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YELLOWKNIFE, NORTHWEST TERRITORIES

MONDAY, OCTOBER 20, 1986

MEMBERS PRESENT

Mr. Angottitauruq, Mr. Appaqaq, Mr. Arlooktoo, Hon. Michael Ballantyne, Hon. Tom Butters, Ms Cournoyea, Hon. Tagak Curley, Mr. Erkloo, Mr. MacQuarrie, Mr. McCallum, Hon. Bruce McLaughlin, Mr. Nerysoo, Mr. Paniloo, Hon. Dennis Patterson, Hon. Red Pedersen, Mr. Pudluk, Mr. Richard, Hon. Nick Sibbeston, Hon. Don Stewart, Mr. Wah-Shee, Hon. Gordon Wray

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Monday, October 20th. Item 2, Ministers' statements. Mr. Patterson.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 1-86(2): Federal/Provincial Ministers' Meeting On Aboriginal Rights

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I would like to report to Members on the federal/provincial meeting of Ministers on aboriginal constitutional matters, which I attended with Mr. Ballantyne last week in Toronto. As I am sure all Members are aware, this was the latest in a series of ministerial meetings leading up to the First Ministers' Conference on Aboriginal Rights in the Constitution next April. The main item on the agenda last week was aboriginal self-government.

Mr. Speaker, this process has been the source of many frustrations and disappointments since it began four years ago. Too often we have seen agreement slip away when it seemed within our grasp, and overall there has been little substantial headway in the definition of aboriginal rights. If any delegates came to this meeting with low expectations, their pessimism was not without some justification.

However, I am happy to report to this Assembly that the result of our discussions was not failure, but progress; and progress not just in a limited area, but across a range of issues. Discussions took place on constitutional protection for aboriginal self-government, negotiation of self-government agreements, equity of access for all aboriginal people and the financing of self-government.

The final outcome of the meeting was the setting of guidelines on the various aspects of self-government. These guidelines will provide a basis for wording a first draft of what we hope will eventually be an amendment entrenching and protecting the aboriginal right to self-government. That draft should be ready for us to deal with when officials meet in approximately three weeks.

While there was significant advance in the form of words set to paper, there was also progress of a less tangible but equally important sort. I think that, as a result of this meeting, there is now a climate of increased trust among the participants around the table and a new momentum for the

reaching of agreement. I do not think the prospects have ever looked brighter for us to, as one delegate put it, close the circle of Confederation with the inclusion of aboriginal people as full partners in Canada. For that reason, and I know I can also speak for Mr. Ballantyne on this, we are looking forward to the next ministerial meeting with optimism that the work done last week will prove to be the foundation upon which agreement can be built. The first item of business at our next meeting will be the matter of financial resources for aboriginal self-government, an issue every bit as difficult as it is central to the attainment of self-government.

While we are optimistic, we also have to remain realistic. The question of financing is only one of many complex issues to be resolved. And there remains too, some resistance on the part of several provinces to what they see as a threat to their power and jurisdiction. So, Mr. Speaker, we are still facing an uphill struggle.

But to get back to the good news, I am pleased to report that the stature and credibility of this government were enhanced at last week's meeting because of the contributions we were able to make and the support we were able to give to aboriginal self-government. The Territories are very much a part of the process and we expect to remain so. The credit for that, of course, must go to this Assembly for the high priority and strong backing Members have given to the advancement of aboriginal rights. It is that support which enables us to contribute positively to these meetings.

I am circulating to Members, Mr. Speaker, a copy of an article in Friday's Globe and Mail describing the meeting and its outcome. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Ministers' statements. That concludes Ministers' statements for today.

Item 3, Members' statements. Members' statements. There do not appear to be any Members' statements for today. Item 5, oral questions. Mr. Angottitauruq.

ITEM 5: ORAL QUESTIONS

Question 022-86(2): Transportation For Patients At Airports

MR. ANGOTTITAUURUQ: Thank you, Mr. Speaker. (Translation) I have a question directed to the Minister of Health. In Kitikmeot, when we met this fall in Holman Island, a discussion took place on a matter being dealt with by the federal government, that they wanted to get a person to go and pick up the patients from the airport or to the airport. Patients wait for a long period of time at the airport when they are unilingual and for that reason how can this be resolved or improved in this area? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 022-86(2): Transportation For Patients At Airports

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. There has been a continuing difficulty with this happening on several occasions through the year and over previous years as well. People send out the patients from the nursing stations and do not notify someone down here to pick the person up or there are other snarls in communication here, which does often leave unilingual patients at the airport. All I can do is advise the Member that I will contact Health and Welfare Canada to try to have them work out a system. I know the Member has brought this up before and I have given him the same information. I will attempt it again and reiterate the problems to the Health and Welfare Canada officials. Thank you, Mr. Speaker.

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

Supplementary To Question 022-86(2): Transportation For Patients At Airports

MR. ANGOTTITAUURUQ: Thank you, Mr. Speaker. I guess since the Minister knows the problem and it has been a problem all along, why can your department not do something directly? Use your own department's money instead of asking the federal government. It is about time that your department does something about it.

---Applause

MR. SPEAKER: Mr. Minister.

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I will take those words of advice to my department. Thank you.

MR. SPEAKER: I trust then that you are taking the question as notice and will be providing an answer to the House at a later date. I missed Item 4, returns to oral questions. I will return to that shortly. I will finish oral questions now that I am on that item. Item 5, oral questions.

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

MR. SPEAKER: Mr. Richard.

MR. RICHARD: Mr. Speaker, with respect, sir, could I request that we do returns to oral questions because one of the reasons that they are in that particular order is that Members might have an opportunity to ask a follow-up question having heard the return to the oral question. There are a number of returns to oral questions outstanding in this session. Thank you, sir.

MR. SPEAKER: Thank you. I have no problem with that. Item 4, returns to oral questions. Mr. Curley.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 011-86(2): Price Of Oil In Resolute Bay

HON. TAGAK CURLEY: (Translation) Thank you, Mr. Speaker. Return to Question 011-86(2), asked by Ludy Pudluk on October 16th, 1986 concerning the price of fuel in Resolute Bay. The GNWT does not have any fuel tank farm facilities in Resolute Bay. Instead, we purchase the GNWT fuel requirements directly from the Imperial Oil agent in Resolute Bay. We also purchase heating oil, and only heating oil, on behalf of the residents and do the actual fuel delivery ourselves by contract. When the GNWT announced a fuel price reduction as of July 1st, the government passed on a portion of the tendered price savings on oil to the residents in advance of the new product arriving in the community. Hence the price dropped from 59 cents per litre to 54 cents per litre.

I believe the Member is concerned that the price of gasoline did not change on July 1st. As residents of Resolute Bay must purchase their gasoline directly from the Imperial Oil agent, Imperial Oil policy is to change their prices to the public after the new product arrives by ocean tanker. I am now pleased to inform the Member that Imperial Oil has announced an 11 cents per litre price reduction on gasoline effective October 17th.

MR. SPEAKER: Thank you, Mr. Minister. Item 4, returns to oral questions. That appears to conclude this matter. Item 5, oral questions. Mr. Appaqaq.

REVERT TO ITEM 5: ORAL QUESTIONS

Question 023-86(2): Request For Canadian Rangers, Sanikiluaq

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. I am not certain as to whom I should direct my question. There are Canadian Rangers in the communities. There has been a request to get rangers. Their request has been denied because there is no funding. I do not know whether the rangers should be funded by the government. The request to get rangers in the community -- I think it should be started. I do not know which one of the Ministers the question should be directed to.

MR. SPEAKER: Mr. Sibbeston.

HON. NICK SIBBESTON: Mr. Speaker, I would be pleased to take the letter as notice and provide a response to the Member as soon as possible.

MR. SPEAKER: Thank you, Mr. Minister. You will take the question as notice. Oral questions. Mr. Richard.

Question 024-86(2): Amendment To Landlord And Tenant Act

MR. RICHARD: Mr. Speaker, my question is for the Minister of Justice and it concerns the long-awaited amendments to the Landlord and Tenant Act. Mr. Speaker, the consultant's report was received by the government in May of 1985, quite some time ago. Earlier this year the government tabled a response in this Assembly indicating that this government essentially agrees with all of the recommendations of the consultant. Mr. Speaker, there was, earlier this year, every indication that legislation would be before us amending the provisions of the Landlord and Tenant Act. Could the Minister indicate when we are going to see these amendments for consideration by this Assembly? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 024-86(2): Amendment To Landlord And Tenant Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I would like to thank the Member for notice of the question. It is a valid question and at the last session I indicated to the House that I would be tabling legislation at this session to give Mr. MacQuarrie's committee an opportunity between now and the budget session to hold hearings. I made that announcement during the last session and so later on this week I will be tabling the legislation.

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

Supplementary To Question 024-86(2): Amendment To Landlord And Tenant Act

MR. RICHARD: Mr. Speaker, the Minister's response begs the question: Why was it not possible that the draft legislation be tabled in June, or since June provided to the standing committee on legislation, so that the consultation could have taken place over the months since June, so that the legislation could be considered for passage this session?

MR. SPEAKER: Mr. Minister.

Further Return To Question 024-86(2): Amendment To Landlord And Tenant Act

HON. MICHAEL BALLANTYNE: It seems that with the sense of deja vu, I respond, I thought I had explained this in the last session. It is because, with the number of pieces of legislation that are before this House, it was not physically possible to have it completed in time to do that. I made the undertaking at the last session and I thought it was quite clear that I would table it this session and the discussion would take place between now and the winter session. Thank you, Mr. Speaker.

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

Question 025-86(2): Price Of Oil And Gas In Sanikiluaq

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. I raised this question before, in February. It is regarding the high price of gasoline and oil. When the oil was brought to the community in the summer we were told the prices would be lower than before. It has been brought to our community this summer and we were told that the gas and oil prices have been increased. I asked the contractor in the community if he is aware of the situation. He told me that the government is responsible for increasing the price of oil and fuel in the community. We have been hearing that they are going to decrease the fuel prices. I would like to find out if this is going to be in effect or are we going to continue to have high prices on oil and fuel? Could someone please tell me what the truth is?

MR. SPEAKER: Mr. Minister.

Return To Question 025-86(2): Price Of Oil And Gas In Sanikiluaq

HON. TAGAK CURLEY: (Translation) Thank you, Mr. Speaker. I would like to tell you what I know of the situation. Mr. Pudluk also had the same question. The situation is the responsibility of Imperial Oil and they set up the prices concerning gas and fuel. I think it is the same thing in Sanikiluaq. Shell Canada is delivering the gas and fuel to the community. The NWT is not responsible for that but the GNWT buys the fuel and delivers it to the communities. We were going

to decrease the prices for the drums. When Shell owns the gas they are responsible for setting up the prices themselves because we are separate. For that reason they are a bit more expensive today, for Imperial and Esso. We are not able to do any changes on those ourselves. But I could try and go back to them.

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

Supplementary To Question 025-86(2): Price Of Oil And Gas In Sanikiluaq

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. Supplementary to the question. I spoke to the contractor in Sanikiluaq, the Shell Canada representative, and we have not been told beforehand of the prices. I would like to find out if that actual implementation of decreased prices for gas and fuel will be in effect.

MR. SPEAKER: Mr. Minister.

HON. TAGAK CURLEY: (Translation) Mr. Speaker, I would just like to tell the Sanikiluaq delegate that I will write a letter to Shell concerning the prices and I will let you know at a later date.

MR. SPEAKER: Thank you. The question is being taken as notice and a reply will be forthcoming. Oral questions, Mr. Arlooktoo.

Question 026-86(2): Appointment Of Inuktitut-Speaking JP, Lake Harbour

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is to the Justice Minister. In Lake Harbour we tried to get a JP for the community who is an Inuk but a unilingual person. He is able to understand a little bit in English but for that reason he was not able to carry out his responsibilities. The people in Lake Harbour are all Inuit and we would like to find out why this person who is an Inuktitut-speaking person is not appointed.

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. We are quite aware of the problem in the Northwest Territories with JPs and during this session I will be announcing a study that I am having my department do in regard to the whole question of JPs, better training for JPs, how to better attract JPs from communities. So, I think, over the next six months, we are to deal with problems such as the problem that Mr. Arlooktoo has talked about. As for the specific question, I will take it as notice and get back to Mr. Arlooktoo on that specific point. Thank you.

MR. SPEAKER: Thank you. He is taking the question as notice. Oral questions. Mr. Wah-Shee.

Question 027-86(2): Regional Offices In NWT For NEDP

MR. WAH-SHEE: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Economic Development and Tourism. Would the Minister indicate whether the Government of the Northwest Territories has entered into any discussions with the federal government in regard to the native economic development program establishing regional offices in the Northwest Territories?

MR. SPEAKER: Mr. Minister.

Return To Question 027-86(2): Regional Offices In NWT For NEDP

HON. TAGAK CURLEY: Thank you, Mr. Speaker. Yes, we have communicated our concern with respect to that exact situation. So far we have not received any commitment from either the Minister responsible for NEDP or the chairman of the board of the NEDP, but the discussions that took place earlier this fall did go ahead and the information that I have is that our proposal was received well but so far they have not made any commitment to that.

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

Supplementary To Question 027-86(2): Regional Offices In NWT For NEDP

MR. WAH-SHEE: Thank you, Mr. Speaker. Has the matter been discussed with the existing native corporations in the Northwest Territories who will be mostly affected? As well, the Minister is aware that this particular federal program is earmarked strictly for the aboriginal people of Canada and therefore I would like to know whether these discussions have included the native organizations, in particular the native corporations of the Northwest Territories.

MR. SPEAKER: Mr. Minister.

Further Return To Question 027-86(2): Regional Offices In NWT For NEDP

HON. TAGAK CURLEY: Mr. Speaker, we have no direct responsibility for NEDP, therefore I could not speak for the federal government. As far as I am concerned they are the ones who should be communicating directly on day-to-day matters of this important fund. As far as my department is concerned, we were convinced that NEDP was not being utilized as much as it should and therefore we thought one way of at least improving that situation was by having a regional office based in the Northwest Territories. That is the only recommendation my department has made and it is up to the NEDP or the federal Minister to respond to that.

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

Supplementary To Question 027-86(2): Regional Offices In NWT For NEDP

MR. WAH-SHEE: Thank you, Mr. Speaker. Would the Minister indicate in regard to those discussions between this administration and the federal government whether the intent of those discussions was that this Government of the Northwest Territories was going to manage this particular program in the Northwest Territories?

MR. SPEAKER: Mr. Minister.

Further Return To Question 027-86(2): Regional Offices In NWT For NEDP

HON. TAGAK CURLEY: Mr. Speaker, no. Definitely not. We were prepared to second a representative, an official from our department, in order to expedite the knowledge required to administer the program but we have no plans or intention at all to ever take over either the administration or implementation of that program. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mr. Wah-Shee.

Supplementary To Question 027-86(2): Regional Offices In NWT For NEDP

MR. WAH-SHEE: Thank you, Mr. Speaker. Would the Minister assure this House that in any further discussions in regard to that federal program dealing with the native economic development program, the native corporations will be involved in those future discussions because I assume that the native organizations have been left out totally of earlier discussions?

MR. SPEAKER: Mr. Minister.

Further Return To Question 027-86(2): Regional Offices In NWT For NEDP

HON. TAGAK CURLEY: Mr. Speaker, I certainly will assure the Member that as far as our responsibility is concerned, I will be pleased to consult with them and I will be pleased to communicate that concern to the Minister responsible on the federal government's side, as well. Thank you.

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

Question 028-86(2): Timing Of Amendment To Landlord And Tenant Act

MR. RICHARD: Mr. Speaker, I have a further question for the Minister of Justice regarding the Landlord and Tenant Act amendments. Mr. Speaker, because I have been asking these questions for a year now, I must for the record disagree with the Minister's recollection of undertakings made to

this Assembly earlier this year. In February of this year the Minister wrote to me indicating that he would table the discussion paper at the upcoming session. That was in February and March. Following a discussion on the paper he would have legislation drafted for introduction at the fall session of the Legislative Assembly. And in responses in the Assembly on February 17th and on March 12th the Minister then confirmed that the draft legislation would go before Mr. MacQuarrie's committee on legislation in the summer or early fall with a view to introducing the legislation at the fall session. Now, Mr. Speaker, with this relatively minor amendment to the Landlord and Tenant Act, as with other amendments that we have been expecting in this Assembly, I find this continued delay unacceptable and I would ask the Minister to explain why we have not seen the legislation come forward in the originally scheduled format; that being a discussion of the draft legislation prior to the opening of this session with a view to passage of the needed legislation during the session. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 028-86(2): Timing Of Amendment To Landlord And Tenant Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I thought I had explained it. Our original intention, as the honourable Member has put forward, was to have a discussion paper distributed and to indeed have the legislation at this particular session. The fact is, because of the requirements and the demands put on us by this House for numerous pieces of legislation and because of the priorities put on by this House for much of that legislation, it was put off one session. I had a discussion with the chairman of the committee dealing with legislation and he found this process would be acceptable. To table it at this particular session and introduce it at the next session. I apologize for the delay. We have delayed it one session. Mr. MacQuarrie and I agreed that would be acceptable. I have no answer but to say that we were not able to fit it into a very busy schedule, so it was delayed one session. It will be tabled this session. Mr. MacQuarrie's committee will have ample opportunity then to deal with it between now and the budget session and the legislation itself will be dealt with at the budget session.

MR. SPEAKER: Supplementary, Mr. Richard.

Supplementary To Question 028-86(2): Timing Of Amendment To Landlord And Tenant Act

MR. RICHARD: Thank you, Mr. Speaker. With that response, Mr. Speaker, I would like to ask the Minister what is the other legislation that this House has demanded come in prior to the Landlord and Tenant Act? We do know that the proposed Statute Law Amendment Act, the proposed Financial Administration Act, the proposed Insurance Act and the proposed Landlord and Tenant Act are not being introduced this session and we are still awaiting things such as the local government legislation. What has intervened ahead of these other items, because clearly, Mr. Speaker, we do not have a full legislative program this session? Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 028-86(2): Timing Of Amendment To Landlord And Tenant Act

HON. MICHAEL BALLANTYNE: The problem was, as I said in the House, that the best way to proceed would be to table the legislation at one sitting and deal with it at the next. The problem was at the last sitting because of the 12 or 13 or 14 pieces of legislation, whatever it was we had, we were not able to have it prepared for that session. In order to give some time between when we table it and when we actually deal with it is the reason for the delay. It has nothing to do with the backlog at this session. It had to do with the backlog at the previous session.

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

Question 029-86(2): Amount Of Old Age Security In NWT

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Social Services and the Minister of Education. I tabled Tabled Document 66-86(1) on June 16th, 1986, about the people who are receiving old age pension not getting enough money. I brought it up from the education committee in Baffin and I would like to find out what is happening on this matter. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 029-86(2): Amount Of Old Age Security In NWT.

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. The situation with the old age pensioners is that each person in Canada who is over 65 receives a standard old age pension. Those who have no other source of income also receive GIS, which is the guaranteed income supplement. The GIS ranges depend on the person's need and the expense of where they have to live. That is a national program that has not been modified. The amount of GIS does increase with the inflation index. Recognizing this, the Government of the Northwest Territories previously, under Mr. McCallum when he was Minister responsible, established an NWT supplement which has now been raised up to \$85.

This has been brought to our attention by Ministers in some of the other provinces who have small and remote communities too, and we are hoping that the GIS can be increased. When I get something back on that I can advise the Member. But currently, right now, people in the NWT are under the same plan as all the rest of Canadians and the maximum GIS range applies to us just as it does anywhere else. Thank you, Mr. Speaker.

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

Question 030-86(2): Increase In Housing For Pelly Bay

MR. ANGOTTITAUURUQ: My question will be directed to the Minister of Housing. In Pelly Bay I guess he already knows that they are lacking housing there. It is because they are still living in some of the mission houses. I believe they are getting only about two houses in the fiscal year. Once they get those two houses they will eliminate some of the mission houses they have. Would his department look at that very carefully and maybe add some more housing to that community?

MR. SPEAKER: Mr. Minister.

Return To Question 030-86(2): Increase In Housing For Pelly Bay

HON. MICHAEL BALLANTYNE: Mr. Speaker, we are aware of the problem in Pelly Bay and we have emphasized this to all of the communities in the NWT, that a housing needs study review will be taking place in every community by this November. It is critical in every community to make sure that that review is done properly. Indeed, if Pelly Bay shows more need than was shown in the last needs study, there could be some reallocation of housing within the capital plan. So I can only emphasize that the Member ensure that his community take the needs study very seriously. If that needs study does show more relative need than was previously indicated, then we will look at some reallocation. Thank you, Mr. Speaker.

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

Question 031-86(2): Amendment To Home Owners' Property Tax Rebate Act.

MR. RICHARD: Mr. Speaker, my question is for the Minister of Municipal and Community Affairs. It concerns the Home Owners' Property Tax Rebate Act. About a year ago the Minister's predecessor undertook to this Assembly to introduce an amendment to that legislation, to give the benefit of that legislation to Members of co-operative housing projects. Although the Minister's predecessor and the Minister himself have, in the years 1985 and 1986, by ministerial edict directed that the benefits of that legislation would indeed go to members of co-ops, the legislation has not been amended formally and without sounding like a broken record, the Minister indicated in this Assembly on February 24th of this year that he would propose introducing that amendment at the next session -- which, as I recall sitting here on February 24th, was going to be in June. However, I give the Minister the benefit of that one, that that was the continuation of the February session...

HON. MICHAEL BALLANTYNE: You didn't give me that benefit.

---Laughter

MR. RICHARD: Mr. Speaker, my question is: There was an absence of a reference to this legislation in the Commissioner's description of the legislative program for this session. Where is the amendment to that legislation? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 031-86(2): Amendment To Home Owners' Property Tax Rebate Act.

HON. GORDON WRAY: Thank you, Mr. Speaker. A legislative proposal has been approved by the Executive Council's House planning and legislation committee, and we will be introducing in the winter session of 1987, at the upcoming budget session, an amendment to make residential units in housing co-operative buildings, eligible for tax rebates. The amendment will also make some housekeeping adjustment to the act regarding the method of payment of tax rebates, the procedures with respect to late applications and it will also more clearly define ministerial discretion in approving tax rebates.

However, it should be pointed out that in 1984 and 1985 and also in this year of 1986, I have allowed the appeal of the Borealis housing project for tax rebates. So the individuals concerned with this legislation are not being hurt. I have exercised my ministerial discretion, allowed them the tax rebates and a legislative amendment will be brought forward in the winter session. Thank you.

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

Question 032-86(2): Funding For Day Care Centres

MR. WAH-SHEE: Thank you, Mr. Speaker. My question is directed to the Minister of Social Services. I wonder if the Minister could indicate to the House whether the Department of Social Services funds day care centres, other than the large centres? In other words, for the smaller communities that want to establish day care centres, does this administration in fact fund those day cares or is funding confined to large centres at this stage?

MR. SPEAKER: Mr. Minister.

Return To Question 032-86(2): Funding For Day Care Centres

HON. BRUCE McLAUGHLIN: Mr. Speaker, the Department of Social Services' only contribution toward day care services is to give financial assistance to parents who both have to work and who have low incomes. They are able to buy the services from whoever they want. The Department of Social Services does not operate or provide direct funding to day care centres anywhere in the NWT. I believe there are a few buildings which the government has vacated in different communities in the NWT that some of these groups may be using. Thank you, Mr. Speaker.

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

Question 033-86(2): Administration Of Native Economic Development Fund In NWT

MR. NERYSOO: Thank you, Mr. Speaker. This is a question to the Minister responsible for Economic Development and Tourism, with regard to an earlier question asked by Mr. Wah-Shee. Is the Minister prepared to table in this House the letter to the manager with regard to the native economic development fund, or at least to prepare a report outlining the parameters and the conditions by which the GNWT could assume some responsibility for the administration of that particular fund?

MR. SPEAKER: Mr. Minister.

Return To Question 033-86(2): Administration Of Native Economic Development Fund In NWT

HON. TAGAK CURLEY: Mr. Speaker, I will be pleased to provide the Member with any information that my department has communicated to the NEDP, but I want to assure the Member that I am not at all aware that we had any interest in administering the program, except to provide a secondment to NEDP so that they would have a northern presence in the NWT in order to expedite the proposals that NEDP receives from the people of the NWT. That was the only offer we made to them and so far we have not received any indication they would accept our offer. I would be pleased to provide any information that might help the Member. Thank you.

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

Question 034-86(2): Review Of Rental Scale For Public Housing

MR. RICHARD: Thank you, Mr. Speaker. My question is for the Minister responsible for the Housing Corporation. It concerns the promised review of the rental scale for public housing. This time I am ready with a reference with the date and the undertaking which the Minister stated in this Assembly on February 26th in response to a question as to when the review of the rental scale for public housing units throughout the Northwest Territories was going to be seen by Members of this Assembly. The Minister at that time stated, Mr. Speaker, in effect that hopefully within the next few weeks we would have a draft report to circulate to MLAs and communities. He also stated that he would have a draft shortly that we would circulate to MLAs and the communities to put together, at some point, hopefully in the fall session, a final resolution of this issue.

Mr. Speaker, I realize that the Minister has appointed a group to do a complete review of the entire corporation, and that he has placed this issue, with hundreds of others, within the mandate of that review committee. Can the Minister not indicate whether it is feasible to take out from that review, the sole issue of the review of the rental scale so that tenants of public housing units, MLAs and communities can respond to the proposed new rental scale?

MR. SPEAKER: Mr. Minister.

Return To Question 034-86(2): Review Of Rental Scale For Public Housing

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I am sure the honourable Member realizes how complex and difficult this particular subject is and I can give him an undertaking that we are now looking at separating it from the dozens of other issues we are dealing with as we reorganize the Housing Corporation. One possible way is to have the board of directors actually deal with it themselves. I said, hopefully, this fall session and I will guarantee the Member there will be a draft policy this fall that will be circulated to MLAs and to all the communities. As you have already said, we have undertaken a fairly massive job in reorganizing the Housing Corporation and this is one of dozens of priorities that we have. I agree with you that it is something that is important enough that we will, and have decided to, separate it from the others. We are dealing with it separately and there will in fact, this fall, at least be a draft policy for people to comment on. Thank you.

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

Supplementary To Question 034-86(2): Review Of Rental Scale For Public Housing

MR. RICHARD: Thank you, Mr. Speaker. I have a note of that guarantee. I wonder if the Minister can indicate what he means by "this fall". Are we able to see the draft policy prior to the end of this session, however long or short it might be? Can the Minister be more definite on a time frame? Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 034-86(2): Review Of Rental Scale For Public Housing

HON. MICHAEL BALLANTYNE: Mr. Speaker, if this session lasted until Christmas I could guarantee that, yes, you would see it during the session. But since this session might only last the next couple of weeks, I cannot give that guarantee. It will be distributed to the MLAs, and more importantly to the communities, by the end of the year for discussion and any comments that they may want to make. Then we could have a discussion if you like at the budget session. Thank you.

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

Question 035-86(2): Job Creation, Spence Bay And Pelly Bay

MR. ANGOTTITAUQU: Thank you, Mr. Speaker. My question will be directed to the Minister of Economic Development. It seems from the study that Spence Bay and Pelly Bay are two of the places with the highest food prices. I could direct my question to someone else but I think I should direct it to the Minister of Economic Development. That is where they will probably get the best help. Due to the high cost of food, would his department look for some way to increase job creation over in Spence Bay and Pelly Bay and send one of his departmental personnel to study that

closely? I believe that region, at this time, requires a good study. There is never much development in that area. I am asking the Minister if he would send someone from his department to study that and talk with the people, the local authorities, to do something about it. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 035-86(2): Job Creation, Spence Bay And Pelly Bay

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I will take that advice, Mr. Speaker, but I think it is more important for me to assure him that I will be reviewing all the recommendations and resolutions that were presented to my department from the regional conference that was held in Kitikmeot Region. So far I have not had a chance to analyse all the reports and I will be tabling some of these recommendations to the Members during this session. I will look at both of them and I know that the Member, his colleague, has an equal amount of concern regarding the disparities with respect to Economic Development. Therefore it is important that we try to make use of all the resources that we have. I do appreciate his advice. Thank you.

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

Question 036-86(2): Liquor Plebiscite, Resolute

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I am going to ask a short question of the Minister of Justice. I do not want you to keep getting up because your back is sore. The people of Resolute will be holding a plebiscite concerning liquor. I think, today they are going to be voting. Today, because it had to be delayed the last time. I would like to ask you what is happening with that matter. Thank you.

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. To my knowledge, we are going ahead.

MR. SPEAKER: The microphone was not on. However, the Minister has indicated that he is taking the question as notice. Oral questions. That appears to conclude oral questions for today. Item 6, written questions. Are there any written questions? Ms Cournoyea.

ITEM 6: WRITTEN QUESTIONS

Question W5-86(2): Draft Policy On Housing

MS COURNOYEA: Mr. Speaker, it is a question to the Minister responsible for Housing. Would the Minister table, by the end of the day or at the latest tomorrow, the new draft policy on housing called "The Global Approach", a listing of the housing allocation by community. Would he also state what he has done to initiate talks with the federal government on labour funding for the home-ownership program?

MR. SPEAKER: Thank you. Written questions. Written questions. That appears to conclude written questions for today. Item 7, returns to written questions. Are there any returns to written questions for today? Mr. Wray.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

Return To Question W1-86(2): Lake Harbour Airstrip

HON. GORDON WRAY: Thank you, Mr. Speaker. I would like to file a return on Question W1-86(2), asked by Mr. Arlooktoo on October 16th, with regard to the Lake Harbour airport.

The risk involved in landing and taking off at the Lake Harbour airport, caused by the height of surrounding hills, is acknowledged, as is the solution suggested by the honourable Member. Several other possible solutions to the problem are also available and Transport Canada, which is responsible for aviation safety and the necessary improvements, has been made aware of these. The other solutions range from the relocation of the airport to the installation of special lighting systems which could guide the pilot to the runway without having to worry about the hills, to special training for pilots who use the airport on a regular basis.

Transport Canada, at a meeting with all of the Baffin Region mayors, representatives of the Baffin Regional Council, representatives of First Air, representatives from the GNWT and others, discussed all of the possible solutions and assured everyone present that they would take the steps necessary to ensure an acceptable level of safety at the Lake Harbour airport. Although Transport Canada could not say when work would begin, they did say that they expect their proposal to deal with the problem to be approved early in 1987. My department will continue its efforts to convince Transport Canada of the requirement to solve this problem. The mayor in Lake Harbour will be kept advised as to progress.

MR. SPEAKER: Thank you. Are there any further returns to written questions? That appears to conclude item 7.

Item 8, replies to Opening Address. Are there any replies? There do not appear to be any replies.

Item 9, petitions.

Item 10, reports of standing and special committees.

Item 11, tabling of documents.

Item 12, notices of motion. Item 13, notices of motion for first reading of bills. Mr. Butters.

ITEM 13: NOTICES OF MOTION FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 6-86(2): Supplementary Appropriation Act, No. 5, 1985-86

HON. TOM BUTTERS: Mr. Speaker, I would like to give notice that on Wednesday, October 22nd, 1986, I shall move that Bill 6-86(2), An Act Respecting Supplementary Appropriations for the Government of the Northwest Territories for the Fiscal Year Ending the 31st Day of March, 1986, be read for the first time.

MR. SPEAKER: Thank you. Notice of motion for first reading of bills. Mr. Butters.

Notice Of Motion For First Reading Of Bill 7-86(2): Supplementary Appropriation Act, No. 3, 1986-87

HON. TOM BUTTERS: Mr. Speaker, I give notice that on Wednesday, October 22nd, 1986, I shall move that Bill 7-86(2), An Act Respecting Supplementary Appropriations for the Government of the Northwest Territories for the Fiscal Year Ending the 31st Day of March 1987, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. Notices of motion for first reading of bills. Mr. Butters.

Notice Of Motion For First Reading Of Bill 9-86(2): Write-Off Of Assets And Debts Act, 1986-87

HON. TOM BUTTERS: Mr. Speaker, I give notice that on Wednesday, October 22nd, 1986, I shall move that Bill 9-86(2), An Act Respecting the Write-off of Assets and Debts for the Fiscal Year Ending the 31st Day of March, 1987, be read for the first time.

MR. SPEAKER: Notices of motion for first reading of bills. That appears to conclude that item. Item 14, motions. Mr. Nerysoo.

MR. NERYSOO: Point of order, Mr. Speaker. If I could ask unanimous consent to return to tabling of documents.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Unanimous consent is being requested. Are there any nays to return to tabling of documents? Proceed, Mr. Nerysoo.

ITEM 11: TABLING OF DOCUMENTS

MR. NERYSOO: Thank you, Mr. Speaker. I wish to table Tabled Document 10-86(2), a communication from the Inuvik Region education committee. It includes a motion that is directed to the Minister of Education. If I could read the motion, Mr. Speaker, "That the Minister of Education designate two seats on the Arctic College Board of Governors for representation from the Inuvik Region; one from the Inuvik Region education committee and one representing the Inuvik Region at large; and that these representatives report back to the Inuvik Region education committee after each meeting".

MR. SPEAKER: It is not normal to read a tabled document, other than reading the title. You have got away with it, Mr. Nerysoo, but do not try it again. Do you have another document for tabling?

MR. NERYSOO: I just wanted to take advantage of a usual ministerial practice in this House. I wish to table the following document: Tabled Document 11-86(2), Renewable Resources Project, Volume 1, Economic Development Plan.

MR. SPEAKER: I wonder what Minister might have introduced that process.

---Laughter

Item 14, motions.

Item 15, first reading of bills. Item 16, second reading of bills. Mr. Butters.

ITEM 16: SECOND READING OF BILLS

Second Reading Of Bill 4-86(2): Income Tax Act

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Nahendeh, that Bill 4-86(2), An Act to Amend the Income Tax Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Income Tax Act to increase the foreign tax deduction in any case where the taxpayer receives a stock option from his employer; to exempt charities from filing returns; to require individuals receiving a share purchase tax credit or scientific research tax credit to file returns; and to shorten different delays in the act respecting assessments, reassessments, interest and penalties.

MR. SPEAKER: Thank you. To the principle of Bill 4-86(2). Are you ready for the question?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any?

---Carried

Bill 4-86(2) has had second reading. Would you have this entered into the orders of the day, Mr. Clerk? Second reading of bills.

I would like to acknowledge two classes from William McDonald Junior High School with their teachers, Ms Groenheid and Mr. Windle. Welcome to the chambers.

---Applause

Item 17 of the orders of the day, consideration in committee of the whole of bills and other matters: Bill 1-86(2), Bill 8-86(2) and Bill 4-86(2), with Mr. Wah-Shee in the chair.

ITEM 17: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 1-86(2), ARCTIC COLLEGE ACT

CHAIRMAN (Mr. Wah-Shee): The committee will come to order. I would like to remind the committee Members that this particular Bill 1-86(2) was deferred until the Minister was available. I would now like to ask the committee Members if they would like to return to general comments at this time. Bill 1-86(2), Mr. Patterson.

HON. DENNIS PATTERSON: Yes, Mr. Chairman, I would just like to ask the committee if it might be possible to have Mr. Lovely, assistant deputy minister for advanced education, available to assist me.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): For the record, I wonder if the Minister would indicate who the witness is.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. With me is Ken Lovely, assistant deputy minister for advanced education. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. The last time we were dealing with this bill we were on clause 2. Do the committee Members want to continue with clause 2 or do they wish to return to general comments? I would like some indication right now. Okay, we are on clause 2, definitions. Are there any comments? Mr. McCallum.

Need For Defining Of Academic Council

MR. McCALLUM: Thank you, Mr. Chairman. I trust the Minister has at least the unedited version, as we all would have, of Hansard from Friday when we were on this particular section dealing with the principle of these academic councils, the definition of them, and what will be involved with them. I think when we left off on Friday I was talking about that and asking why, if there is a plan to set these academic councils up, why there is not some kind of a definition of the term itself so that we see just what is meant by this particular concept. As I had indicated before, we in committee went through the academic councils. We talked about it and it seems to me, Mr. Chairman, that under the questions that were posed by the committee when we were reviewing the first piece of legislation, the questions that we were asking about it were not well responded to and now with the new act itself, reference to what an academic council is has been deleted, save in that part of the act that deals with the powers of the board -- where the board may set up an academic council and it may fix the remuneration of the so-called academic council. And it may fix the powers and duties of these academic councils. Those are the only references that are now in the act before us dealing with this particular topic.

I can appreciate what has been said previously by Mr. Lovely regarding the academic councils. I just want to be sure in my own mind since we did make suggestions, if you like, without putting it into actual recommendations. We had talked about the possibility of setting up these academic councils on an ad hoc basis. I wonder whether this is what is meant by giving it to the power of the Board of Governors? That they may establish these academic councils for the Arctic College itself or for the campuses that are, or may be, established. Or are these academic councils to be ongoing? That is, will they meet two or three times a year or whatever number of times a year or will it only be necessary to have these set up to review a program, or review the operation of a campus, or review the operation of the college, as it were, indeterminate every number of years?

Need For Academic Council Questioned

I again, Mr. Chairman, am not sure personally whether we should have these academic councils and if we do, what they are to do, given what has been indicated to this committee by the department officials as to what their responsibilities are, or whether it would be possible to simply set up these academic councils on an ad hoc basis. It was indicated to us that these councils would look after things that I suggest could be done by the academic personnel that are now in place, either at the central level or at the individual campuses -- in point of fact, Mr. Chairman, within the actual disciplines that are now established at any or all campuses. I wonder if I could have the Minister comment on my comments. Thank you.

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

Academic Councils Not Intended As Standing Bodies

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I agree entirely with the honourable Member that the work of the councils could undoubtedly be almost entirely done by members of the faculty. I also would like to clarify that it is not intended that these be standing bodies that would necessarily exist all the time or even meet frequently. Rather, they are simply intended to be available to the Board of Governors at their request and under terms which they would set up from time to time if at all, to give them advice on matters which may require professional assistance.

Mr. Chairman, the reason that it was decided to delete the definition in clause 2 was to allow the board to have the freedom and flexibility to set up terms of reference and powers as needed. There is no intention to create a cumbersome or a standing body but rather simply to have a means of giving advice to the board in a similar way to which the college has received advice from trades people on apprenticeship programs and advice from industry people on the establishment of certain programs, job-related in the college. I would like to emphasize to the honourable Member, I see it operating on an ad hoc basis. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 2, definitions. Mr. MacQuarrie.

Legislation, Not Minister's Words, Will Guide College

MR. MACQUARRIE: With respect to that same matter, the difficulty is that the Minister's words will be incorporated into this debate but down through the months and years ahead, are not likely to be referred to, whereas the legislation is in place and that is what will guide the college. The Minister is saying that it is not intended that these academic councils should be standing bodies. Yet those words have a kind of permanent ring to them when you talk about establishing academic councils. It seems to me that they may very well be established and left in place. How many of them would be established, we do not know. They would be costly over a period of time. And yet, if that is not the intent, the intent is not very well served by the wording in this legislation. That same point had come up at the standing committee's meetings and at that time we suggested that if they were not to be permanent bodies, that perhaps establishing ad hoc advisory committees on academic matters or something could be looked at. But I see that the government has not opted for that. So, I guess, the question that I have for the Minister is: he has expressed his intent; does he not fear that the way this legislation is worded that his intent may not be served and that something else might be served in its place?

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

Clause 8(1)(a) Would Allow Minister To Direct Board

HON. DENNIS PATTERSON: Mr. Chairman, first of all, perhaps I should explain that one of the reasons this concept was included in the legislation is that apparently such academic councils are routinely found in colleges and universities in other parts of the country. We are generally attempting here to give the Arctic College system and the Board of Governors the sort of credibility that similar bodies enjoy throughout the country. I would point out to the honourable Member that if, indeed, the intention of the department in drafting this legislation and my intentions as expressed here today are in fact not respected by the Board of Governors, and if in fact these bodies become costly, cumbersome and expensive, there are provisions within this proposed legislation, powers belonging to the Minister in clause 8, which would actually permit some control over matters within the discretion of the board. I would dare say that clause 8(1)(a) would allow the Minister to direct the board, if it is felt that their powers under the section respecting their rights to establish an academic council are being overextended or becoming extremely costly or cumbersome. It would be possible for the Minister to give direction which would control the cost or control the extent to which these councils might be used. So I would offer that qualification to the Members, to respond to the Members' concerns. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 2, definitions. Agreed? Clause 2. Clause 2. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 3, establishment of the Arctic College. Mr. MacQuarrie.

MR. MacQUARRIE: Just to note for Members a change here that has occurred since the standing committee met to discuss the bill. It is a change that was not requested by the standing committee but rather one that the government itself has decided to introduce. In their report back to myself as chairman, here is what they say with respect to it: "A subsection 3(2) is added. The reason for this change is to make the Arctic College a corporation rather than the Board of Governors. The reason for this change is to clarify that the Arctic College will be the territorial agency and will have certain obligations under the Financial Administration Act." I would just make the observation that it is, from time to time, changes in the bill such as this which I think gave rise to my colleague's, Mr. McCallum's, comments the other day and some of the sentiments that I share, that it is to be wondered how much thought had been given to the bill in the first place when some rather fundamental things like that needed to be changed after it had been reviewed in the committee.

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

Revisions To Legislation Require Changes To Arctic College Act

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Mr. Chairman, I read the comments about the workmanship on this act and I would like to assure the Member that, first of all, what you see here is the result of a number of drafts reflecting a fairly wide degree of consultation. In fact, I believe that there have been over two dozen drafts of this legislation, so hopefully it has been getting better and better as we move along. I would just like to point out, Mr. Chairman, first of all that the act has been under development for approximately two years and the Arctic College Board of Governors themselves have had extensive involvement in its preparation and have approved the draft that is before the House. Mr. Chairman, it is true that changes were made after your committee examined the bill but these were necessitated, I am informed, by revisions to the Financial Administration Act which required that this new legislation be brought into line. So, it will now be in accordance with those revisions. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 3, establishment of the Arctic College. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 4, purpose of the Arctic College. Agreed?

SOME HON. MEMBERS: Agreed.

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

Arctic College Not The Only Institution Providing Post-Secondary Education

MR. MacQUARRIE: Yes, this clause deals with the matter of adult and post-secondary education and it was a matter that many Members were concerned about. The way the wording appeared in the draft that came before our committee made some Members uneasy because it seemed to mean that the type of input and authority that local education authorities, regional education authorities, have now with respect to adult education may be lost in a great centralizing move. In response to the concern that was expressed -- oh, I should say that, at that time, the government indicated clearly that its intention was not to squeeze that type of authority out of the grasp of people in the regions and therefore the government has introduced some new wording. It now says that the purpose of Arctic College is to deliver adult and post-secondary education. The comment that I have in the response that was given to me is: "The committee made the comment that the draft act should clearly state that the Arctic College is not the only institution to provide post-secondary education in the Northwest Territories. Therefore section 4 has been amended to clarify that the Arctic College is not the only institution to deliver adult and post-secondary education in the Northwest Territories." Having made those comments, I leave it to Members to judge as to whether the new wording is acceptable.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 4, purpose of the Arctic College. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. Just with regard to that particular section. During the discussion with regard to general comments, I raised a concern with regard to the relationship of the education authorities and the bodies of authority. The concern I had was with regard to the delivery of adult educational programs, whether or not this particular section might in fact reduce the role of those bodies of authority and in fact create a situation where the present relationship -- and I might say that the relationship now in some regions is very good -- with the regional education superintendents and that body -- I just want to get some assurance that this particular section is not in any way going to eliminate the relationship of the local education authorities or the regional education authorities in this area, because I think the last thing you want to do is to destroy what might be a good working relationship with the Department of Education, with government.

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I did carefully note the Member's comments about that and some concerns that I know have been expressed in the Inuvik Region about the college system impairing that good relationship that the Member referred to between local education authorities and local adult educators. I would like to assure the Member and the House that first of all this section in no way affects the status of adult educators. It leaves their status open and really simply acknowledges that the college is in fact delivering adult and post-secondary programs, which no one would deny.

Statutory Base For Adult Education Programs

I might just note, Mr. Chairman, that this act and this section finally gives a legislative statutory base for adult programs in the Northwest Territories. The special committee on education, which made a report to the Ninth Assembly, recommended that there should be a statutory base for adult programs. There was no statutory base up until then and up until now. This section is simply designed to recognize formally the responsibility of the government through the college to deliver post-school programs in the Northwest Territories.

On the question of adult educators, Mr. Chairman, I would just like to say that rather than tampering with the existing good relationships in communities between adult educators and local education authorities, what we do want to do is see the resources of the college system connected in improved ways through the Arctic College Act and through the board to what our local adult educators are doing in communities. My only concern in looking at their status in the future is that we should make sure that there are links between the local adult educator and the local education authority and the resources that will be increasingly available through the college system. In that connection, we are now actively having discussions with bodies like the Inuvik Region education committee, the Baffin Divisional Board, other regional education authorities, the Board of Governors and our staff about how there can be better links developed between the adult educators and the Arctic College system. The college will not be able to have representatives in every community. However, happily in most communities now we do have adult educators, or in many communities, and our intention is simply to make sure that those adult educators are working in conjunction with the college system and taking advantage of the resources from the college system. How that eventually shakes out will be determined through these discussions we are having in various regions over the next couple of months. But this section itself in no way precludes the present situation or modifications from being developed. It is simply a recognition of the college's mandate to provide for adults. Thank you, Mr. Chairman.

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

Education Act Does Not Recognize Role Of Adult Educators

MR. NERYSOO: Thank you, Mr. Chairman. The only additional concern I have is that in the recognition of any type of body of authority, including the local education authorities or the regional educational authorities, there is the point that the Minister has raised, that there is really no recognition in legislation for those particular bodies of authority participating in adult education. The only recognition they are given is through this legislation here, and I am hoping that we might be able to alleviate that problem by maybe amending the Education Act to recognize the role of those bodies with regard to adult education as well, and to tie it into the college programs.

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I certainly agree that what the Member says is true. The Education Act is silent on the role of adult educators. The reality is that adult educators in most communities have received very good input on what programs should be offered as priority in communities. That should not change. Whatever the status of adult educators might be in future, that input from the local education authority about local programs should remain.

Education Act Will Be Updated

I would like to inform the Member that I believe that the Education Act should be updated because in many respects it does not reflect current realities. We are working on a major overhaul of the Education Act. I do not know if it will be complete by the end of the life of the 10th Assembly or not, but I do agree that the status of adult educators and their relation to local education authorities should be reviewed in connection with the review of the Education Act which is under way. In the meantime, I can tell the Member that we are working in the area of adult education. We are developing a standard adult basic education curriculum for the NWT, which hopefully will lead to the elimination of the invidious TABE test, which I think another Member referred to last week. Secondly, we are, in the absence of legislative changes, working on a policy which will describe the role of adult educators in communities and recognize their links with the LEAs. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Clause 4. Mr. MacQuarrie.

MR. MACQUARRIE: Mr. McCallum has gone to look for some material -- I think he may ask to return to this item when he gets back in. I am not sure, but I am serving notice to the committee.

AN HON. MEMBER: Agreed.

CHAIRMAN (Mr. Wah-Shee): We will defer clause -- here he comes so, clause 4, purpose of the Arctic College. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 5, establishment of campuses. Agreed? Mr. MacQuarrie.

MR. MACQUARRIE: In the note that I have received from the government it is noted that in section 5 the word "regional" which appeared before "campus" has been deleted. So that the bill that we saw, talked about establishing regional campuses of the Arctic College, not as it says "establish campuses". I am sure it is an innocuous change. But perhaps the Minister would wish to comment on it.

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

Regions Not Restricted To One Campus

HON. DENNIS PATTERSON: Well, Mr. Chairman, I think that I agree with the Member that there is no particular significance to that word "regional". I think in reviewing the legislation after it had been seen by the committee, Members of the Executive Council felt that the word was unnecessary and perhaps might lead to the belief that it might not be possible to have more than one college program centre in a particular region. In fact, the reality is that within the Fort Smith Region there are now two centres that offer fairly extensive college programs...in Yellowknife and in Fort Smith, and there may even be more in such a large region. It was felt that the word is not only unnecessary but perhaps might be somewhat restrictive. The intention though, Mr. Chairman, is to provide a decentralized system which will bring courses as close as is reasonably practicable to the areas where they might be needed. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 5, establishment of campuses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

MR. RICHARD: Thank you, Mr. Chairman. Last Friday, in the absence of the Minister, the acting deputy minister indicated that there was, at some stage of preparation, a financial plan of some five years into the future for the cost of the programs of the Arctic College. Now that there is a legislative base being given to what is in fact occurring on the ground, can the Minister indicate when we might see the financial implications of what we are establishing here? Because it would appear, Mr. Chairman, that the figures are likely significant, when might the Assembly or the public see the overview or the implications of this legislation, financially? Thank you.

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would like to clarify, Mr. Chairman, for the benefit of all Members, that in fact, we are giving statutory recognition here in this legislation to something that is already firmly in place. The Arctic College name and system was established by a policy of the Executive Council in 1984. In fact, it is an operation in this current fiscal year that has a budget of over \$11 million. That budget even includes moneys for the operation of the Board of Governors. So with the greatest respect to the Member, there are no new financial implications to this legislation, in that the system is already in place, except that it is in place by policy.

But having said that, I would confirm, Mr. Chairman, that in fact, we have been working hard on a long-range plan for the development of the college system and this plan, which is a five year plan, has already been reviewed by the Board of Governors for the college and is at the moment before the Executive Council. My intention, Mr. Chairman, is to table this plan before the Legislative Assembly and make it available to the public so there is some good idea of what our program and capital plans are, so that we can ensure that the money available to us is as responsive as possible to the demands that are being made in all parts of the Territories. Mr. Chairman, this plan, since it does have budget implications and is based on the Department of Education's operational plan for the coming year, in my view might most appropriately be presented along with the budget of the Department of Education at the budget session. That would be my present intention.

Statutory Recognition Of A System Already Within The Budget

So, Mr. Chairman, I hope that satisfies some Members who have expressed concern about the financial implications, that in fact, we are really simply giving statutory recognition to a system that has already been a part of the budget of this government for some years. It probably was not revealed very clearly early on when the place called AVTC, the Adult Vocational Training Centre in Fort Smith, was established from scrounged buildings and reallocated resources, but since 1984 it has appeared as a college under a policy of the government and as a distinct item within the education budget. So, I do not think there are tremendous new financial implications consequent on this legislation although naturally, the establishment of campuses, including the recent establishment of the Inuvik campus, does have financial implications which must be approved by this Assembly. But I would respectfully suggest, Mr. Chairman, that we are dealing with structure with this bill and it may be more appropriate to deal with the financial implications and the budgetary implications at our budget session. Thank you.

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

MR. NERYSOO: Thank you, Mr. Chairman. Just with regard to the comments of the Minister, the only concern I would have is that recognizing the statutory responsibility we have with regard to post-secondary institutions or post-secondary education results in a certain expectation by the public. The concern I would have is that if the expectations of the people of the Northwest Territories are such that we cannot meet the financial requirements of their expectations, then I do not think that we should be giving them the impression that we can. Because I think what you will do here, in this legislation, is put ourselves in a position where we are legally obligated to recognizing the needs of the people of the Northwest Territories with regard to post-secondary institutions and education. So I think that the concerns expressed by Mr. Richard are very valid. Not to in any way reduce the present obligations we have or the decisions of the Executive Council, but I feel that we have to be conscious of the financial implications of setting up a number of campuses throughout the Northwest Territories.

The other thing is the cost of developing programs. If we are to set up programs that are in existence in each campus -- and I can give you an example of one, business administration -- where we are to set up a similar program in each campus, then we are not taking advantage of the possibility of setting up new programs; whereas we can take advantage of utilizing one particular campus for one program. That is basically the concern I have.

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

Information Traditionally Presented In Budget Session

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I appreciate the Member's concerns. I guess one of the problems for this House in asking for information now about implications for next year's budget, for example, would be that in effect, I guess even before the standing committee on finance had looked at the main estimates, it would be presenting information in October that really traditionally is presented in February along with the main estimates. So I would be, I guess, somewhat cautious about what might amount even to a budget leak if I was asked to table information about next year's planned expenditures immediately.

MR. McCALLUM: Only if you are going to raise taxes.

HON. DENNIS PATTERSON: I cannot speak for the Minister of Finance on that. Mr. Chairman, I would also like to comment, since the Member did mention the public and business administration program, that what we are intending to do in Inuvik, in the Iqaluit campus and also in a program that has been implemented this year and last year in Keewatin, is simply allow more students from regions to prepare for entry into the public and business administration program in Thebacha campus, which is a two year diploma program. We have done the same thing with the renewable resource technology program in the Eastern Arctic. We have established a program which will allow students to be able to take courses closer to home, which will allow them to feed into the existing RRTP course.

I do not think in those two examples we are spreading ourselves too thin. Rather we are saying we can use regional campuses to provide feeder programs to encourage students from regions outside the Fort Smith area to prepare themselves for the program, get their feet wet and have some preparation.

I am aware, Mr. Chairman, that it is a very large territory with great demand for adult education. By some standards we have the greatest need in the country for adult basic education. I am aware that the expectations will be very high but I can assure the Member that the establishment of the college system in legislation, which really reflects something that has already been in place now for several years will, in my view, allow us to make even better use of the money that we have available to us.

Contribution Of Funds From Other Sources Than Government

Incidentally, establishing the Arctic College as a corporate body at some arm's length from the government will allow us to take advantage of funding sources that we have not been able to take advantage of to date as a government-run institution. As Members will know, the act provides for obtaining money through bequests and other kinds of donations. Charitable organizations may be expected to contribute to the college as an independent body, whereas they are not always willing to contribute to a government-run institution. As well, Mr. Chairman, it may be easier to deal with the private sector and to enter into co-operative ventures with the private sector. So I am hoping that this will allow us to make better use of our resources and make our programs even more effective. Of course, the Board of Governors being representative of all regions of the Territories is also, hopefully, a means of making sure that our resources are spread as equitably as possible throughout the Territories. Thank you.

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

MR. NERYSOO: Thank you, Mr. Chairman. I am not going to in any way challenge the intent of the legislation, but I do not think anyone in this House should accept the responsibility of having to deal with the finances of a public institution of this magnitude on an ad hoc basis. It is key that the Government of the Northwest Territories knows the direction that it is going with regard to the post-secondary institutions that it is considering as a part of this particular act.

I raise this because all I have to do is look at our supplementary appropriations and when you are asking in the middle of a term for a budget, a fiscal year, for an instance a third time, when you are asking for \$1.1 million for O and M and \$525,000 for capital, it seems that there is not much planning going on with regard to this structure, or the system. I do not mean to be critical, but I just want to raise that as an important issue, that we have got to do better planning with regard to the finances of this government. If it is to suggest that we are going to need, in the year, \$10 million to implement the program, operations and maintenance plus the capital, I can understand that. But when we are dealing with the idea of the institution, with more money and not knowing what the plans are of government, then it makes it difficult for me to accept the suggestion that this is not an institution or an act that will not create expectation, nor in fact, require the government to respond to the needs of the people of the North. There are certain limitations and I think those limitations have to be recognized.

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

Plan Is Based On Existing Five Year Capital Plan

HON. DENNIS PATTERSON: Mr. Chairman, I would like to assure the Member that in fact a great deal of thought has gone into the development of the Arctic College. The Board of Governors commissioned an extensive study several years ago now about a strategy for developing the Arctic College and we do have in preparation a detailed five year plan for all regions. That plan is based on the existing five year capital plan of this government and it is also based on the operational plan for my department. So it is not a wish list but, rather, it is based on the existing budget and what we know of increases that we might expect to be available to the Department of Education.

I would be quite prepared to present that plan to this Assembly and to the public at the appropriate time. I guess what I am saying, with the greatest of respect to the Member, Mr. Chairman, is that it seems to me, since some of this information depends on approval of the main estimates of the Department of Education, that the appropriate time for presenting this plan would be alongside the budget. I can undertake to the Members that it is my intention to present it at that time and the Executive Council has agreed that it should be presented. So we will have some kind of a long-range idea of what we are getting into and the level of expenditures that will be required. But I can assure the Member that his concerns are uppermost in my mind as well. Thank you, very much.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 7, powers of the Arctic College. Mr. MacQuarrie.

Changes Consequential To Naming Arctic College As The Corporation

MR. MacQUARRIE: For the information of Members of the standing committee, particularly, there are some changes in this clause, from the bill that we reviewed in early September. They are generally consequential amendments that result from naming the Arctic College as the corporation, rather than the board. The note that I have from the government says "Since the Arctic College is now the corporation, the Arctic College is given the powers to hold gifts and bequests of personal property to invest and to borrow. These powers were previously given to the board in section 17. These powers are now contained in section 7 of the bill. The reason for moving the previous section 17 is because all of the provisions dealing with Arctic College appear at the beginning of the bill. In addition, since the gifts and bequests are given to the Arctic College, which is the corporation, it is no longer necessary to state that the board holds the property as trustee for the Arctic College. Therefore references to a trustee were deleted in paragraphs 7(1)(a) and (b) and the previous subsection 17(2) was deleted." So those are the changes that Members will notice.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 7. Mr. Richard.

MR. RICHARD: Mr. Chairman, clause 7(e) authorizes the Arctic College to borrow moneys and presumably the Government of the Northwest Territories would be responsible in the final analysis for repayment of any such moneys. I would like to ask the Minister if there was not consideration

given to putting some limit on the borrowing power. I say that particularly because it appears that the borrowing power is to be exercised for obtaining a line of credit only, as opposed to large scale capital projects. It would appear to me to be prudent to put some maximum limit on the borrowing power on what is, in reality, an agent of the government's purse.

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

Financial Administration Act Would Provide Controls.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I understand that the Financial Administration Act itself, which this section is subject to, would provide clear guidelines about the extent to which this authorization would be made. I do not have the specific sections at hand but I could provide them to the Member. My advice is that those controls are taken care of by virtue of the controls that are in the Financial Administration Act. There is no way that an open-ended line of credit would be established by the Financial Management Board. If that is satisfactory to the Member, namely that the Financial Management Board of the government would authorize this line of credit and set limits based on the budget, the authorized approved budget, then I think his concern is taken care of.

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

MR. McCALLUM: The Minister has made reference to the Financial Administration Act, just recently under clause 7. As he says, the power of the Arctic College to borrow moneys by way of a line of credit, is subject to the Financial Administration Act. There are other references to the Financial Administration Act, not the least of which is the coming into force. I have no difficulty at all with having everything tied up so that everybody knows what goes on.

Provisions Of New Financial Administration Act Not Known.

The only problem that I have with all of this is that the Financial Administration Act was to be tabled at this session -- obviously it is not -- with the idea of coming into force in April. My concern is that if this particular piece of legislation is based, to a great extent, as the Minister has indicated earlier, on the provisions of the Financial Administration Act, then my question is: Is this the Financial Administration Act which we are now working under, or is it the proposed one? Do you want me to go along with something that you are proposing, that I have not seen as yet, that I may not agree with in the first place or that other Members may not agree with? Or are you saying that these particular clauses are based on the old one? I suspect the Minister would respond not to the latter, that it is the old act, but that he will respond that it is based on the provisions of the pending act, of which we do not have any idea what it says in it and we will not have any idea what it says in it, undoubtedly until the budget session.

It is certain that clause 40 of this particular piece of legislation is going to require an amendment, that is the coming into force provision which says, "This act shall come into force on the 1st day of April, 1987." The reason for that, Mr. Chairman, as I understand it, is because that is the date on which the new Financial Administration Act was proposed to come into force as well.

So the questions that we have here and the references that the Minister has made regarding the Financial Administration Act are all very well and good, but it presupposes an act that this House knows something about, when in fact we do not.

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

HON. DENNIS PATTERSON: Mr. Chairman, the answer is that the legislation before the House now is in line with the present Financial Administration Act and will also be in line with the intended new Financial Administration Act, which will replace the present one when considered by the House. Thank you.

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

MR. McCALLUM: Thank you, Mr. Chairman. Then I have to refer to what the Minister had indicated previously, not so much what he is saying under paragraph 7(e). He said at that time, and we will go back to Hansard of this particular committee meeting and suggest that he said that there were

certain changes that were necessary from the last time we met about this act, to what we have now, but that they were put in because they reconciled themselves with changes to the Financial Administration Act -- to bring it more in line with it. I may be proven wrong on that but I am pretty sure, I wrote it down at that time, when he mentioned this particular act. So, I have a further question, Mr. Chairman. Is the Minister now saying that under the proposed new Financial Administration Act and the present one, there are no differences as to the kind of power if you like, the kinds of powers, the kinds of authorities, the kinds of responsibilities the Minister may have or that he may give to the board and/or the Arctic College? Or, for that matter, any particular Minister having his responsibilities and powers exercised for the peace and good government of the Territories?

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

Act Can Co-exist With Both Present And Proposed Acts

HON. DENNIS PATTERSON: Mr. Chairman, to make it clear again, I hope, the Arctic College Act which is now before the House, is perfectly congruent with the Financial Administration Act of the Northwest Territories. It will also fit in perfectly with the new Financial Administration Act which is yet to be approved by this House. There are similar fiscal checks and balances in both the old and the proposed Financial Administration Acts. In sum, Mr. Chairman, if I understand the Member's concerns, this new legislation is not contingent on a new Financial Administration Act. It can co-exist with the present Financial Administration Act and it will also be in line with what we know of changes that may be proposed in the new Financial Administration Act. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. I hope the interpreters picked up the term "congruent". Mr. Nerysoo.

MR. NERYSOO: Just very quickly, with regard to section 7. Are the clause and the changes to the Financial Administration Act a result of these particular authorities, or were they in fact a result of other changes that were occurring in government?

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

HON. DENNIS PATTERSON: Mr. Chairman, as I understand it, the references to the Financial Administration Act in the Arctic College Act are references which will ensure that moneys handled by the Arctic College Board of Governors are handled in a fiscally responsible way; that they are deposited in a bank account and administered under the terms which will ensure that the government has control and full reporting of how those funds are used. The checks and balances that are in this act, referred to in the Financial Administration Act, will not substantially change with any new legislation. Mr. Chairman, if I understand the Member's question correctly, some of the changes in the legislation were the result of other developments than the proposed new legislation, for example, the decision to establish the position of comptroller general. That was something that was deemed to be good management and not flowing from the Financial Administration Act. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 7. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. I am not concerned about the idea of the college being independent. I am concerned though, about the accountability of the college system to the Minister or to this Assembly or to the government generally. Mainly, there are a couple of issues here that are unusual. First, the practice in government right now does not allow for any department or for that matter, any institution, to accept a sort of a gift, grant or devise or bequest of any personal property directly to that particular institution. I believe that that is probably one area you are going to consider changing in the Financial Administration Act.

But with regard to such things as investments, that is unusual. That is not the usual practice in government with the exception of the Workers' Compensation Act. That particular legislation gives the responsibility to the Workers' Compensation Board to do that but they, nonetheless, are accountable to this government. I am concerned and maybe the Minister can give me the assurance that the so-called independence will not be to the extent of not having any relationship to this government or to the Assembly, or accountability to this Assembly with regard to their expenditure of finances. Because I do not think the so-called independence, that I understand, is necessarily the independence of allowing an institution to do what they wish with government money, or for that matter, any type of money that is obligated to the education system and the programs of our government.

CHAIRMAN (Mr. Wah-Shee): Thank you. We will take a 15 minute coffee break at this time.

---SHORT RECESS

CHAIRMAN (Mr. Richard): Bill 1-86(2), clause 7, powers of the Arctic College. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I believe that I should respond to a question asked by Mr. Nerysoo, basically about the accountability of the college system to the Legislative Assembly through the Minister. I would like to comment specifically on the power to accept a bequest in a will or gifts mentioned by Mr. Nerysoo. I agree that this is somewhat unusual, although I should note that the Science Institute of the NWT is also allowed to receive bequests of that kind. But as I mentioned, Mr. Chairman, that is in there in the hope that the college may get some non-government revenues.

Power To Make Investments

Secondly, Mr. Chairman, with regard to the power to make investments, I would like to point out that the board here would be limited to the kinds of investments that this government, itself, is allowed to invest in according to the Financial Administration Act. So the college would have no more latitude than the government does about how it invests moneys that may be in its possession.

I would just like to note on that point that many colleges and universities in the world are substantially funded by interest on trust funds that come from graduates or other kinds of bequests or corporate donations. So I would hope that some day this college system may also derive a significant amount of its money from revenue from investments as a result of those kinds of non-government revenues.

I would just like to generally comment on the questions of the Member. Section 6, in my view, clearly requires the college board to follow the budget. They have administrative control over the expenditure of money but section 6 makes it clear that moneys can be expended only when they have been allotted or appropriated for specific purposes.

As to the accountability of the Minister to the Assembly, I would like to draw the Member's attention to section 8 and particularly the clear power of the Minister to give direction at his or her discretion to the board respecting the exercise of their powers and the performance of their duties. This, to my interpretation, gives the Minister ultimate authority over the board and thereby makes the Minister clearly accountable to the Legislative Assembly for any actions of the board. I have discussed this in detail with the Board of Governors and explained that, at least initially, in establishing an Arctic College system in the NWT, it was a feeling of the Executive Council and undoubtedly the feeling of this Assembly that "the buck stops here". So this board is under no illusions -- and they have approved this legislation -- this board is under no illusions that they are going to be allowed to operate the college without regard to the Minister's authority and the ultimate authority of this Legislative Assembly. So I think from sections 6 and 8, that is abundantly clear. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Clause 7, the Member for Mackenzie Delta.

Revenues Should Be Declared

MR. NERYSOO: Thank you. Just to say on the additional or concern I would have maybe arises out of clause 6 more than anything else, but it also includes the clause 7, where you give the authority to the college to expend a certain amount of moneys. I am not opposed to the idea of trusts or grants or whatever gifts may be accepted by the college. What I do get concerned about is in the budgetary process, if the college does not declare revenues to the government and we are asked to provide finances as a government and as a Legislature, without knowing the kinds of revenues that the college has been able to receive. There is nothing that really indicates an accountability of the revenues as part of the responsibility of the budgetary process. I think it should be of concern to the Minister and really to this Assembly, if we are unaware of that type of information, in deciding the kinds of budgets or financial resources we are going to give to the college.

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

HON. DENNIS PATTERSON: Mr. Chairman, I believe that section 19 does require the preparation of a detailed report showing revenues and expenditures of the Arctic College. This section calls for the submission of that report to the Minister and the tabling of that report before the Legislative Assembly at the first available session following receipt of the report. It is true that the report comes after the end of the fiscal year, but I believe that information would provide the government with a clear knowledge of non-government revenues, which could be accounted for in determining the appropriate budget for the following year. Thank you.

CHAIRMAN (Mr. Richard): Clause 7, powers of the Arctic College. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 8, powers of the Minister. The Member for Yellowknife Centre.

MR. MacQUARRIE: Speaking as chairman of the standing committee on legislation, I would like to call the attention of such Members as are present in the House at this time, to what is a rather significant change in this session from what the committee reviewed at the beginning of September.

At that time section 7(2) said "The Minister shall determine the policy respecting the operation of facilities and student residences of the Arctic College." Section 15(a) said "The board shall determine the policies with respect to the organization, administration and operation of the Arctic College." The committee did raise a question with respect to this, but it was simply a question asking whether there was not a danger of some conflict with respect to the powers of the Minister and those of the board and the president. An explanation was given that the Minister's power was over operation of the buildings themselves, such as construction, repairs and so on, while the board's power was over academic concerns of the college and the president, over operations within the buildings as residences, and so on. Obviously the committee accepted that information because no change was recommended and it was borne in mind by the committee that in the opening remarks the government had indicated that it was attempting to establish a post-secondary education system that was at arm's length from government.

We now see that in 8(2) there is a change and I will read the note in the letter that was sent to me by the government. It says, "Subsection 8(2) was amended on the instructions of the Department of Education who were of the opinion that the Minister should be given more control over the Arctic College. Therefore, the Minister will determine the policy respecting operations, programs and priorities with the Arctic College rather than just the policy respecting the operation of the facilities and residences of the Arctic College." So there again is a fairly significant and fundamental change in the approach on the part of the department that was not initiated at the request of the committee. Perhaps I could ask the Minister -- I know in his remarks made just before I spoke, when he was alluding to another matter he did partly explain this, but I am sure the committee would appreciate a more detailed explanation as to why his department felt that this ought to be the approach that needs to be taken, when a somewhat different approach was being taken early on.

CHAIRMAN (Mr. Richard): Mr. Minister.

Minister Has Authority For Policies And Programs

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would like to emphasize again as I did in response to Mr. Nerysoo, that I think the Board of Governors of the college in considering this legislation accept the fact that, especially with a developing system which is undergoing significant change year by year, it is important, since the government must provide the funds to establish new programs and new campuses, that ultimately the authority for policies and new programs and the cancellation of programs that might be redundant should rest with the Minister.

The intention, however, Mr. Chairman, is to give the board the responsibility for day-to-day administration of the college system. I think the legislation clearly reflects that major responsibility in clause 16, which describes the board's power to determine policies respecting administration. But when it comes to priorities for programs and courses, the board has an advisory function of recommending priorities, programs and budget to the Minister but the ultimate accountability must be to this Legislative Assembly through the Minister because that is how the bills must be paid.

This inquiry that came up from the standing committee on legislation caused the department and the Executive Council to once again carefully review this critical area. It was determined, at least at this point where legislation is establishing a system which we know will be developing, that because of the financial implications mainly, the policy and program planning functions should rest with the Minister. Not that the Board of Governors cannot make and cannot and should not give advice but ultimately, policy matters should be decided by the Minister. At the same time, the Minister need not and should not deal with the day-to-day administrative matters. So these sections on powers of the Minister and the board are attempts to clarify as much as possible that distinction.

I guess, Mr. Chairman, in recommending these, I suppose considerable powers for the Minister of Education, to this Assembly I should say that this is a result of some extensive discussions I have had with other Ministers of Education in other parts of the country, who in times of financial restraint are feeling very much that spending and control of universities and colleges in other parts of the country are in fact out of their hands. I think we have to avoid those kinds of problems in the Northwest Territories as we are developing a system and, as Mr. Nerysoo pointed out, when we have limited resources.

I feel -- and I have discussed it extensively with the Board of Governors -- I feel the board can be an enormous asset to the Minister, that it need not be a confrontational relationship, that in most cases of programs recommended for establishment or cancellation by the board, will be respected by the Minister. In fact, the board can be an enormous asset to the Minister, in effect representing regions and giving input from industry and labour to ensure that the Minister and the department on their own do not make decisions that are against the public interest. So I see that although it may look like the board could have more powers, I see this as working on a co-operative basis and I see the advisory powers as being significant and meaningful. I think any Minister would be loath to reject advice from a territorial board of governors about priorities for new programs. I also see the administrative responsibilities as quite significant, especially if moneys for the staff of the Arctic College are handed over to the board as a contribution which would in effect make administration of quite a significant amount of money their responsibility.

Evolving Institution May Demand More Powers

So that is elaboration on these sections on which we have had some extensive discussion in the Executive Council. I hope that they are clear and also that they make sense to Members who I see as being concerned about accountability to this Legislative Assembly and I think the provisions are clearly erring on that side. It may be in future that the board will earn and demand more discretion and more powers. I see this as an evolving institution and we may get to the stage where a number of provinces and jurisdictions are at in some years but for the moment I have made it clear to the board that I think it is the will of this Assembly and the government that the Minister has the ultimate discretion on these major policy and program issues. So that is the way it is intended. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. At this time the Chair would like to recognize the presence in the gallery of Mr. Ted Blondin, the vice-chairman of the Board of Governors of Arctic College and also Mr. Bill Stapleton, the president of Arctic College.

---Applause

Mr. MacQuarrie.

MR. MACQUARRIE: I notice, Mr. Minister, that subclause 8(3) does empower you to delegate your duties under paragraph 8(2)(a) to the board and specify any term or condition. I think it is true that many Members are concerned about accountability to the Legislature but I think also there is a concern about a reasonable amount of, I guess what you might call academic independence or ensuring that an institution of higher learning has a fair amount of freedom to set priorities and programs along sound educational lines.

Possible Delegation Of Authority To Board Of Governors

So I guess here is my next question. You did say that obviously a Minister would be inclined to accept recommendations from the board, that he would be loath to reject something they had recommended or impose something that they did not want, nevertheless he will have that power. But

rather than just using that method it is obviously possible too that the Minister can, right from the beginning, determine that in certain areas he will delegate his authority to the board and so long presumably as that delegated authority is used in a responsible manner -- which I am sure it would be -- the board would not have to continue referring decisions to the Minister. So I ask the Minister, is there any plan right at the present time with respect to delegation of some of that authority and if it is not to be done immediately, what plans are there for negotiating an arrangement with the board with respect to the exercise of those powers?

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

HON. DENNIS PATTERSON: Mr. Chairman, obviously in the absence of this legislation there have been no formal delegations of powers to the board. In my relations with the board I have tried to respect the collection of experience that they have in a number of areas where they have been asked to make recommendations. Some that just come to mind include the five year plan which was given to the board at their last meeting, in advance of presentation to the Executive Council or the Legislative Assembly. They were asked to review it, consider its fairness to all regions of the Territories and provide advice and provide comments on that plan. We have given the board authority to handle program development in a number of new programs that have been established. I mention the business administration certificate program which is now operating in Inuvik Region, and the administrative studies program which has just begun in the Iqaluit campus. Also they were asked to recommend on a problem, which I think has been discussed in this House, namely how the renewable resources technology program can include more eastern input, eastern students. The board tackled that problem, made recommendations which have been implemented. We have also allocated or transferred two of our education staff members to the authority of the board under the president so that they can continue to have experts to help pursue program development ideas that are coming from the board.

Those are just some examples that come to mind, Mr. Chairman. But I believe, once the legislation is in place then there may be a more formal delegation. I know, also, that some years ago we asked the board for recommendations on tuition fees and the like. I think those powers have been formalized in the legislation under clause 17. But I intend to go as far as is appropriate because I agree with Mr. MacQuarrie that the government does not have any monopoly on wisdom, by any means. I hesitate to raise the matter of academic councils again but that is also another area where the board really clearly would have some independent way of expressing a certain amount of academic freedom. Thank you.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Clause 8. The Member for Mackenzie Delta.

Present Independence And Financial Accountability

MR. NERYSOO: Thank you, Mr. Chairman. I have a concern with one of the comments that was made by the Minister. You talked about the idea of accountability of a Minister or the independence of the board but it is kind of interesting to note that the Executive and the government and the Minister are prepared to provide a five year capital plan to a board of the Arctic College but are not prepared to provide that type of information to Members of the Legislature or the standing committee on finance prior to the discussion on this legislation. Now, I have no problem with the so-called independence but I think there is a certain accountability that has to be recognized. If you talked about independence of the board it certainly reflects the type of independence that exists right now, without necessarily having to give them more independence.

CHAIRMAN (Mr. Richard): Thank you, Mr. Nerysoo. Clause 8. The Member for Slave River.

MR. MacCALLUM: I appreciate the comments of the Minister in response to Mr. MacQuarrie's questions. I recognize what he is attempting to do especially in the climate that we are in. I do not mean temperature-wise. I was under the impression that what we are trying to do would be to set up something that is at arm's length, whereby the educators would be able to direct the college in such a way that it would hold and give credence to some academic freedom and it may very well be that this will do it. But as the Minister has indicated, that is a change. I wonder whether the Minister would agree, though, that the atmosphere has been changed somewhat in this institution as such and that maybe it will not give the educators as much freedom, especially in the area of providing direction in regard to programs or priorities.

Limited Authority May Stifle Educators

I recognize that the board can recommend, if you like, priorities to the Minister for programs and courses and it may be that that will place this government under too great a responsibility to ensure that these programs go on but I had the concern that, though the board may feel comfortable, there may be some stifling on the part of the educators within one or other part of the college, the campuses. I recognized that the Minister can delegate that duty but even where the board may do something in further areas, the board has to get the approval of the Minister in order to do a couple of the things, and I refer specifically to establishing the admission requirements, for example. Establishing committees and assigning tasks to them, the board may do this. I would expect that it is establishing committees of educators within the college or within a particular campus. It seems to me that there has been quite a difference, and again, I say I appreciate what the Minister has indicated. It may come down the road, it may change as things develop, but I am not too sure whether what we have now was what we thought we were going to get and I am not too sure whether this -- even though there are other jurisdictions who wished they may have had it -- is necessarily going to be all of a positive, with positive results.

I would like, Mr. Chairman, to just ask a couple of other questions on clause 8. That is regarding this whole business of the Minister acting as a trustee under paragraph 8(1)(c), that is to "accept and hold as trustee any gift, grant, devise or bequest" and that these sections of the Trustee Act do not apply. I know the change here has been from the Public Trustee Act to the Trustee Act. I wonder if the Minister could indicate to me why sections 51 to 55 of the Trustee Act, the ones that are spelled out here, are excluded? What is the definition of "trustee" that the Minister now is able to act under?

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

HON. DENNIS PATTERSON: Mr. Chairman, to begin with the powers of the Minister and the Member's concerns about possibly stifling some of the input from educators or members of the board who may have their own ideas, particularly about the academic side, I would like to point out to the Member, first of all in the section on the advice from the board on priorities, programs and courses, it is permissive, but section 16 says "the board shall recommend priorities to the Minister for programs and courses". I think it is significant that the word used is "shall". In other words, they have a duty to make that recommendation. I think that politically if that duty is there, then it certainly would imply that their recommendations must be considered by the Minister.

Legislation Requested By Board Of Governors

Secondly, I would like to point out that the Board of Governors does include a representative from the staff of the Arctic College. I think that will ensure some input from educators within the system to the Minister through the board. Finally, Mr. Chairman, I would like to point out that a strong request for this legislation was from the Board of Governors themselves. They have been concerned that they were in kind of a state of limbo, operating under a policy of the government. I think they feel that once they are given statutory recognition here and even powers that may not be as extensive as they might be in other jurisdictions, they will take the ball and run with it and earn their credibility with the Minister by virtue of simply getting on with the job. I am confident that is going to happen. I think that it has already happened over the last couple of years. I think we have a collection now of members who have a sense of ownership of the college system, have a good understanding of it, and have worked quite well together in giving the government quite useful advice in the way of avoiding mistakes.

It is a balance and perhaps when we go through the individual powers clause by clause in sections 16 and 17, the Members may have some fine tuning to recommend. I think the balance is there but there is also quite a degree of flexibility and as I said earlier, it is going to be a relationship that will depend on a good working relationship and mutual respect between the Board of Governors and the Minister, as well as good communication. I think over the past couple of years there have been some lessons learned on both sides about communication. There have been times when I have been blasted for making decisions without informing the board or without getting their advice and there have been times when I have gently informed the board that some of their decisions have financial implications that the Executive Council must be aware of. So although it is a bit hard to know exactly where we are going on this legislation, I feel that the experience we have on the board, having run for a couple of years, will hold well for making this balanced system work.

As to the question regarding the Trustee Act. Mr. Chairman, these sections in the Trustee Act referred to, call for the payment of trustees, sections 51 to 55, which obviously do not apply to the Minister of Education.

CHAIRMAN (Mr. Richard): Clause 8. Mr. McCallum.

Appointment Of Auditor

MR. McCALLUM: Thank you, Mr. Chairman. One further question and that is under paragraph 8(2)(b). It indicates, from what I can understand, that the Department of Finance advised that the auditor should be appointed by the Minister rather than the board. Is this in conjunction with a change to the Financial Administration Act, do you know? Or is it what the Financial Administration Act says now?

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. That section is not a result of any change in the Financial Administration Act. It was simply a measure that was deemed appropriate for this act.

CHAIRMAN (Mr. Richard): Clause 8. Mr. MacQuarrie.

MR. MacQUARRIE: Perhaps I can just add the explanation that I received from the government with respect to the matter of an auditor. It says, "Paragraph 8(2)(b) was added because the Department of Finance advised that an auditor should be appointed by the Minister rather than the board", which earlier legislation had indicated. "A question was raised whether the Auditor General may audit the books of the Arctic College. The Auditor General, pursuant to the Northwest Territories Act, Canada, has the power to audit the spending of public money and therefore he would be able to audit the accounts of the Arctic College and the spending of money given to it by the Government of the NWT. Even though the Auditor General has this power, he may accept an audit conducted by another auditor, rather than conducting his own. It is for this reason that the Minister may appoint an auditor for the Arctic College."

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Clause 8, powers of the Minister. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 9, establishment of board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 10, definition. Mr. MacQuarrie.

Two Board Members From Each Region

MR. MacQUARRIE: During the committee's review, the committee was told that the new format of the board will be different from the present in that it will include two members from each region that is formed by regulation. It was suggested that these would likely be the GNWT administrative regions. By taking account of other members of the board, this might mean as many as 14 board members as opposed to, I believe, 10 at the present.

CHAIRMAN (Mr. Richard): Clause 10. Member for Mackenzie Delta.

MR. McRYSOO: Thank you, Mr. Chairman. If I could ask a question of the Minister, Mr. Chairman. I note that with regard to the appointments and the revocation of appointments, the board members will be representative of the North, or resident. If my interpretation is correct, is that the interpretation to be given?

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. DENNIS PATTERSON: Yes, Mr. Chairman, that is the intention, ordinarily resident in the Territories. Thank you.

CHAIRMAN (Mr. Richard): Mr. Nerysoo.

Value Of Board Members From Southern Canada

MR. NERYSOO: Mr. Chairman, not to suggest that we should not have a board that is representative of the the Northwest Territories, or at least residents of the North, but I am concerned that might in fact be restrictive in terms of other responsibilities that you are giving to the board, and I will give you an example of that. For some of the funding responsibilities or revenue responsibilities that are placed within the hands of the Board of Governors, seeking either private donations or private gifts, it is more appropriate, I think, if you might consider someone that has a reputation that the public of southern Canada might be able to associate with. I think that the idea that you are suggesting here is not to be restrictive in any way to only people that are resident, because you can find people that no longer live here or in fact have never been residents of the North that could be of value to the board and have an interest in the North.

CHAIRMAN (Mr. Richard): Thank you, Mr. Nerysoo. Mr. Minister, do you care to respond to that?

HON. DENNIS PATTERSON: Mr. Chairman, I think that there is merit in that suggestion and what I will perhaps suggest, with the agreement of the committee, is that I could review that section and see whether we can find a way of putting a little bit more flexibility in it. The possibility of ex officio or honorary members or some other way of making it a little bit less restrictive should be looked into. I do not have a ready answer but I would be willing to consider it for tomorrow, or for the next presentation of this bill.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Clause 10, definition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 11, vacancy. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 12, remuneration and expenses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 13, chairperson and vice-chairperson. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 14, executive committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 15, by-laws respecting meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 16, duties of the board. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Richard): Clause 16. Mr. MacQuarrie.

Designation Of Banks

MR. MacQUARRIE: I will provide the information from the letter that was sent to me with respect to a change here. It says that paragraph 16(g), which Members will not see now but was in the bill that we had seen, was deleted since the power to appoint an auditor is given to the Minister and not the board, but it further notes that paragraphs 16(e) and (f) were amended to delete "that money can only be deposited in a chartered bank designated by the Minister". That is what they used to say. "The reason for this change is that the proposed Financial Administration Act will contain a provision respecting the designation of banks, therefore, there was no need to include such a provision in these paragraphs.

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Clause 16, duties of the board. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Richard): The Member for Slave River.

MR. McCALLUM: Well, it begs the obvious question, Mr. Chairman. Under the present Financial Administration Act, is there a provision respecting the designation of banks?

CHAIRMAN (Mr. Richard): Thank you, Mr. McCallum. Mr. Minister, would you like to answer the obvious question?

HON. DENNIS PATTERSON: I will try, Mr. Chairman. There is no provision in the present Financial Administration Act respecting the designation of banks; however, the Financial Management Board has established guidelines respecting the designation of banks. Thank you.

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

MR. McCALLUM: Thank you, Mr. Chairman. In the designation of banks, are we talking about chartered banks or just banks, any institution that may be designated as a bank?

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. DENNIS PATTERSON: This refers to chartered banks, Mr. Chairman.

CHAIRMAN (Mr. Richard): Thank you. Clause 16. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Richard): Are we agreed on clause 16?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 17, powers of the board. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Richard): Mr. MacQuarrie.

Power To Set Fees

MR. MacQUARRIE: At this point in the committee's review it was noted that the president would have the power to set fees for accommodation in residences, when fees for the administration for the college generally were set by the board, and the committee wondered why that should be. In the

response that I have from the government it notes that a change has been made and the explanation is, "Paragraph 17(e) was amended to allow the board, rather than the president, to fix the fees to be paid by students for accommodations in student residences and through boarding programs."

There is a further note on 17 which I may as well read while I am here. "Paragraphs 17(1) and (m) were amended to add that the board may establish one or more academic councils for the Arctic College or a campus of the Arctic College and fix the powers and duties of such a council because the specific provisions earlier were deleted." I know this was the topic of some conversation earlier -- or debate, rather -- and I do not know whether Members wish to pursue it any further.

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Clause 17, powers of the board. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Richard): Mr. McCallum.

MR. McCALLUM: Mr. Chairman, I would like to ask a question of the Minister. In light of the fact that under 17(g) the board has the powers to establish committees and assign tasks to them, is there any need for paragraphs (l), (m) and (n), if in fact he agrees to the setting up of ad hoc committees and that academic expertise, as it were, may very well, I think in his words, be there within the institution itself?

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. DENNIS PATTERSON: Mr. Chairman, I agree that paragraphs 17(1), (m) and (n) are not strictly necessary. The Member is correct that the board has the power in paragraphs 17(g) to establish committees which would accomplish what was intended by academic councils. I think it was spelled out in the act only because it is a term used with other colleges and universities. It was actually a provision recommended in the draft legislation developed by the special committee on education, which was considered in drafting this legislation. But it is not critical or essential that those sections be in the act and if I sense the direction of the committee or the concern of the committee that we may be giving too high a profile to this function or creating something of a monster, then I am quite prepared to delete those paragraphs, (l), (m) and (n). They are not critical to the board, I believe, nor are they critical to the act.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Mr. McCallum, do I hear you with a motion?

Motion To Delete Paragraphs 17(1), (m) And (n), Bill 1-86(2), Carried

MR. McCALLUM: Thank you, Mr. Chairman. I move that paragraphs 17(1), (m) and (n) be deleted and that paragraphs (o) and (p) be relettered to reflect those deletions. Mea culpa.

CHAIRMAN (Mr. Richard): Thank you, Mr. McCallum. Your motion is in order. To the motion. Question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Clause 17, as amended and relettered. Mr. Nerysoo.

MR. NERYSOO: No, Mr. Chairman, I was just going to ask with regard to the renumbering of the clause.

CHAIRMAN (Mr. Richard): I am sorry, Mr. Nerysoo, what was your question?

MR. NERYSOO: I was just going to ask with regard to the relettering of the other paragraphs in that particular clause; (l) and (m) amended.

CHAIRMAN (Mr. Richard): Paragraphs (l), (m) and (n) are now deleted; (o) becomes (l); (p) becomes (m). Clause 17 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 18, delegation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 19, annual report. Mr. Nerysoo.

Accountability Of Board Of Governors

MR. NERYSOO: Mr. Chairman, I raised this particular issue earlier about accountability of the board and I will give you an example as to why. I realize the intent of the legislation was to reflect the process that existed previous to this session, but the reality is that now we have a session possibly in February/March and no session until October. So what you are asking the Assembly to consider is to approve a financial picture and forecast of the college system and what they consider as their activities for a fiscal year seven months into the fiscal year. Now, I do not think any legislature or any elected body would in any way consider that as a legitimate way of considering their expenditures for a particular year. I do not even consider that as possibly the way the government would want to consider a reporting relationship of a board, particularly after the fiscal year has begun. It becomes difficult to base a budget on a forecast of that nature some time into that particular fiscal year. So I am wondering if we might be able to reconsider that particular section and change it so that there is a reporting relationship during the budget process, and the auditing of their financial statement later on into the year, but not the so-called budget and the forecast process. I think there will be a situation where it confuses the government and confuses the Members of the Legislature. I just want to be sure that the process is changed to reflect the situation.

CHAIRMAN (Mr. Richard): Mr. Minister.

HON. DENNIS PATTERSON: Mr. Chairman, I would like to make it clear that the report contemplated in section 19 is for the preceding fiscal year. It is a report that is to be prepared within three months after the end of the preceding fiscal year, March 31st in a year. It is immediately given to the Minister and then the Minister tables it at the first opportunity when the Legislative Assembly next sits. I agree with the Member that would probably not be until the fall. That is, the Legislative Assembly would formally receive the report for the preceding fiscal year in the fall of the following fiscal year. Mr. Chairman, the board's estimate of its budget is going to be presented to the government before the fiscal year begins under section 16(c). They have to prepare an estimate in advance of the fiscal year, so in my view, Mr. Chairman, there is power as well for the Minister to obtain an audit and appoint an auditor at any time. So I feel this college system would not be any different than any other body that is accountable to the government. Their financial reports come out after the end of the fiscal year, and I think three months is a reasonable time, but their estimates of expenditures have to be given in advance of the fiscal year in accordance with the budget development process. I am not sure that I see that timing is difficult except that it is true the Legislative Assembly will not likely receive the report within three months after the end of the fiscal year. The Minister will receive it, though. I hope that clarifies the matter. Thank you.

CHAIRMAN (Mr. Richard): Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. That may clarify it but that still does not respond to the concern I have, and I think that the government should be concerned about it because the reality is that the so-called accountability rests with the Legislature and to the Legislature and it also rests in having this particular report fall in our House. I want to make it clear that this practice is going to be unusual, in the terms that even in some instances there is a certain accountability on the part of other agencies in our government during the budget process.

I think that you have to be very clear yourselves, as a government, as to whether or not you are going to allow this type of process to occur. I, for one, cannot accept the idea of having the report seven months into a budget year as a Member of this Legislature that has to account for the expenditures of a significant agency of our government. So I think that the government has to be very clear about this. I know that the legislation was developed prior to the decision made in the last Assembly but none the less, it still has an effect on the reporting process. I think there is a need for the government to review the legislation as proposed and maybe bring in the appropriate changes because there is no need to consider time periods with the reality that those time periods are not going to be met.

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

Financial Accountability Likened To Housing Corporation Or Workers' Compensation Board

HON. DENNIS PATTERSON: Mr. Chairman, I think I understand the Member's concern: namely, as an agency, if the college was operating as a government department, there would be monthly or quarterly reports giving me up-to-date financial circumstances. Whereas with the Arctic College, the report will come at the end of the fiscal year, within three months after the end of the fiscal year. I guess the reality, Mr. Chairman, is that since the board has been delegated responsibility for administration of the budget, then it is up to the board to hold the president accountable for expenditures day to day and month to month. It is up to the board to ensure that the expenditures are in line with the approved budget. It seems to me that this is the way that the Housing Corporation, for example, operates. Its moneys are granted by contribution. It is not part of the government's financial information system and it reports annually to the Legislative Assembly. It may also be true of the Workers' Compensation Board and other agencies that operate at some length from the government system. My feeling about accountability, Mr. Chairman, is that the Minister must present and defend the estimates each year before the Legislative Assembly and be fully accountable for any problems that may have arisen the previous year. It seems to me that that is no less than we expect of the Housing Corporation, for example, or the Workers' Compensation Board. So, I will undertake to review the section as far as timing is concerned, as the Member suggests. But without the benefit of advice from experts, I am not sure that there is a problem here, or at least that there is no more a problem than we also have with other bodies that operate. There is the same kind of relationship that we have with other bodies that accept moneys on a contribution basis. So there is that lack of month-to-month, day-to-day control but I think that it is desirable that the college be removed a step from the government system and have the flexibility and the responsibility that this legislation provides. But I will review it again, carefully, Mr. Chairman, and ensure that this board is being treated no differently than any other board that receives funding by way of contribution. Thank you.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Clause 19, annual report. Agreed? Mr. MacQuarrie.

MR. MacQUARRIE: Just a note that information from the government indicates, "Subsection 19(3) was added" -- it was not present in the earlier draft -- "at the request of the Department of Finance. It clearly states the contents of the auditor's report."

CHAIRMAN (Mr. Richard): Thank you. Clause 19, annual report. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Thank you. Clause 20. Mr. MacQuarrie.

President's Appointment

MR. MacQUARRIE: Again, a note of information that subsection 20(3) was added to clearly state that the appointment of the president is made notwithstanding the Public Service Act. That clause was not present before.

CHAIRMAN (Mr. Richard): Thank you. Clause 20, president. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Thank you. Clause 21, duties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 22, vice-president. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 23. Mr. MacQuarrie.

Vice-President's Appointment

MR. MacQUARRIE: Yes, a similar addition, subsection 22(4), in order to clearly state that the vice-president is appointed also notwithstanding the Public Service Act. But both president and vice-president are members of the public service or employees of the public service.

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Clause 22, vice-president. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Thank you. Clause 23, appointments of officers and employees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 24. Agreed? Mr. MacQuarrie.

Other Employees

MR. MacQUARRIE: Yes, again, information from the government with respect to both 23 and 24. "Subsection 23(1) was amended to clarify that the Minister responsible for the Public Service Act appoints the officers and employees" of the Arctic College "other than the president and vice-president. Also, subsection 23(2) was added to clearly state that the persons referred to in subsection 23(1) are public servants." And then with respect to section 24, the information says, "The Department of Education added a new section 24 which allows the Arctic College to employ such officers and employees as it deems necessary notwithstanding section 23. In addition, these persons" -- that is the latter -- "are not public servants."

CHAIRMAN (Mr. Richard): Thank you. Clause 23, appointment of officers and employees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 24, Arctic College employees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 25. Mr. MacQuarrie.

Student Associations

MR. MacQUARRIE: In committee when this section was reviewed there was some concern about the manner of eligibility of students for enrolment in the student association and the government's note here says, "Section 25, previously section 27, is amended as requested by the committee, so that every student of the Arctic College is eligible for membership in the student association for the campus in which he is enrolled."

CHAIRMAN (Mr. Richard): Thank you. Clause 25, establishment of student associations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 26. Agreed? Mr. MacQuarrie.

MR. MacQUARRIE: What is now section 26 was previously section 28 and it has been amended. Again, just to make clear, an amendment to make clear that the student council cannot set the criteria for membership in the student association but, as noted earlier, every student of Arctic College is eligible.

An additional note, "There was a question raised at the standing committee on legislation as to whether a student council need to be a body corporate to protect its liability. Legislation division has reviewed this question and considering the types of activities that student councils organize and are responsible for and, that they are a creature of the college, it would appear that the liability would rest with the Arctic College. Also, presently they can be dissolved by the board, but if they were a body corporate this would not be possible."

CHAIRMAN (Mr. Richard): Thank you. Clause 26, election of student council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 27, petition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 28, transitional. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 29, investigation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 30, power of Minister. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 31, administrator. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 32, powers and duties. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, if I could just go back to clause 31 if I may momentarily.

CHAIRMAN (Mr. Richard): Certainly, Mr. MacQuarrie. We are back to clause 31.

Administrator's Office

MR. MacQUARRIE: Just to provide information again. It notes, "As requested by the standing committee on legislation, subsections (3) and (4) of the former section 33, which is now section 31, were reversed in their order. Subsection 31(4) was reworded to clearly state that the administrator should hold office until the members of the board are appointed."

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Clause 31, administrator. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 32, powers and duties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 33, administrator deemed to be board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 34, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 35, Arctic College. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 36, campuses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 37, Board of Governors. Agreed? Mr. Nerysoo.

MR. NERYSOO: I could not get out of this without -- clause 36. Is there going to be an amendment there that recognizes the Inuvik campus?

CHAIRMAN (Mr. Richard): Mr. Minister, are we going to recognize the CF campus?

HON. DENNIS PATTERSON: Mr. Chairman, if I can have an undertaking from the chairman of the standing committee on finance to be kind when the supplementary appropriation for the Inuvik campus is presented, I am prepared to recommend an amendment. In fact, Mr. Chairman, it is no secret that it has been only last week approved that the former Canadian Forces Base in Inuvik will be transferred to the GNWT for a dollar and the Executive Council has approved the establishment of a campus in Inuvik which will begin operation, it is planned, in January, 1987. As a matter of fact, I was in Inuvik this past weekend to announce the establishment of that campus and the first programs which will be offered there so I think it is appropriate that section 36 be amended to recognize that new campus. I think the reason it is not in the draft that is before the House is that the turnover of the base was at that time and in fact until last week not complete. So I accept the Member's suggestion as being appropriate. Thank you.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. With that undertaking, Mr. Nerysoo, are we agreed on clause 36?

Clause 36, campuses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 37, Board of Governors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 38, appointments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 39, employees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 40. Mr. MacQuarrie.

MR. MACQUARRIE: A point of information again. The early act that we saw had indicated that it would come into force on a day to be fixed by order of the Commissioner. Now, the information I have, "Section 40, formerly section 42, was amended to bring the coming into force in line with the beginning of the financial year. This act is to come into force on 1st day of April, 1987, the date on which the new Financial Administration Act is proposed to come into force." That is being done with a great deal of confidence, apparently.

CHAIRMAN (Mr. Richard): Thank you, Mr. MacQuarrie. Clause 40, coming into force. The Member for Slave River.

MR. McCALLUM: Mr. Chairman, I just wanted to know, does that necessarily follow -- this act will come in on April 1, 1987. If the Financial Administration Act does not come into effect at that time, is it the government's plan to make it retroactive?

CHAIRMAN (Mr. Richard): Mr. Minister.

Arctic College Act Not Dependent On New Financial Administration Act

HON. DENNIS PATTERSON: Mr. Chairman, this act does not depend on a new Financial Administration Act. It fits into the present Financial Administration Act and it is also designed to fit into the proposed amended Financial Administration Act when it will be presented to the House. So it is not necessary to make it contingent on the new Financial Administration Act. Thank you.

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Clause 40, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 41. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Clause 42, exemption. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Does the committee agree that this bill is ready for third reading? Mr. Minister.

HON. DENNIS PATTERSON: Mr. Chairman, I did say that I promised that I would review the section on appointment of members to the board, section 10, to see whether we could find a way of possibly appointing non-residents who may serve for certain purposes. I also promised to review the timing provisions in section 19. I would propose, Mr. Chairman, that with the committee's approval perhaps I might be given an opportunity tomorrow in committee of the whole to report back on those matters. Do I also understand that there was an amendment agreed to on section 36 which should be added to section 36?

CHAIRMAN (Mr. Richard): Thank you, Mr. Minister. Mr. Nerysoo, did you wish to make a motion now to amend section 36 or do you want to do that another time?

MR. NERYSOO: Mr. Chairman, I think that the Minister can come in with the appropriate amendments so that he can bring it to the House.

CHAIRMAN (Mr. Richard): Committee has heard the Minister. Is the committee agreed that we will defer this bill for further consideration possibly tomorrow? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Richard): Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, I wonder, in view of the hour, if we might report progress and consider the remaining items on our agenda tomorrow?

CHAIRMAN (Mr. Richard): Are you making a motion, Mr. Butters? It is moved that committee report progress. All those in favour? Opposed, if any? The motion is carried.

---Carried

Mr. Patterson.

HON. DENNIS PATTERSON: That is fine, Mr. Chairman. I basically wanted to just confirm that it is really with respect to only those three issues that I am going to report back. Otherwise the bill is ready for third reading.

Contribution By Standing Committee On Legislation On Bill 1-86(2)

CHAIRMAN (Mr. Richard): Yes, that is understood, Mr. Patterson. The committee would like to thank you, Mr. Minister and your witness, Mr. Lovely. The committee would also like to recognize the contribution of the standing committee on legislation on this bill.

---Applause

We will rise and report progress.

MR. SPEAKER: I will call the House to order. Mr. Richard.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 1-86(2), ARCTIC COLLEGE ACT

MR. RICHARD: Mr. Speaker, your committee has been considering Bill 1-86(2), Bill 8-86(2) and Bill 4-86(2) and wishes to report that these bills will require further consideration.

Motion To Accept Report Of Committee Of The Whole, Carried

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

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

SOME HON. MEMBERS: Agreed.

---Carried

MR. SPEAKER: Item 19, orders of the day. Mr. Clerk.

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. There will be a caucus meeting tomorrow morning at 9:30 a.m.

ITEM 19: ORDERS OF THE DAY

Orders of the day for Tuesday, October 21st, at 1:00 p.m.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Oral Questions
6. Written Questions
7. Returns to Written Questions
8. Replies to Opening Address
9. Petitions
10. Reports of Standing and Special Committees
11. Tabling of Documents
12. Notices of Motion
13. Notices of Motion for First Reading of Bills
14. Motions
15. First Reading of Bills
16. Second Reading of Bills

17. Consideration in Committee of the Whole of Bills and Other Matters: Bills 1-86(2), 8-86(2), 4-86(2)

18. Report of Committee of the Whole

19. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Tuesday, October 21st, at 1:00 p.m.

---ADJOURNMENT

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