that it was his department. Can the Minister tell me who authorized the changes to be made for the requirements for the particular position? Was the appeal made by a member of the Public Service Association or somebody from without the Public Service Association? Under the present law of this government, Mr. Speaker, only people who are employees of this government can appeal. Nobody from outside it. I am very much concerned, Mr. Speaker, about making these changes after the fact. I would like to know from the Minister as well, how often this has been done as of late and what he intends to do about it.

MR. SPEAKER: Mr. Minister.

Further Return To Question 213-86(1): Cancellation Of Job Offer, Fort Smith

HON. NICK SIBBESTON: Mr. Speaker, ultimately it was myself who dealt with the matter and decided to redo the competition for the job. The person who appealed, who wrote to me and who indicated great concern about this whole matter was not a member of the Public Service Association. This matter does not occur very often. This is the first one that I am aware of. What do I intend to do about these sorts of things? I intend and, in fact, have asked my department officials to be very careful about such matters in the future; to be sure, actually to review all of the competitions that go out and to be certain that they are satisfied with the job description so that this sort of thing does not happen again.

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

Supplementary To Question 213-86(1): Cancellation Of Job Offer, Fort Smith

MR. McCALLUM: I have a further supplementary, Mr. Speaker. I hope it is the second time, first and last. The Minister is indicating to me that he made the ultimate decision to intervene in this particular case. Is that a show of the things to come? Is that what the Minister means by ministerial government, where he is going to get involved with the day-to-day operation of competitions for public service jobs for a junior executive position, junior administrative position? Is this the kind of thing that we can expect from Ministers in any of the departments and more specifically, of the Minister of Personnel? I find that a little bit difficult to accept -- the whole business of redefining the role of the regional directors, regional superintendents. I wonder if the Minister can indicate to me as well why he feels for this particular position he has to send somebody down from headquarters to do the competition when you have people who are quite qualified, a regional director and three regional superintendents, who conducted the interviews and made the decision in the first place. I wonder if the Minister can answer those questions?

MR. SPEAKER: Mr. Minister.

Further Return To Question 213-86(1): Cancellation Of Job Offer, Fort Smith

HON. NICK SIBBESTON: Mr. Speaker, the Member asked whether this is an indication of things to come. I can tell the Member that myself, and I think this government are very determined in our efforts to get the best people in our public service and we, of course, have policies which we generally go by. One of them is the affirmative action plan which we are following. Over the course of years and time we are finding that the system has certain barriers to having people outside the system apply and be successful in obtaining jobs. We also are aware that there are certain barriers to native people getting jobs in our government and for the most part we do deal with them in advance of a competition going to this stage, but this was a case where I felt that there was an injustice done. There was a serious barrier to people outside our government civil service coming in and being employed by our government. There was a requirement of three years FIS experience and as I indicated earlier this resulted in quite a number of persons being unable to fit that requirement so they were not even interviewed for the job. There were people that had worked as secretary-treasurers of a town. There was even an accountant. There was a person who had been performing this job who was not even asked to be interviewed.

So, I saw that there was injustice in this situation. In a case like this I have no qualms about stopping the system short and making changes and this is what I have done. I have asked that the whole competition would be redone again. There is a new qualification, new terms for the job that are now being advertised.

As to why civil servants from headquarters are being sent to Fort Smith to deal with the job, this is done so that there can be new and different people that had not been involved in the first interview and the whole competition system involved in it. The persons applying can be dealt with anew and there can be new, let us say, unbiased people from headquarters here who can deal with the applicants and deal with the interview. It was intentionally done to remove the whole competition, the whole interview process from people who had been earlier involved and from whom we have taken this matter away.

MR. SPEAKER: Final supplementary, Mr. McCallum.

Supplementary To Question 213-86(1): Cancellation Of Job Offer, Fort Smith

MR. McCALLUM: Thank you, Mr. Speaker. I want the Minister to know that I agree with getting the best people to work for this government. I voted for affirmative action. I do not have any difficulty with that at all. There were, in his words, 14 people who applied for the position in the first place from within and without government. As to the bias of regional people, I think that is kind of a -- well, I should not get into trying to determine what the Minister meant by talking about the unbiased opinion of civil servants from headquarters to look after a regional problem. Can the Minister indicate to me whether, in fact, the people who are doing the interviews this coming week have received instructions from you or from your personnel as to whom this job offer should be made?

MR. SPEAKER: Mr. Minister.

Further Return To Question 213-86(1): Cancellation Of Job Offer, Fort Smith

HON. NICK SIBBESTON: Mr. Speaker, I am not personally aware of the persons that are going to Fort Smith to do the interviews and I have given no instructions. I have had no discussions whatsoever with my department with respect to the way the interview should be done. I just do not get involved to that extent...

MR. McCALLUM: Just with respect to the qualifications...

HON. NICK SIBBESTON: Right. As I said, I was involved with respect to the qualifications, removing the three years FIS experience requirement, but other than that I have not been involved in that matter at all.

MR. McCALLUM: Is this a case of ministerial hands-on approach?

---Laughter

MR. SPEAKER: Oral questions. Mr. McCallum.

Question 214-86(1): Positions At Correctional Centre For Women, Fort Smith

MR. McCALLUM: Mr. Speaker, I have a question for the Minister for corrections. During the last session, from February 12th to March 13th, I asked questions of the Minister during the review of his department, Social Services, dealing with the subject of corrections. In that particular review I asked the Minister what was happening with the employees of the NWT Correctional Centre for Women in Fort Smith. I would like to ask the Minister if offers have been made to the five term and six permanent positions now at the NWT Correctional Centre for Women in Fort Smith. How many have received those and how many have accepted positions?

MR. SPEAKER: Mr. Minister.

Return To Question 214-86(1): Positions At Correctional Centre For Women, Fort Smith

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. It is still the intention of the department to stop operating the NWT Correctional Centre for Women in Fort Smith in October and the department will be following the normal process, which is the offering of jobs to those who qualify to transfer into other departments. They will be able to compete for other jobs and the department will be sympathetic to training those people. But I will have to get back to the Member with the details on the exact numbers in this present situation of who has applied for transfers and who has not. I will take that as notice and give the Member an answer in a couple of days. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mr. McCallum, is this a supplementary or a new question?

MR. McCALLUM: Mr. Speaker, it is a new question. I cannot ask a supplementary to a question taken as notice.

MR. SPEAKER: You have done it before.

---Laughter

Question 215-86(1): Plan For Move Of Correctional Centre For Women

MR. McCALLUM: You're not supposed to say that. Mr. Speaker, I wonder if I may ask the Minister if the plan is to move the Correctional Centre for Women from Fort Smith to Yellowknife and then back to Hay River. If so, I wonder if the Minister could tell me why that is going to occur, why there is such a waste of money making two moves? Why can you not move it from Smith to Hay River in the first place?

MR. SPEAKER: Mr. Minister.

Return To Question 215-86(1): Plan For Move Of Correctional Centre For Women

HON. BRUCE McLAUGHLIN: Mr. Speaker, the plan to handle female inmates in the NWT is eventually to have the women in the East who are sentenced to incarceration put in Baffin Correctional Centre and the women sentenced to incarceration in the Western Arctic, primarily of Dene origin, to be incarcerated in the facility in Hay River. We are in the situation right now where the Young Offenders Act has caused us to put prisoners on remand, and some of the very difficult young offender prisoners, into existing facilities in Yellowknife. At the same time we have renovations going on there. Once those renovations are finished and once a couple of the secure custody facilities for young offenders are completed, then we will be able to move these people around to the places they are supposed to be.

MR. McCALLUM: Where?

HON. BRUCE McLAUGHLIN: Yes, exactly just where will depend upon which facilities are finished first and what is the case load referred to us by the courts, how many people are put on remand. So the idea is to close the facility in Fort Smith in October and if we have to temporarily house female prisoners in Yellowknife before we can put them in Hay River, this is an incident that may happen. What we are trying to do is handle the male and female inmates as well as young offenders. We have two facilities under construction and another one on the planning books and it just depends on which facilities are completed first. As well we are having to train female correctional officers who want to work in two new designated communities. So that training is also part of the problem that has to be overcome in designating where the prisoners will be. But all I can say is that people sentenced to incarceration in the NWT will be incarcerated in one of the three existing adult facilities after October. Thank you, Mr. Speaker.

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

Supplementary To Question 215-86(1): Plan For Move Of Correctional Centre For Women

MR. McCALLUM: Mr. Speaker, I have a supplementary to the question. The Minister is indicating that he is going to move them around the Territories. What I want to know specifically is, are the women who are now incarcerated from what we generally refer to as the western part of the

Territories going to have to go to Yellowknife and then come back to Hay River and are the people that he hires that are now working for the Correctional Centre for Women going to have to uproot themselves from Fort Smith, move on an interim basis to Yellowknife before settling down to a position in Hay River? Has the Minister given any consideration to the upheaval that will cause to individuals, and where does he expect people can find accommodation in this town? I know that there are particular departments that cannot find accommodation in the city of Yellowknife for employees they already have. Does he not find that this will be an added cost, not only for the welfare of the individuals that he is going to hire, but also for the individuals that are incarcerated?

MR. SPEAKER: Mr. Minister.

Further Return To Question 215-86(1): Plan For Move Of Correctional Centre For Women

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. The Member is correct. If it turns out that we have vacancies in the Yellowknife facility and the spaces are not allotted in Hay River at the time because it is not completed, it is conceivable that we would move the women prisoners over to Yellowknife and incarcerate them as an interim measure and that some staff who wish to move to Hay River, may, in fact, work temporarily in Yellowknife before they go to Hay River. That is a possibility. The other possibility is that if the courts continue to refer young offenders into secure custody faster than we can build facilities, the facility in Fort Smith may have to be operated past October. All I can say is that all the department can do is manoeuvre as best it can with the sentencing from the courts.

MR. SPEAKER: Mr. McCallum, supplementary.

Supplementary To Question 215-86(1): Plan For Move Of Correctional Centre For Women

MR. McCALLUM: I have a supplementary for the Minister. In light of the answer he has given me, indicating that there are two options, will the Minister give an undertaking now, that rather than uproot people, either prisoners or personnel from Fort Smith to Yellowknife and then to Hay River, that he will retain both the personnel and the prisoners in Fort Smith until such time as he is ready to move them to Hay River?

MR. SPEAKER: Mr. Minister.

Further Return To Question 215-86(1): Plan For Move Of Correctional Centre For Women

HON. BRUCE McLAUGHLIN: Mr. Speaker, no, I cannot give that undertaking to the Member.

MR. McCALLUM: You are wasting money.

MR. SPEAKER: Oral questions. Mr. MacQuarrie.

Question 216-86(1): Comprehensive Review Of Job Descriptions

MR. MacQUARRIE: Thank you, Mr. Speaker. My question is for the Minister of Personnel. I would certainly agree with the Minister that there is more than one position in our government for which the job description probably has inflated requirements, not realistic requirements, and I gather the Minister is saying that that is what led to the problem that was alluded to by the Member for Slave River. In trying to work his way out of that problem the Minister is stickhandling quite well out of the corner, I think. But I think the Minister would also agree that it is better not to get caught in the corner in the first place. So the question is, Mr. Minister, what are you trying to do to make sure that this does not happen again? Have you instructed officials in your department to review positions in a comprehensive way to make sure that job requirements are not inflated and that when finally a competition is called, all of us can be assured, not only Members of this House, but people who are applying for these jobs can be assured that the competition will go forward without intervention from above?

MR. SPEAKER: Mr. Minister.

Return To Question 216-86(1): Comprehensive Review Of Job Descriptions

HON. NICK SIBBESTON: Mr. Speaker, in posing his question the Member suggested that we are changing some of the inflated requirements in the job descriptions, I believe. I want to tell the Member that in this case that was dealt with, resulting in questions from Mr. McCallum, we were not dealing with necessarily an inflated qualification or description. What we were dealing with was a peculiar experience that was only attainable as it were, in working for this government in the financial system that this government has in place. The job description initially required three years experience of this. Perhaps I did not make myself clear, but this requirement resulted in other persons who have not had experience with our government, from getting a job with our government. As I said, there were people who have worked for years as secretary-treasurers to a town, there was a person who was an accountant, there was even a person who was in the acting position, doing the job, who did not have this three years FIS experience who was ruled out of even being considered for the job and that is the reason why I decided to have the whole matter, the whole competition done again.

In direct response to the question, yes, we are doing this. We are reviewing positions as a routine, as a matter of course, to see whether they are current, whether the qualifications are reasonable and the job descriptions in tune with the job that has to be done today. So we are doing this on a comprehensive basis and this should result in not having to end up in the situation that we have. I do hope that this will be the last case of this sort.

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

Supplementary To Question 216-86(1): Comprehensive Review Of Job Descriptions

MR. MacQUARRIE: Yes, supplementary, Mr. Speaker. I accept the general answer. I am pleased to hear that there is that kind of ongoing review but then in the response it raised the question about the specific again. I thought that the Minister was saying that to do the job that was advertised, it was not really necessary for someone to have three years of experience in the government's financial information system. Either it is necessary or it is not, and if it is necessary for that particular job then the Minister ought not to have done what he has done. That seemed to be what he was saying, what he answered this time.

So, could I clarify that? In that particular job, is the three years FIS experience an inflated requirement? In other words, can someone really do the job without having that FIS experience? That is what I am asking.

MR. SPEAKER: Mr. Minister.

Further Return To Question 216-86(1): Comprehensive Review Of Job Descriptions

HON. NICK SIBBESTON: Mr. Speaker, the matter was reviewed by officials of the Departments of Education, Finance and Personnel and on thorough consideration and review of the job that was required to be done by an individual, it was concluded that the three years FIS experience was not necessary. This requirement is not a higher requirement than being an accountant or this sort of thing, it just sort of happens to be the experience with this particular financial system. So it is not necessarily an inflated requirement, it is not a higher requirement than just having a basic bookkeeping type of experience. It was just peculiar and so it prevented other more qualified persons from being considered seriously for the job. That is the basis of why the review and decisions were made.

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

Supplementary To Question 216-86(1): Comprehensive Review Of Job Descriptions

MR. MacQUARRIE: Just to be clear, I am not sure whether I have a question now, but just to clarify -- that is what I would call an inflated requirement. If there is something written into a job description that is not really necessary in order for the person to do the job, that is what I call an inflated requirement. So that you can clarify it in my mind, Mr. Minister, taking that to mean an inflated requirement, do you agree with me that in this instance that really was not necessary and it can be safely removed from the job description?



MR. SPEAKER: Mr. Minister.

Further Return To Question 216-86(1): Comprehensive Review Of Job Descriptions

HON. NICK SIBBESTON: Yes.

---Laughter

MR. SPEAKER: Oral questions. Mr. Pudluk.

Question 217-86(1): Trainees Dismissed From Expo '86 Site

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Economic Development regarding Expo '86. Before Expo '86 was opened a lot of young people were taking crash courses on becoming workers at the Expo '86 site and some of the young people were not allowed to go to these courses. I would like to find out how many of them were fired or struck off the list of workers at the Expo '86 site.

MR. SPEAKER: Mr. Minister.

Return To Question 217-86(1): Trainees Dismissed From Expo '86 Site

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I am pretty sure a lot of people are aware that we have a lot of people in Expo '86 -- over 100. We were told that a lot of young people were asked to go home because of different reasons. A lot of times it is not their fault. Not having been to Vancouver before was one of the reasons they could not cope with the city life. I just wanted to answer this question, Mr. Speaker. It was very difficult for young people who were first exposed to that different lifestyle. But to date, I do not have the number of people who are not allowed to be at Expo any more. I will be answering you further later on. Thank you.

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

Questions 218-86(1): Fishing In Tathlina Lake

MR. GARGAN: Mahsi, Mr. Speaker. (Translation) I have a question for the Minister of Renewable Resources. Last April 14th you wrote a letter to the federal Minister Tom Siddon in regard to Albertan commercial fishing in Tathlina Lake. There are a certain number of people from Alberta who are fishing in that lake. When he wrote a letter to the Minister, the Hon. Tom Siddon, requesting that their licence be revoked, there was no reply. So, since that time we have not heard anything about the incident. I would ask the Minister whether there was a reply from the Hon. Tom Siddon and whether the people from Alberta are still fishing in the area. That is all I wanted to know. Mahsi, Mr. Speaker.

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

HON. RED PEDERSEN: Thank you, Mr. Speaker. As Mr. Gargan indicates, we have not received a reply from Mr. Siddon yet. We have followed it up recently with a telex requesting a reply. I will take the other part of the question under advisement as to whether they are still fishing there. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. You are taking the question as notice. Oral questions. Mr. Angottitauruq.

MR. ANGOTTITAUURUQ: Thank you, Mr. Speaker. My question will be directed to the Government Leader. I would like a clarification on a matter in Kitikmeot which is, at this time, just a rumour, talking about decentralization in Kitikmeot. I would like to have the Government Leader confirm it to me. Thank you.

MR. SPEAKER: I am afraid that type of question is out of order. It is too broad and we could be here for a week for an answer on that type. If you can give us a question that is a little more confined we will try and get an answer for you, Mr. Angottitauruq. Have you something else you would like to ask?

MR. ANGOTTITAUROUQ: Well, I will leave that question for some other later date. I will put some words into it.

Question 219-86(1): Funding For International Inuit Youth Camp, Ikpik Bay

My new question will be to the Minister of Social Services. The youth group I believe has a request for funding for Ikpik Bay youth camp. I would like to know whether they received their funding for that purpose for this year.

AN HON. MEMBER: Yes.

MR. SPEAKER: Thank you. Mr. Minister.

---Laughter

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. We have received several applications for funding, some to continue programs from last year and some new ones. Final decisions have not been made on all the grants and contributions out of the youth budget and I will have to get back to the Member, hopefully before the session is over, on that. Thank you.

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

Question 220-86(1): Arena, Community Hall And Office Complex, Fort Providence

MR. GARGAN: Mahsi, Mr. Speaker. (Translation) The question I am going to ask is to the Minister of Local Government. This summer in Fort Providence they are going to build an arena and community hall. That is what they have said. Also in the same building they were going to have some offices. Some changes were made. So I am going to ask the Minister, when are they going to build, this summer or next summer? What are they going to do? Are they going to continue to work on the complex and if it is going to take place, when is it going to start? That is all I wanted to ask.

MR. SPEAKER: Mr. Minister.

Return To Question 220-86(1): Arena, Community Hall And Office Complex, Fort Providence

HON. GORDON WRAY: Thank you, Mr. Speaker. The project is going to go ahead. However, because of lack of funding we will have to do it in stages now instead of doing it all at once as we had previously planned.

MR. McCALLUM: You get an arena but no ice.

HON. GORDON WRAY: We will go ahead this summer with the foundations and the pad and then in the fall we will probably go to tender and at this point in time we will only be tendering for the arena and the community hall portion of the building. We have deferred the offices part until a later date simply because of a lack of funds. We decided, based on information from the region, that the arena and community hall were the community priority and so we will do it in stages now, as opposed to doing it all at once. Thank you.

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

Question 221-86(1): Competition For Administrative Officer, Fort Smith

MR. McCALLUM: Mr. Speaker, I have a question for the Minister of Education. It refers to the topic that went before. Can the Minister indicate to me whether in fact his department is now satisfied with the competition that has been put forth for this administrative officer at the regional level? Is he satisfied that the eventual result of this competition will meet the needs of the regional superintendent in carrying out his work? In addition to that, Mr. Speaker, I would like to ask the Minister why his people thought those qualifications should have been there in the first place.

MR. SPEAKER: Mr. Minister.

Return To Question 221-86(1): Competition For Administrative Officer, Fort Smith

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. The Member is asking me to speculate on the results of a competition still not concluded but I certainly am hopeful that with a larger field of candidates, in fact, we will secure the best possible qualified candidate. As to the question, Mr. Speaker, about why the particular qualifications were inserted in the competition, I will have to take that as notice between myself and the Minister responsible for Personnel. Thank you.

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

ITEM 5: WRITTEN QUESTIONS

Question 222-86(1): Wilderness Camp On Great Slave Lake

MRS. LAWRENCE: Thank you, Mr. Speaker. I have a written question to the Minister of Economic Development and Tourism regarding the granting of business licences. The Department of Economic Development and Tourism is always advertising its support of tourism development, especially at the community level. One of my constituents has worked very hard developing an idea, making business contacts and lining up potential customers for a wilderness camp operation on the East Arm of Great Slave Lake and has met all the criteria.

My constituent has been trying to get a business licence for this venture since last September but has been unsuccessful because the Department of Economic Development and Tourism has taken the position that further research into tourism activities in this area is required. Would the Minister please review this project again and consider granting the business licence?

Further, could the Minister make sure that his review takes into account that there are some lodges on Great Slave Lake that are currently inactive, even though they have business licences? Could he also take into account that my constituent has obtained private financing for this venture and will not require funding that might already be earmarked to support other tourism projects in the region, including funds specially designated for the promotion and development of native businesses? Mahsi cho.

MR. SPEAKER: Thank you. Written questions. Are there any further written questions? That appears to conclude written questions for today. Item 6, are there any returns? Mr. Patterson.

ITEM 6: RETURNS

Return To Question 204-86(1): Reconsideration Of Closing Of Borealis School

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I have a return to a question asked by Mr. Richard, March 13, 1986, with respect to Borealis School.

Following discussions with superintendents of education and special education consultants, the resources for Borealis School have been allocated to the regions and boards of education. The territorial school, Borealis, was unable to meet the needs of many students from communities. Enrolment in January included six students from Yellowknife and one student from the regions. Special education consultants estimate that there are over 130 students in the NWT with behaviour problems serious enough to affect their ability to learn. There are many others with minor behaviour problems that require a behaviour management program in order to learn effectively in the classroom. The Department of Education realizes that the needs of all these students cannot be adequately met at a territorial level. In fact, the removal of a student to attend a school in a culturally different location may not benefit either the child or the family. Many students are too young to travel far away from home and it is essential that services be provided as close to the local level as possible.

Resources totalling \$142,000 will be allocated from Borealis School to the regions and boards. The two school boards in Yellowknife, for example, will be receiving a total of \$48,000; \$24,000 for each board for the period from September 1986 to March 1987. This will enable the boards to second two of the three positions from Borealis School in order to meet the needs of those students attending Yellowknife schools.

The regions and the Baffin Divisional Board of Education will each receive between \$18,000 and \$20,000. These funds will be used to hire and train special needs assistants to work with students with serious behaviour problems. The regions will also be able to contract professionals with expertise to travel to the communities, establish behaviour programs for these students and train educators to meet their special needs appropriately. The special education consultants will continue to monitor these programs. This approach has been successful in communities such as Rankin Inlet, Cambridge Bay, Gjoa Haven and Frobisher Bay. Thank you, Mr. Speaker.

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

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

HON. DENNIS PATTERSON: Yes, thank you, Mr. Speaker. This is a return to a question asked by Mr. Pudluk on February 18, 1986, concerning a request for two full-time teachers in Grise Fiord.

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

The Department of Education has finalized a staffing formula that will ensure equitable distribution of teachers across all regions and divisional boards of education in the Northwest Territories. This formula will be used beginning with the 1986-87 school year. Teachers will be allocated to regions and divisional boards based on the student enrolment within each school in a particular region or division. In this way, Grise Fiord will receive the same consideration as all other schools when staff is allocated to the Baffin division. The school at Grise Fiord will be staffed for 1986-87 with two teachers and one classroom assistant. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Returns. Are there any further 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. Erkloo.

ITEM 9: TABLING OF DOCUMENTS

MR. ERKLOO: Thank you, Mr. Speaker. I am going to table Tabled Document 57-86(1), a letter to Dennis Patterson, the Minister of Education, dated May 23, 1986, regarding the early intervention pilot project in Pond Inlet. Because of funding, it is going to end this month and they would like to continue the early intervention pilot project. The letter is from the Takijualuk school staff, with about 15 names. Thank you.

MR. SPEAKER: Thank you, Mr. Erkloo. Petitions. Mr. McCallum. I am sorry, we are on tabled documents. Mr. McCallum.

MR. MCCALLUM: Mr. Speaker, I would like to table Tabled Document 58-86(1), a document duly notarized by statutory declaration, by a notary public in Fort Smith. It is a document of some 475 names from Fort Smith. It is discussing the proposed staffing policy of the Minister of Education for territorial schools. I will be giving notice of motion to move this tabled document into committee of the whole.

MR. SPEAKER: You are moving the document as a tabled document and you are making a motion at this time? You are going to give notice and go through the other procedures. Thank you, Mr. McCallum. Tabling of documents. Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I wish to table the following document: Tabled Document 59-86(1), Government of the Northwest Territories Response to the Report of the Task Force to Review Comprehensive Claims Policy, "Living Treaties: Lasting Agreements", dated May 27, 1986. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Tabling of documents. That appears to conclude tabling of documents. Item 10, notices of motion. Mr. McCallum.

ITEM 10: NOTICES OF MOTION

Notice Of Motion 26-86(1): Tabled Document 58-86(1) To Committee Of The Whole

MR. McCALLUM: Mr. Speaker, I give notice that on Thursday, June 12th, I will move that Tabled Document 58-86(1), a petition from Fort Smith Education Society, be moved into committee of the whole for business on Tuesday, June 17th.

MR. SPEAKER: Thank you, Mr. McCallum. Notices of motion. Mr. Richard.

Notice Of Motion 27-86(1): Fourth Electoral District For Yellowknife

MR. RICHARD: Thank you, Mr. Speaker. I will give notice that on Thursday, June 12th, I will make the following motion: That the Legislative Assembly and Executive Council Act be amended to include a fourth electoral district for the city of Yellowknife; and further, that the boundaries of the four electoral districts be those set out in the minority report of the chairperson of the Northwest Territories Electoral Boundaries Commission, dated May 7th, 1983. Mahsi cho.

HON. DENNIS PATTERSON: Not a chance.

MR. SPEAKER: Thank you, notices of motion. Mr. Pudluk.

Notice Of Motion 28-86(1): Funding For HAP Housing

MR. PUDLUK: Mr. Speaker, I would like to give notice that on June 12th, 1986, I will move the following motion: Now therefore, be it resolved that the Minister of Indian and Northern Affairs be urged to give immediate consideration to committing additional financial resources to ensure the success of this important program.

MR. SPEAKER: Thank you, Mr. Pudluk.

MR. PUDLUK: It will be seconded by Mr. McCallum.

MR. SPEAKER: Thank you. Notices of motion. Mr. Paniloo.

Notice Of Motion 29-86(1): Community Organized Hunt Funding

MR. PANILOO: (Translation) Thank you, Mr. Speaker. On June 12th, I will move that this Assembly recommend that the budget for the community organized hunt program for the Baffin Region be increased. This motion is to be seconded by Ludy Pudluk.

MR. SPEAKER: Thank you, Mr. Paniloo. Notices of motion. Notices of motion. That appears to conclude notices of motion for today.

Item 11, notices of motion for first reading of bills. Item 12, motions. Mr. McCallum.

ITEM 12: MOTIONS

MR. McCALLUM: Mr. Speaker, may I have the unanimous consent of the House to move the motion for which I gave notice under orders of the day, Item 10?

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

Motion 26-86(1): Tabled Document 58-86(1) To Committee Of The Whole, Carried

MR. McCALLUM: Thank you, Mr. Speaker.

I MOVE, seconded by the honourable Member for Yellowknife Centre, Mr. MacQuarrie, that Tabled Document 58-86(1), be moved into committee of the whole for Tuesday, June 17th.

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

---Carried

Item 13, first reading of bills.

Item 14, second reading of bills. Item 15, consideration in committee of the whole of bills and other matters: Bill 14-86(1), Revolving Funds Act; Bill 12-86(1), Taxation Act; Bill 13-86(1), Write-off of Assets and Debts Act, 1985-86; Bill 2-86(1), Income Tax Act; Tabled Document 37-86(1), Constitutional and Political Development in the Northwest Territories; First Report of the Special Committee on Rules, Procedures and Privileges; Bill 3-86(1), Institute of Chartered Accountants Act; Bill 4-86(1), Insurance Act; Bill 5-86(1), Jury Act; Bill 7-86(1), Official Languages Act; Bill 9-86(1), Public Trustee Act; Bill 10-86(1), Society of Management Accountants Act; with Mr. Erkloo in the chair.

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

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 14-86(1), REVOLVING FUNDS ACT; BILL 4-86(1), INSURANCE ACT; BILL 9-86(1), PUBLIC TRUSTEE ACT; BILL 10-86(1), SOCIETY OF MANAGEMENT ACCOUNTANTS ACT; BILL 12-86(1), TAXATION ACT; BILL 13-86(1), WRITE-OFF OF ASSETS AND DEBTS ACT, 1985-86; BILL 2-86(1), INCOME TAX ACT; BILL 3-86(1), INSTITUTE OF CHARTERED ACCOUNTANTS ACT

CHAIRMAN (Mr. Erkloo): The committee will come to order.

Bill 14-86(1), Revolving Funds Act

We are on Bill 14-86(1). Mr. Butters would you like to make your remarks?

Minister's Opening Remarks

HON. TOM BUTTERS: Mr. Chairman, thank you very much. Just by way of introducing some of the business to come up this afternoon, I would indicate that we could look at Bill 14-86(1) first and then in view of the fact that Mr. Ballantyne will be absent for two or three days that we look at three of the bills that he will be steering through the House. We could look at Bill 4-86(1), Bill 9-86(1) and Bill 10-86(1) after we conclude the discussion of Bill 14-86(1).

Bill 14-86(1), Mr. Speaker, is a bill that was recommended to the government from the standing committee on finance of this House. The previous standing committee, on examination of the supplementary estimate document that the government has placed before Members at each session, determined that there are matters in that document that should be dealt with in other places and in other ways. One of those items was the manner in which we dealt with revolving funds. The recommendation of the standing committee, sir, was that special legislation would be set up to identify and formalize the existing revolving funds of the Government of the Northwest Territories and that is the purpose of the legislation that is before Members at this moment.

Members will recall that a revolving fund is a fund established by an act for a special purpose. Revolving funds contain money, accounts receivable, inventories, liabilities. Revenues and expenditures are credited and charged to the fund. Financial statements on the assets and the liabilities and the results of the operations of the fund are prepared annually. In past years revolving funds were established through supplementary appropriation acts and fund limits were periodically changed through the same legislative authority. The Department of Finance and legislative counsel have in the past few years been considering alternatives for the establishment of revolving funds. One such option would be to set up separate legislation for each fund. The standing committee on finance has questioned the use of supplementary estimates legislation as the appropriate vehicle to establish revolving funds. Although separate legislation is still under consideration for one or two major funds, at this time it was decided that the government should place before the House one omnibus bill which would cover all of our existing revolving funds.

Therefore, Mr. Chairman, the purpose of the bill is to establish the fur marketing service revolving fund, the petroleum products revolving fund and the public stores revolving fund and to set the limits for each of these funds and for the liquor revolving fund. The bill also terminates revolving funds which were previously established but which have been consolidated, renamed or are no longer in use and possibly, sir, it would be valuable to ask the acting chairman of the standing committee on finance to speak to the bill.

CHAIRMAN (Mr. Erkloo): Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. The standing committee on finance did review the bill and as the Minister has indicated, it is a response to a previous standing committee's recommendations. During the course of the review, we noted that there are a few questions involved with it. There may be some that are raised by Members. It has been a while since we reviewed it. Maybe to get the questions answered by the Minister -- but we have no difficulty, Mr. Chairman, moving the bill forward as is.

CHAIRMAN (Mr. Erkloo): Are there any general comments? Mr. Richard. Before we go, do all the Members have a copy of Bill 14-86(1), Revolving Funds Act? Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. The Minister in his opening remarks indicated that notwithstanding this general clean-up of the various funds that have been established over the years into these four general ones, that consideration was being given to other funds being established. I wonder if the Minister could elaborate on that. What other funds are being considered in addition to these four that are proposed in this legislation?

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

HON. TOM BUTTERS: Thank you, Mr. Chairman. The bill before Members covers all the existing revolving funds that are operated by this government. The particular reference that I was making of separate legislation being considered was relative to the petroleum products revolving fund which is a major revolving fund of this government and one which probably is major enough to warrant its own legislation.

CHAIRMAN (Mr. Erkloo): Any more general comments? Mr. Richard.

#### Total Of Allowable Maximums

MR. RICHARD: Mr. Chairman, this question may have been asked when the finance committee reviewed this document but it is some time ago and I cannot recollect the question or the answer. These four funds being established each have maximum limits and there are quite a number of current funds being eliminated, presumably, each of which had its own maximum. I am wondering if the Minister can indicate whether overall the total maximum of the four funds being proposed is increasing or decreasing the total maximums allowed under the current 15 or 20 funds.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, the only revolving fund for which an increase is being requested at this time is the petroleum products revolving fund and I believe that we removed the requirement from a previous supp to make this request in a manner which would be in keeping with the standing committee on finance's recommendations. I believe that is the only one. I think it is an increase from \$35 million to \$40 million, a five million dollar increase to that revolving fund. The other is a clean-up of existing funds and there are no new dollar totals involved.

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

MR. RICHARD: A different question, Mr. Chairman. I am not an accountant and I do not understand a lot about accounting but on the liquor revolving fund, this legislation is authorizing the government to tie up five and a half million dollars of government funds in a float, if you will, so that our government can buy and sell liquor. I do not know the profit margin or revenue over expenditures of the other funds like the petroleum products revolving fund but I do know from the financial statements of the government that in the last few years the government's revenues from the sale of liquor exceed expenditures by a figure of a magnitude of \$10 million. Maybe it is a naive question, but why is it that if each year our government brings in \$10 million more than it spends on liquor, we have to take another five and a half million dollars of government funds and set it aside for the purchase of liquor for resale?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

#### Liquor Revenues To Consolidated Revenue Fund

HON. TOM BUTTERS: With regard to the Member's reference to the POL revolving fund, it is not the intention of this government to make a profit on that service. We consider the provision of fuel in remote and distant communities almost a public utility. With regard to liquor, there is a

different approach, obviously, and we do seek to determine a profit and that profit, once identified, is made payable to the consolidated revenue fund of this government. I am no accountant either but it seems to me that that way it is a very clean operation. Any and all profits are transferred to the consolidated revenue fund and we put up, every year, the five and a half million dollars required for the liquor revolving fund.

CHAIRMAN (Mr. Erkloo): Thank you. Any more general comments? Does the committee agree that we go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Erkloo): Clause 2, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 3, application. Agreed? Mr. McCallum.

MR. McCALLUM: Mr. Chairman, the first clause is a change from the previous rate of one and a half cents per litre to one cent per litre. Are they the correct figures? A change from one and a half cents to one cent, Mr. Minister?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. TOM BUTTERS: (Microphone not turned on)

CHAIRMAN (Mr. Erkloo): Okay, clause 3, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 4, establishment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 5, establishment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 6, establishment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 7, authorized limit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 8, termination of revolving funds. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed



CHAIRMAN (Mr. Erkloo): I guess that is it. Short title, clause 1. Agreed? Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, there is an amendment that should be made to this bill and I wonder if I might move that amendment at this time, relative to the coming into force provision.

CHAIRMAN (Mr. Erkloo): Go ahead, Mr. Minister.

Motion To Add Clause 9 To Bill 14-86(1)

HON. TOM BUTTERS: Mr. Chairman, I move that Bill 14-86(1), the Revolving Funds Act be amended by adding immediately after clause 8, the following heading and section: "Coming into force. Commencement. Clause 9. This Act shall be deemed to have come into force on the second day of April, 1985."

Mr. Chairman, it is 1985 and the reason being that, as Members will recall, I think, we attempted to have the petroleum products revolving fund increased in the supps some year ago. As a result of the standing committee on finance recommendation, we withdrew that request and the withdrawal resulted in us being short of funds in the revolving fund so it is to cover what we believe could be an overexpenditure of that fund in the past fiscal year. We exceeded the limit of the petroleum products fund.

CHAIRMAN (Mr. Erkloo): Your motion is in order. To the motion. Mr. McCallum.

MR. MCCALLUM: Mr. Chairman, just on behalf of the committee, the date that we had in a draft copy of the bill was March 31st, 1986, for coming into force. Now, in the bill that we have, as the Minister has noted and has moved an amendment to, there was no coming into force section of the bill. Now, this particular coming into force section is a year previously. The committee did not discuss the coming into force date at the time but it is my understanding in the draft piece of legislation that came to the committee, the coming into force section indicated March 31st, 1986. I think that is quite a change.

It raises some problems I think, Mr. Chairman, that year previous, the transition. I am just wondering whether we need some kind of legal opinion for the purpose of this committee on going back a year from what had been originally indicated to us.

I recognize that it was only a draft copy of the bill that was given us and I am not sure when this bill was given to us, when we went through it. It has been a while and I cannot recall whether there was any kind of section dealing with the coming into force at the time the committee dealt with it but it seems to me that we did not have it. It was indicated to us it was March 31st, 1986, as I said, and now it is April 2nd, 1985. I am not legal and I do not think I can use the legal person to my left, so we may need some legal advice from our Law Clerk, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Mr. Butters.

HON. TOM BUTTERS: That would be fine as far as I am concerned, if the Law Clerk is called. I do agree that the acting chairman of the committee probably did not get the retroactive date from the house planning committee.

CHAIRMAN (Mr. Erkloo): Mr. Richard.

MR. RICHARD: Mr. Chairman, I would agree that we need a little more explanation of the effect of taking the whole act and having it retroactive over a year. One question that occurs to me is that the revolving funds, the 20 or 25 funds that we are going to terminate as of a year ago -- what about the transactions that occurred in that one year? Are those transactions illegal? What is the effect of that? Is there not some difficulty with that gray area in between? For instance, the POL fund. There is an existing POL fund. You are going to abolish it and there is going to be a vacuum there for a one year period and I presume there were transactions in that fund. Maybe not in some of the others, as I recall the Minister saying that most of these funds, the existing ones, were dormant. But I wonder what the effect, Mr. Chairman, is of the retroactive date on transactions in the existing funds since April of 1985.

CHAIRMAN (Mr. Erkloo): Mr. Minister, do you want to respond to that?

HON. TOM BUTTERS: Just to point out that the ones that are being terminated have been dormant and are not operative as far as any fiscal action is concerned over the last year and a half. I would welcome legal advice. As I say, I am not really hung up on the date. If the Member feels that the retroactivity is so abhorrent to him that he cannot accept it we could go with the 1986 date.

CHAIRMAN (Mr. Erkloo): Mr. McCallum.

Legal Advice On Retroactive Date For Coming Into Force

MR. McCALLUM: Mr. Chairman, just on the point that Mr. Richard raised. It seems to me that revolving funds, for example, in the Kitikmeot Region, Cambridge Bay, had been increased in our last budget. There must have been some transactions that had occurred. At least I seem to recall raising that issue during this past year and the year before. Now this is being written, they have been terminated. I do not think that has been terminated in the past year. I know that there had been an increase made in that particular area. I am not sure about the others. The petroleum, oil and lubricants revolving fund -- obviously, there must have been activity. But I am not sure that we have a hang-up. It is not that it is abhorrent to us. I think all we are looking for, Mr. Chairman, is to get an idea of whether in fact the transactions are legitimate, have been legit, if we go back that far. Had we had the date then, we would have been able to ascertain that before coming here, but I apologize to the Minister -- I do not recall looking at a date of April 2, 1985 on the draft bill that I had knowledge of. I think it had March 31st, 1986. That is the point I am trying to make. I would suggest, Mr. Chairman, that you would ask the Law Clerk to come in. Maybe he could answer it and then we can settle the issue.

CHAIRMAN (Mr. Erkloo): Does the committee agree that we bring in the Law Clerk?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Erkloo): Thank you. For the record, Mr. McCallum, could you ask your question to the Law Clerk? Mr. McCallum.

MR. McCALLUM: Mr. Chairman, I recognize that we have asked for legal advice. I would trust that the Minister would have some legal advice that he must have had prior to this, as well, but I would like to hear from our Law Clerk about the retroactivity of this bill and whether we would consider that for any kind of transactions that would have been involved in those 26 revolving funds over the past, what the status of those kinds of transactions would be if in fact we go back a year in retroactivity.

LAW CLERK (Mr. Fournier): Thank you, Mr. Chairman. If the House pleases, I would like to take this question under advisement and come back with an answer as soon as possible because of the serious nature of it. I do not want to give an opinion that may prove to be not totally correct. With the committee's pleasure, perhaps move on to something different and I will report back as soon as possible.

CHAIRMAN (Mr. Erkloo): Mr. McCallum.

MR. McCALLUM: Mr. Chairman, I have no difficulty. In fact I would prefer that the Law Clerk take his time and go through this because of that retroactivity clause in it. If that is what the government is wanting to do, to have it coming into effect, retroactive to April 2, 1985, I would move that the Law Clerk take this under consideration and report back to the House as quickly as possible.

MR. RICHARD: There is already a motion on the floor; we should ask for it to be...

Bill 14-86(1), Deferred

CHAIRMAN (Mr. Erkloo): I am sorry, we already had a motion, so therefore we cannot have another. Does the committee agree that we defer this bill until the Law Clerk comes back?

SOME HON. MEMBERS: Agreed.

Bill 4-86(1), Insurance Act

CHAIRMAN (Mr. Erkloo): Thank you. We will go now to Bill 4-86(1), Insurance Act. Do all the Members have a copy of Bill 4-86(1)? Mr. Ballantyne, do you want to make remarks?

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Under the laws of the Northwest Territories all owners of automobiles must be insured. The purpose of this bill is to require all insurance companies which are licensed to sell automobile insurance in the Northwest Territories to share in all unacceptable risks and therefore spread the cost of assuming the insurance for bad drivers among all insurance companies. The facility association will arrange for the placement of these unacceptable risks among all licensed insurers. The facility association is a non-profit organization who insures, established for the purpose of placing these unacceptable risks. Every province in Canada, with the exception of those provinces which have a government automobile insurance plan and the Yukon Territory, have enacted this type of legislation. The situation has become quite critical in the Northwest Territories. The situation is such that insurers, who at one time accepted poor risk business on assured basis, are now not willing to accept anything over half-ton trucks on any basis. Therefore this legislation is necessary in order for all owners in the Northwest Territories to be able to obtain automobile insurance.

Mr. Chairman, this bill was reviewed by the legislation committee and perhaps the chairman, Mr. MacQuarrie, would care to make a comment.

CHAIRMAN (Mr. Erkloo): Any general comments? Mr. MacQuarrie.

Comments From The Standing Committee On Legislation

MR. MACQUARRIE: Thank you, Mr. Chairman. As noted by the government and in our study the purpose is to compel automobile insurance companies in the Northwest Territories to belong to a facility association which would form a plan of operation in order to provide automobile insurance to high risk owners and licensed drivers who would otherwise not be eligible for insurance. We were told that a facility association is established and operating in all other jurisdictions in Canada and that essentially this association distributes high risk clients across all insurance agencies. If this bill were passed that is the effect it would have in the Northwest Territories. This would result in high risk drivers being able to be insured.

The Minister of Justice, in testimony before the standing committee, pointed out that presently in the Northwest Territories because of circumstances that are arising with respect to insurance costs and so on, high risk drivers might not be insured. It was noted in committee by some Members that although they were not insured that would not necessarily stop such drivers from actually driving and there may then be risk to other people in the Territories. So the purpose of the bill is to provide a means by which otherwise uninsurable persons could obtain protection and in that event providing protection to other members of the public as well.

The Minister, in his testimony, assured Members that insurance agents and industry representatives were in agreement with the proposed bill and, in addition, the Minister asserted that there will be no direct impact on insurance rates for safe drivers because of this proposed amendment. In other words, it was clear that higher premiums would be paid for automobile insurance by these high risk drivers.

When asked what effect the proposed legislation would have on insurance rates overall in the longer term, the Minister at that time advised that he would look further into the matter of an implementation timetable and the possible effects on insurance rates once the bill is proclaimed. He informed the committee that under the proposed legislation, members of the facility association would determine those rates but that they would be subject to approval by the superintendent of insurance in the Northwest Territories. A Member of the committee inquired as to the application of this act to snowmobile owners and drivers and the Minister of Justice told the committee that if a municipality possessed a by-law which required that snowmobiles be operated by insured owners and drivers then this act would apply to those owners and drivers. In any event, after discussion in the committee, the standing committee agreed to refer the act to the committee of the whole as it is but noting that the Minister may have further information concerning a time frame for implementation and perhaps some information on the possible longer-term effect of the bill on overall insurance rates. So perhaps the Minister would be prepared to make some comments about those two items. Otherwise, Mr. Chairman, the committee recommends this bill to this committee.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: One of the points Mr. MacQuarrie raised, we want to implement this thing immediately. In fact, it would have been nice to implement it a couple of months ago but because of the number of things we were considering before our break it was not possible.

The second part becomes more difficult. As the Members understand, the insurance industry right now is going through a very serious state of flux. There are some fundamental questions being looked at, especially in the area of liability insurance. So we have not been able to ascertain definitively, the long-term implications. In the short term it appears that it will not mean significant changes in rates. In the long term it is difficult to say. I think it is something the insurance companies are looking at now and who knows, at some point this process may be found to be unacceptable by insurance companies and maybe they will refuse at some point to insure high risk clients. So we do not have that information. If that information becomes more clear I will undertake to convey that information to the chairman of the committee. Thank you.

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

MR. MacQUARRIE: Could I ask the Minister then, if this bill is passed, when would its provisions be implemented? Would it be immediately on passage in assent or is there a specific date when this would come into effect?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. MICHAEL BALLANTYNE: We want to do it as soon as we get the necessary paper work done, get it past assent and operative immediately.

CHAIRMAN (Mr. Erkloo): Thank you. Any more general comments? Is the committee ready to go clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 1, facility association. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 2, plan of operation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 3, membership in facility association. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee agree that Bill 4-86(1) is ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 9-86(1): Public Trustee Act

CHAIRMAN (Mr. Erkloo): We will now go to Bill 9-86(1), Public Trustee Act. Mr. Ballantyne.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. This is a fairly straightforward amendment. Under the Public Trustee Act, a common fund is established and this common fund is composed of money held by the public trustee that is not subject to any expressed trust or direction for investment. Under the act, interest that is payable on money held in the common fund is calculated upon the minimum quarterly balances of money in the common fund. All this bill does is change the frequency that interest is calculated on minimum balances in the common fund from quarterly to monthly. It ensures that the money in the common fund will receive a greater return. The bill was initiated by the public trustee and the auditors of the public trustee's account. The bill is to come into force on a date to be fixed by the Commissioner. This is to allow the bill to come into force at the end of a quarter which will facilitate the changeover in the frequency..

MR. McCALLUM: It is not retroactive?

HON. MICHAEL BALLANTYNE: No, you can assure the Member that it will not be retroactive. Again, Mr. Chairman, this bill was reviewed by Mr. MacQuarrie's committee and perhaps Mr. MacQuarrie has comments.

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

MR. MacQUARRIE: Thank you, Mr. Chairman. Yes, it was simply noted in committee that it does propose to change the frequency that interest is calculated on balances of moneys that form the common fund, from quarterly calculations to monthly, and it was felt in committee that this more frequent calculation of interest, which is possible in this day and age, can be of benefit to estates held in the common fund and to the beneficiaries of those estates. So the standing committee on legislation concurred with the bill and moved that it be referred to this committee as it stands.

CHAIRMAN (Mr. Erkloo): Thank you. Any general comments? Are the Members ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee recommend Bill 9-86(1) for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 10-86(1): Society Of Management Accountants Act

CHAIRMAN (Mr. Erkloo): We will go on to Bill 10-86(1), Society of Management Accountants Act. Mr. Ballantyne.

Minister's Opening Remarks

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. This is also a very simple amendment and it has to do with the Society of Management Accountants, to reserve the designation "registered industrial accountant" and the initials "RIA" for members of the Society of Management Accountants and make it into an offence for non-members to use this designation or initials. This bill will allow members of the society to also use the designation "certified management accountant" and the initials "CMA" and make it an offence for non-members to use that designation and initials. The bill was initiated by the Society of Management Accountants and is justified on the grounds that the new designation better reflects the professional status and field of expertise of the members of the society. Similar amendments have already been enacted in a majority of the provinces and the Yukon and again this was in front of the standing committee on legislation and Mr. MacQuarrie I am sure has comments he would like to make on it.

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

MR. MacQUARRIE: The committee noted, Mr. Chairman, that this was largely an internal matter for the society itself and the committee also noted that at one point there was some concern among accounting societies in Canada about particular designations. There are chartered accountants and certified general accountants and registered industrial accountants and I know that some of the other associations at one point were concerned about the designation of certified management accountant and the use of the initials CMA. It appeared to the committee at this point that this is not a major issue now. The committee could not find in any way that the public would be confused by the use of this designation and agreed with the substance of the bill and by motion the committee agreed to refer this bill to this committee as it is, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Any general comments? Is the committee ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Erkloo): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee agree that Bill 10-86(1) is ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Bill 10-86(1) is now ready for third reading. The committee will now take a 10 minute coffee break.

---SHORT RECESS

The committee will now come back to order. We will go back to Bill 14-86(1) for the legal opinion.

Bill 14-86(1): Revolving Funds Act

Bill 14-86(1) Revolving Funds Act. Mr. Law Clerk, are you ready with your legal opinion?

Law Clerk's Opinion

MR. LAW CLERK: Yes, Mr. Chairman. Thank you, I am ready to give my opinion to the question asked by Mr. McCallum. I have reviewed the matter and I am of the view that the retroactivity of this act when passed would be quite legal. I base that opinion on the advice that I have received that of the funds that are being terminated, those that are still being used have been carried over into the new funds that are established under the bill. Those that have not been carried over are defunct and there were no transactions on those funds during the retroactive period. So, on that basis, the retroactivity of the act is quite legal.

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

HON. TOM BUTTERS: Mr. Chairman, in the few moments we have had since we last discussed this matter, I have tried to go back to what I recollect was the submission by our government to increase the revolving fund for petroleum products from \$35 million to \$40 million, made I think last year, in 1985, in the budget session of 1985. Again I am going on recollection, but when it went before the standing committee on finance, the standing committee recommended that the supps document that went to the Assembly at that time did not include the increase required for the petroleum products revolving fund. In October of last year we overspent the revolving fund by \$1.6 million, overspent the \$35 million revolving fund by \$1.6 million which was the result of a heavy payment that we had to make for Eastern Arctic resupply. So why I asked for retroactivity is that I felt that the Assembly would recognize our need to increase the revolving fund. We had attempted to do so through the process that has been acceptable over the years but recently was not seen to be so. I did not feel that it was the department's fault that the overexpenditure occurred. We are now obviously under the \$35 million ceiling but the department could be getting an observation from the Auditor General. I do not think the request to increase the fund is the department's fault because of the delay in putting before this House. I think the delay was the occasion as a result of recommendations from the standing committee on finance. So that is the long, short and tall of it. But if Members do not like the retroactivity, then we will go with the 1986 and take our lumps.

CHAIRMAN (Mr. Erkloo): There is a motion on the floor. Mr. Richard.

MR. RICHARD: Mr. Chairman, I did not catch all of the opinion offered by the Law Clerk. Do I take it that, in clause 8 of the bill, these funds being terminated have not had any transactions from 1985 to this date?

CHAIRMAN (Mr. Erkloo): Mr. Law Clerk.

MR. LAW CLERK: Thank you, Mr. Chairman. The funds that have not been re-established, if you like, in the earlier parts of the bill, have, I have been advised, not had any transactions on them. If there had been transactions on them and if this bill is made retroactive, in that situation there would be no legal authority for having spent that money.

CHAIRMAN (Mr. Erkloo): Mr. Richard.

MR. RICHARD: Mr. Chairman, in fairness to the Law Clerk, I should direct the question to the Minister. Clause 8 indicates to me that we currently have a petroleum, oil and lubricants revolving fund. Do I understand that that fund has been quite active in the past 12 to 15 months? In fact, it has been overspent. There have been many transactions in the last 15 months on that

fund under paragraph (q). If so, is there not difficulty in saying the 15 months never existed, by making this legislation retroactive to that date? Rather than the Law Clerk, can the Minister indicate of these 20 or 25 funds, has there not been some activity in some of the funds for the 15 month period for which he seeks to wipe it off the calendar of each of these funds -- the 15 month period?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

POL Fund Not Terminated But Renamed

HON. TOM BUTTERS: The fund described under 8(q), the petroleum, oil and lubricants fund, has not been terminated but it has been renamed and it is now the petroleum products revolving fund and it is described under 5(1).

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

MR. RICHARD: Mr. Chairman, with respect I disagree. As I read the legislation and maybe the Law Clerk can explain this, we are establishing one fund and we are terminating another. It is not a change of name and I do not want to be difficult but I see, Mr. Chairman -- well, I guess it is what I do not see. In this blanket retroactivity of 25 funds being passed out of existence 15 months ago, it is totally uncertain as to what we are doing by passing this legislation. Could the Minister not consider, if he wants after-the-fact approval for an overexpenditure of a fund, making clause 5(2) or 5(1) and 5(2) alone, retroactive. Maybe that still has a problem with the current POL fund.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. TOM BUTTERS: Well, my advice, Mr. Chairman is that clause 5(3) is the transitional provision and this covers the situation or the concern that has been raised by the Member.

CHAIRMAN (Mr. Erkloo): Thank you. To the motion. I wonder, Mr. Minister, if you could read your motion for the record.

Motion To Add Clause 9 To Bill 14-86(1), Withdrawn

HON. TOM BUTTERS: Yes, Mr. Chairman. I move that Bill 14-86(1), the Revolving Funds Act be amended by adding immediately after clause 8 the following heading and section "Coming into force. Commencement. Clause 9. This Act shall be deemed to have come into force on the second day of April, 1985."

CHAIRMAN (Mr. Erkloo): Thank you. To the motion. Mr. McCallum.

MR. MCCALLUM: Mr. Chairman, I recollect the Minister indicating that should there be some difficulty with it -- because it is not clear to me, in all due respect -- what we now see within the body of the new bill under the petroleum products revolving fund, under the public stores revolving fund when there used to be revolving stores funds individually, that these things are covered here.

The Minister had indicated earlier that if it does present a problem to this committee that he would be open to using the date that we saw in the draft bill. I wonder if the Minister would confirm that, consider it, and take back his motion and put the motion in the terms of March 31st, 1986, if he is of the opinion that it does not cause him any difficulty. I think that, for my own case, I find it difficult to sit here and vote in favour of his particular motion at this time because it is not really clear to me.

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

HON. TOM BUTTERS: As I mentioned, I do not have a great problem with changing the date. I have indicated why the suggestion was made that we move the date retroactively to 1985. However, in view of the fact that the Member that has the concern is also the chairman of the public accounts committee and when such observation of the Auditor General appears before the public accounts committee, he will be sympathetic and understanding. I could withdraw the amendment and change the date. So, I withdraw the amendment.

---Withdrawn



Motion To Add Clause 9 To Bill 14-86(1)

I will amend as follows: I move that Bill 14-86(1), Revolving Funds Act, be amended by adding immediately after clause 8 the following heading and section: "Coming into force. Commencement. Clause 9. This Act should be deemed to come into force on the 31st day of March, 1986."

CHAIRMAN (Mr. Erkloo): The original motion has been withdrawn and a new motion has been put forward. Your motion is in order. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. I have been reluctant to vote because I also do not really understand what the implications are of what we might be doing, but I think I do understand that with the new motion the kinds of complications that I might be concerned about would still apply for the two months just prior to now. Therefore, if it were acceptable to vote in the affirmative on this motion, after all the explanations are in, I guess I would find it acceptable to vote on the motion back to 1985.

So perhaps, Mr. Minister, if you could have a witness, not so much a lawyer, but an accountant explain -- or a finance person, or yourself if you feel that you can do all the ins and outs -- just explain a little more clearly to us what it is that we would actually be doing if we were to vote in the affirmative on this. I could perhaps go with your 1985 date if I am just a little more clear. I am sorry for the stupidity but that is it, I am having trouble just understanding what we would be doing.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. TOM BUTTERS: I would agree with the Member that it does not much matter whether it is two months retroactive or 14, but I just felt that I made the explanation of why we requested the retroactivity and it was not acceptable so I have decided that we could accept the motion of retroactivity of two months. I cannot respond with regard to the intricacies of the accounting procedures. If you would want somebody called to the witness table, Mr. Nielsen is in the House and Mr. Nielsen could be called to address the question.

CHAIRMAN (Mr. Erkloo): Does the committee agree that Mr. Nielsen be called as a witness?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Mr. Minister, could you bring your witness in? Mr. Nielsen, could you answer Mr. MacQuarrie's question? Mr. MacQuarrie, could you state your question to Mr. Nielsen, please?

MR. MacQUARRIE: Thank you, Mr. Chairman. It is simply with respect to the bill that is before us, quite apart from the legalities of retroactivity, I am hesitant about voting on the bill simply because I do not really understand what we would be doing by passing the bill. What would be the implications financially? Why has it become necessary and if it is done, what are the implications from a financial and accounting point of view with respect to that?

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

Establishing Revolving Funds In Legislation

MR. ERIC NIELSEN: Mr. Chairman, the whole purpose in the act, as was identified by the Minister of Finance, is to establish revolving funds in legislation. Previously, the revolving funds have been established in a supplementary appropriation act and the recommendations from the standing committee on finance were that that change, that the supplementary appropriation acts not establish revolving funds. The Department of Finance and the legal advisers had already been considering this and it was proposed for the 1986-87 fiscal year that we would establish revolving funds according to an act and that at the same time it was proposed that we clean up some of the previous legislation. So, essentially what happened is legislative counsel went back on all the previous legislation, supplementary appropriations, identified all the old revolving funds and incorporated them into this termination section in the act. The prime purpose of that was to establish the termination of revolving funds which were no longer in use.

At the same time, it was suggested that a couple of the revolving funds would benefit by renaming and those revolving funds were the fur marketing service revolving fund, the petroleum products revolving fund and to some extent the public stores revolving fund. As was pointed out, clause 8 of the bill terminates the naming. Subclauses 4(3) and 5(3) provide for the transition from termination to renaming. They simply identify that the assets of the fund that was previously known as, for example, the petroleum, oil and lubricants fund shall be continued as assets under the petroleum products revolving fund. So, essentially it is saying whatever the old fund was, the assets of that fund are now in the new fund. In the case of the public stores revolving fund, all that was doing was consolidating a number of other miscellaneous stores funds, a number of which are identified in clause 8 as being terminated and in clause 6(3) it summarizes which of those funds are the ones that are being consolidated under one large fund now known as public stores.

The reason for a March 31st date is essentially that the legislation was presented at the last session of the Legislative Assembly which was prior to March 31st. It is not a critical date in terms of the establishment of the fund but I think it is a logical date in view of the fact that the legislation was presented prior to the year end and that the legislation being presented generally would have taken effect or would be assented to prior to March 31st. Under normal circumstances that would have taken place. Certainly in terms of retroactivity back to March 31st, publicly there is nothing wrong. The public was aware of that legislation having been tabled and as far as the fiscal year of the government is concerned it is appropriate that it be established prior to March 31st.

Motion To Add Clause 9 To Bill 14-86(1), Carried

CHAIRMAN (Mr. Erkloo): Thank you, Mr. Nielsen. To the motion. We have a motion on the floor. To the motion. Do I hear question? Question has been called. All those in favour, raise your hands. Opposed, if any? The motion is carried.

---Carried

Thank you, Mr. Nielsen.

Clause 1, short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee agree that Bill 14-86(1) is ready for third reading, as amended?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 12-86(1): Taxation Act

CHAIRMAN (Mr. Erkloo): We will go to Bill 12-86(1), Taxation Act. Mr. Wray, do you want to make any remarks?

Minister's Opening Remarks

HON. GORDON WRAY: Thank you, Mr. Chairman. Just some brief introductory remarks. Briefly, the purpose of the proposed amendments to the Taxation Act is to enable property outside of municipal boundaries to be divided into different classes to allow for different mill rates to be applied to those classes. The proposed bill will also allow for supplementary assessment and taxation of real property after the normal assessment has been done in a taxation area in that year. In bringing

forward these amendments, the government is attempting to differentiate between property such as residential property, commercial properties and properties used for hydro-carbon resource extraction and mineral resource extraction. This detailed distinction between various classes of property for purposes of different rates of taxation is consistent with the practice in other Canadian jurisdictions and will provide the Minister of Finance, in consultation with the Executive Council, a greater degree of flexibility in tax policy in responding to resource development in the Northwest Territories. Thank you, Mr. Chairman, and I suspect that the chairman of the standing committee on legislation has a number of comments. Thank you.

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

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. When this bill was dealt with in the standing committee, the Minister of Local Government noted and specifically clarified for Members that this bill is aimed at properties that are outside of tax-based municipalities. The intent is to give the government the authority, which it does not have at the moment, to differentiate between the different classes of property so that they could apply a variable mill rate of taxation. The present legislation only allows that a single mill rate be applied to all properties outside of municipalities. For example, there is no mechanism presently to properly assess, say, the Norman Wells pipeline, as distinct from residential property. They would be subject to the same mill rate.

In discussing the whole area more generally, the Minister noted that not all properties in the communities had been assessed and brought up to tax status. He observed that there is some doubt as to whether or not all communities and properties will be assessed and taxed because he observed that in some smaller communities it might well cost more to implement a regime that would be recoverable from taxes.

At any rate, the Minister informed the committee that a report is being put together for the Executive Council on the feasibility of tax assessment and collection for all of the communities in the Northwest Territories. Perhaps a little later the Minister would give information to the committee as to whether that report is ready and if not, when it might be.

During discussion the committee Members inquired as to the application of the property tax rebate to communities outside of tax-based communities. The Minister explained that the rebate, which is a maximum of \$400 or up to 50 per cent of taxes paid, did apply under this act and also clarified that the collection of the tax and the issuing of rebates are handled by the Department of Finance.

The committee was also concerned with the impact that any local levy might have with regard to government grants to hamlets and settlements. The Minister noted that operating grants to non-tax-based communities do not reflect the levels of tax collection in those communities and noted in addition that operating grants are not reduced as tax collections increase. The Minister, in fact, has been informed by some small communities that they are reluctant to co-operate with the government in the collection of taxes even though the estimated assessment for personal property such as a small three bedroom home in Pond Inlet for example, would not be onerous; approximately \$300 per annum before the rebate was applied. The Minister informed the committee Members that at present the NWT Housing Corporation pays property tax, the federal government pays a grant in lieu of taxes and meanwhile church and municipal lands are excluded from taxation.

A Member of the committee pointed out that if people living in tax-based communities were assessed and paid tax, residents of smaller communities, although paying lesser amounts should also pay assessed tax as the aspect of fair treatment is essential. But as noted earlier that is a matter that the government will be considering. If it is going to cost more to implement a regime in small communities, will it still make sense to do it anyway in order to assert the principles? Presumably we will be hearing more on that from the government at another time.

Members of the committee brought up a technical matter that would have a significant impact on the collection of tax, in that the proposed legislation, that is the bill that was before us at that time and there has been a change since, required that the demand for payment of taxes resulting from a supplementary assessment would be due and payable 30 days after the demand for payment of the taxes was mailed. With respect to that supplementary assessment it was explained by the Minister to the committee that the supplementary assessment is usually applied to large projects that come to completion during a tax year, perhaps half way through the tax year and the amendment

would allow the increase in value of the improvement to be taxed during that year. Notwithstanding all of that, the Minister at that time agreed with the committee that the payment of taxes within 30 days after the demand for payment was mailed is not realistic for collection purposes in many small isolated communities. The Minister at that time undertook to review that aspect of the proposed bill. I am happy to say that the bill that is in our books now reflects the fact that the Minister did take that into account and the time period is increased to 60 days from 30 days. That is certainly what the committee wanted to see.

With those comments I will say that the committee at that time had recommended that this bill be referred to the committee of the whole with a change in that time frame. The time frame has been changed so I am happy to say then that...

MR. McCALLUM: There is no retroactivity.

MR. MacQUARRIE: There is no retroactivity -- that the bill reflects what the committee would want and therefore the committee recommends this bill to the House as it is.

CHAIRMAN (Mr. Erkloo): Thank you. Mr. Minister, do you want to add something? Mr. Minister.

HON. GORDON WRAY: Just one comment. The property tax report is completed. My department does have it. I have passed initial copies of it around to Executive Members and the department is in the process of drawing up a position and decision paper for the Executive Council. It should be going to the Executive Council, I expect within the next couple of months. Thank you, Mr. Chairman.

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

MR. McCALLUM: Just one. Again, I apologize if we discussed this, but it has been a while. That is in relation to the tax increase, whether it is subject to an annual review or annual limits. Is there any particular amount by which the tax will be raised in any particular year?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. It is subject to an annual review. There is no set formula for the levying of the mill rate. We usually work the reverse. We figure out how much money we want to collect and work the mill rate back down the way from that.

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

MR. GARGAN: Thank you, Mr. Chairman. There are areas within the municipalities that are crown land or federal land that is held by band councils. I am just wondering whether this Taxation Act applies to these people that are on band lots that belong to the federal government. The other one is with regard to the Norman Wells pipeline and whether that has been taxed by the territorial government.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

#### Taxing Of Pipeline

HON. GORDON WRAY: Thank you, Mr. Chairman. In response to the first question. No, this act only applies to taxation areas outside of municipal boundaries. Secondly, no, we have not yet taxed the Norman Wells pipeline. This is what this legislation is being prepared for, so that we can, in fact, tax the Norman Wells pipeline.

CHAIRMAN (Mr. Erkloo): Thank you. Any general comments? Mr. McCallum.

MR. McCALLUM: Just in relation to the pipeline and the one that is there now, the Norman Wells pipeline. If part of that pipeline goes through the community, Mr. Chairman, or the hamlet or whatever it is, is the hamlet or the community able to tax that portion of the pipeline and receive that money? Or just outside that?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. I believe I am correct when I say that the municipality -- and it only would be a village, town or city, the hamlet has no taxing powers -- would be able to levy tax only on the portion of the pipeline which is contained within the municipal boundaries. Outside of the municipal boundaries it would be a government tax. Thank you.

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

MR. GARGAN: Mr. Chairman, I would like to ask the Minister whether there is still a freeze with regard to the expansion of municipal boundaries in the communities.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: I did not know there was a freeze on to start with. We are taking it case by case. With the land selection going on now, we are not allowing the municipalities to increase their boundaries.

CHAIRMAN (Mr. Erkloo): Thank you. Any more general comments? Is the committee ready to go clause by clause? Clause by clause. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 2, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 3, rates of tax. Agreed? Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I must say that I did not note whether this bill, when it was brought into the House, included the 60 days already, back in February or March. I did not note it at that time. I know the bill that we reviewed in committee had 30 days, so can someone assure us that the bill when it had first reading had 60 days? If not, that amendment would have to be made in the House. I did not observe that at the time.

MR. RICHARD: We will find out 10 years from now.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Mr. Chairman, I really do not know. Perhaps the Clerk has a copy of the old one. I am not sure but if, in fact, the old one did have 30 days then I do not know the procedure but I suspect if we give it first or second reading we would have to make an amendment in committee of the whole. I am not sure. Perhaps the Clerk could be asked.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. GORDON WRAY: Yes, Mr. Chairman. I am advised by the Clerk and by the deputy minister of Justice that in fact it was 60 days when it came into the House.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 4, rates of tax for hamlets. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 5, person liable for taxes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 6, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 8, sale of real property for taxes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee recommend Bill 12-86(1) ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Bill 12-86(1) is now ready for third reading. We will now go to Bill 13-86(1), Write-off of Assets and Debts Act, 1985-86. Hon. Tom Butters.

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

Minister's Opening Remarks

HON. TOM BUTTERS: Mr. Chairman, this act is also a piece of legislation which was recommended to the government by the standing committee on finance at the same time as it indicated other changes that it wished made in the supplementary estimate process. In past years the write-off of past debts and of assets was accommodated through supplementary appropriation acts. In 1985 the standing committee on finance questioned this practice and recommended that the government consider a different vehicle for providing this authority. The Department of Finance and legislative counsel have agreed that a separate act is appropriate and the purpose of this act is therefore to write off the debts outlined in the schedule attached to the bill and to write off the inventory of the Tuktoyaktuk/Aklavik raw fur revolving fund. I believe the acting chairman of the standing committee on finance might have some comments on this bill.

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

MR. McCALLUM: Thank you, Mr. Chairman. Just to reiterate briefly that, again, this bill comes up because of recommendations of the standing committee, as the Minister had said, as well as the previous bill. We, as a committee, did go through the bill. There were certain questions that were asked at that time. The committee, I believe, at that time were satisfied with the responses we received from the Minister and were able to recommend that the bill go ahead to the committee of the whole. There may very well be some further questions of other Members in this particular committee, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Erkloo): Thank you. Any general comments on Bill 13-86(1)? Is the committee ready to go clause by clause? Mr. McCallum.

Schedule Of Debts Written Off

MR. McCALLUM: Mr. Chairman, I just maybe have two questions and dealing with the schedule. The first one is with the hamlet of Tuk and the province of Quebec. I wonder if I could just ask the Minister, and perhaps again we are going over old business, but I would like to pose these two questions. The one about the hamlet of Tuk, I wonder if this is a contractor variance. Is it a loss of inventory? If that is so, or if it is a contract variance, would it not be a loss of inventory rather than a write-off? If it is provable, Mr. Chairman, by invoice should we not be able to recover?

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. TOM BUTTERS: This matter reflects a dispute between the hamlet and the government. It occurred in the days when our record keeping was not as good as it is today. The delivery of fuel from this government to the hamlet was questioned and we could not substantiate the total amounts that we believed had been delivered. The hamlet disputed the amount of \$25,567.28 and while several audits were performed the amount could not be reconciled so that there was an agreement that we would recommend this item for write-off.

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

MR. McCALLUM: Thank you, Mr. Chairman. I have a further question on the write-off to the province of Quebec of over \$33,000. I wonder if the Minister could indicate to us why the request for this refund took so long to be submitted. Is there any hope that by letter or invoice the government could get some collection of this debt from the government of Quebec? What levels of authority have been asked to pay here? I just wonder if the Minister can enlighten us on that write-off.

CHAIRMAN (Mr. Erkloo): Mr. Minister.

HON. TOM BUTTERS: No, Mr. Chairman. The purchase was made in 1980 and the statute of limitations applies to this account. I believe that an application for sales tax refund must be made within 12 months after the date of purchase. I cannot answer the question of why there was a delay in submitting that request for refund but it was not done within the time limit required and as a result, is not refundable. That is why a request is being made for a write-off of that particular amount, \$33,091.31.

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

MR. RICHARD: Mr. Chairman, I, especially since we are going so well here this afternoon on our program, would like a little more information on the public record about these various write-offs. The last one that the Minister speaks of, the \$33,000 error, then, I take it by someone in the government failing to make application to the province of Quebec for a refund -- I, for one, would request that the Minister; maybe not today, but at some subsequent date, provide this committee with an explanation of how it happened back in 1980 or 1981. Who was responsible? Was any action taken to discipline the individual who should have applied for the \$33,000 refund and did not? That is simply a request of the Minister with respect to that item.

Mr. Chairman, turning to the other item that Mr. McCallum spoke of, the debt owing by the hamlet of Tuktoyaktuk, while I appreciate these write-offs in this act do not discharge the debtor, from the Minister's comments with respect to that debt by the hamlet of Tuk, do I read the Minister correctly that the government has given up pursuing that particular \$26,000 debt from the hamlet?

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

Debts Resulting From Previous Record Keeping Practices

HON. TOM BUTTERS: Mr. Chairman, with regard to the Quebec item and the Member's suggestion that information be provided with regard to who did what or who did not do what and when, I would remind the Member that this occurred before the Department of Government Services came into being. One of the responsibilities that Government Services inherited, a major one, was the petroleum products distribution and management. I understand that the matter was an Auditor General's observation in about 1981 and the department inherited a lot of situations in which proper records were not kept. Since that time adequate management function has been decentralized and is being decentralized to the regions to ensure that this does not happen today.

I do not think Members would be and will be asked to address write-offs such as this in current years and during the time the department has been operating. This is an old one and I could try and get the information that the Member requires but I doubt that I would be able to do so. Again, the department inherited these from the previous decade. There was a lot more owing than the \$25,000 here, but as a result of negotiations and discussions with the hamlet of Tuktoyaktuk, the original amount of some \$80,000 plus was reduced to this irreducible minimum of \$25,567.28 which is just impossible to collect because of the lack of adequate substantiation of documents reflecting the sales.

CHAIRMAN (Mr. Erkloo): Thank you. Any more general comments? Is the committee ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 2, write-off of assets. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 3, write-off of debts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Short title. Mr. Butters.

HON. TOM BUTTERS: I almost hate to open my mouth on this one, Mr. Chairman, but I wish to move an amendment to the bill. Again, we neglected to put the coming into force provision in the bill and I would like to move an amendment to correct that omission.

CHAIRMAN (Mr. Erkloo): Go ahead, Mr. Minister.

Motion To Add Clause 4 To Bill 13-86(1), Carried

HON. TOM BUTTERS: Mr. Chairman, I move that Bill 13-86(1), Write-off of Assets and Debts Act, 1985-86, be amended by adding immediately after clause 3 the following clause, "Commencement. Clause 4. This act shall be deemed to have come into force on the 31st day of March, 1986."

CHAIRMAN (Mr. Erkloo): Your motion is in order. To the motion, Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Schedule, \$253,983.20. Mr. Richard.

MR. RICHARD: Mr. Chairman, I wonder if the Minister could give an explanation of item one on the schedule as to why we are writing off this \$104,000.

CHAIRMAN (Mr. Erkloo): Mr. Minister.



HON. TOM BUTTERS: Mr. Chairman, I do not from my personal knowledge have specific information with regard to that particular requirement. I have asked my colleague, the Hon. Tagak Curley, if he might remember the situation.

CHAIRMAN (Mr. Erkloo): Mr. Curley.

HON. TAGAK CURLEY: Mr. Chairman, I do not have immediately available to me the information but if we defer we might get an explanation. If it is the wish of the committee, my suggestion would be to invite someone from the department to quickly go through it because I am sure that would be possible.

Bill 13-86(1), Deferred

CHAIRMAN (Mr. Erkloo): Does the committee agree that we defer this bill until we get the information?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, is that the only question that would be asked on the schedule? If there are other questions maybe we should have those at the same time and we can clean it up...

MR. RICHARD: That depends on the answer.

HON. TOM BUTTERS: Mr. Richard has asked a question on one particular item. Are there any other items for which background information would be desired?

CHAIRMAN (Mr. Erkloo): There might be. Mr. Gargan.

MR. GARGAN: Mr. Chairman, with regard to the schedule, items one to six, I am very much interested in getting the background information on those write-offs.

CHAIRMAN (Mr. Erkloo): Does the committee agree then that we defer this bill until we can get the information?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 2-86(1): Income Tax Act

CHAIRMAN (Mr. Erkloo): Mr. Butters, are you ready to go to Bill 2-86(1), Income Tax Act?

Minister's Opening Remarks

HON. TOM BUTTERS: Mr. Chairman, Bill 2-86(1), as I understand it, reflects legislation which is brought before this House from time to time to bring our territorial legislation in concert with the federal legislation. We do this on being informed by the federal government of amendments that have been made to the federal act. If Members would wish to have an explanation as to what it refers, I cannot provide this but I am sure we can find some expert that could explain in fairly simple terms what it means. I believe it has been examined by the standing committee on finance and I believe the acting chairman of that committee might have a few words.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MACQUARRIE: Thank you, Mr. Chairman. When the standing committee on legislation reviewed this bill it was clear that it is the type of bill that we do see from time to time which is brought forward simply to make our own legislation compatible with federal legislation in tax matters and the explanation, as always, is that it is to our advantage to have the federal government collect taxes for us, and in order for that to occur we must have legislation that is compatible. In every

case, of course, we cannot make changes at precisely the same time that the federal government makes its changes. There is always some delay. The committee was satisfied that this bill could be passed as it is, Mr. Chairman.

CHAIRMAN (Mr. Erkloo): Thank you. Any general comments? Is the committee ready to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 4, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee recommend Bill 2-86(1) as ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Bill 2-86(1) is now ready for third reading. Mr. Butters.

HON. TOM BUTTERS: I wonder, Mr. Chairman, if we might not look at Bill 3-86(1)? Well, you guys are so accommodating today we might as well take advantage of it.

Bill 3-86(1), Institute Of Chartered Accountants Act

CHAIRMAN (Mr. Erkloo): Bill 3-86(1), Institute of Chartered Accountants Act. Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, this amendment is a very minor amendment to an existing professional act. That act is the Institute of Chartered Accountants Act. The purpose of the bill is to provide for designations of the institute of chartered accountants members, in the French language.

AN HON. MEMBER: En français.

HON. TOM BUTTERS: En français. Mr. Chairman, possibly the chairman of the legislation committee might wish to comment.

CHAIRMAN (Mr. Erkloo): Mr. MacQuarrie.

MR. MacQUARRIE: Will provide the French equivalent? No, Mr. Minister. Cannot do it. This is sort of an in-house matter for this particular institute. Elsewhere they have a French language equivalent for the name of their society and their designation and I understand that in some jurisdiction that may have been encroached upon by some other group so they are merely protecting, not only their designation in English, but the equivalent designation in French. When we reviewed the bill it was fairly acceptable to the committee, although a slight error in spelling was noted in French -- spelling I might add. That is how competent we are in the standing committee on legislation. So the bill was referred to this committee but with the note that the spelling of the French designation should be reviewed for errors. I trust that it was and so that is what we are faced with now.

CHAIRMAN (Mr. Erkloo): Thank you, Mr. MacQuarrie. Any general comments? Does the committee wish to go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Clause 1, institute established. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Does the committee recommend that Bill 3-86(1) is ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Erkloo): Bill 3-86(1) is now ready for third reading. Mr. McCallum.

MR. McCALLUM: Mr. Chairman, I move that we report progress.

CHAIRMAN (Mr. Erkloo): The motion is in order. All those in favour, please raise your hands. Opposed, if any? The motion is carried. We will now report progress.

MR. SPEAKER: Mr. Erkloo.

ITEM 16: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 14-86(1), REVOLVING FUNDS ACT; BILL 4-86(1), INSURANCE ACT; BILL 9-86(1), PUBLIC TRUSTEE ACT; BILL 10-86(1), SOCIETY OF MANAGEMENT ACCOUNTANTS ACT; BILL 12-86(1), TAXATION ACT; BILL 13-86(1), WRITE-OFF OF ASSETS AND DEBTS ACT, 1985-86; BILL 2-86(1), INCOME TAX ACT; BILL 3-86(1), INSTITUTE OF CHARTERED ACCOUNTANTS ACT

MR. ERKLOO: Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering Bills 14-86(1), 12-86(1), 13-86(1), 2-86(1), 3-86(1), 4-86(1), 5-86(1), 7-86(1), 9-86(1), 10-86(1), Tabled Document 37-86(1), and First Report of the Special Committee on Rules, Procedures and Privileges and wishes to report progress.

Mr. Speaker, your committee wishes to report that Bills 4-86(1), 9-86(1), 10-86(1), 12-86(1), 2-86(1) and 3-86(1) are now ready for third reading. Bill 14-86(1) is now ready for third reading as amended. Bill 13-86(1) requires further consideration. Mr. Speaker, your committee 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. Erkloo. Members have heard the report of the chairman of the committee of the whole. Are you agreed?

SOME HON. MEMBERS: Agreed.

---Carried

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

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. The meeting of the standing committee on finance is at 9:30 tomorrow morning in the caucus room.

ITEM 18: ORDERS OF THE DAY

Orders of the day for Wednesday, June 11th, at 1:00 p.m.

1. Prayer
2. Members' Replies
3. Ministers' Statements
4. Oral Questions
5. Written Questions
6. Returns
7. Petitions
8. Reports of Standing and Special Committees
9. Tabling of Documents
10. Notices of Motion
11. Notices of Motion for First Reading of Bills
12. Motions
13. First Reading of Bills
14. Second Reading of Bills
15. Consideration in Committee of the Whole of Bills and Other Matters: Bill 13-86(1); Tabled Document 37-86(1); First Report of the Special Committee on Rules, Procedures and Privileges; Bill 5-86(1); Bill 7-86(1); Report of the Standing Committee on Legislation on Bills and Other Matters; Tabled Document 42-86(1)
16. Report of Committee of the Whole
17. Third Reading of Bills

18. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Wednesday, June 11th at 1:00 p.m.

---ADJOURNMENT

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