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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, OCTOBER 29, 1986

MEMBERS PRESENT

Mr. Angottitauruq, Mr. Appaqaq, Mr. Arlooktoo, Hon. Michael Ballantyne, Hon. Tom Butters, Hon. Tagak Curley, Mr. Erkloo, Mr. Gargan, Mrs. Lawrence, Mr. MacQuarrie, Mr. McCallum, Hon. Bruce McLaughlin, Mr. 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 Wednesday, October 29th.

Item 2, Ministers' statements. Item 2, Ministers' statements. There do not appear to be any Ministers' statements for today. Item 3, Members' statements. Mr. McCallum.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Conduct Of Government Business

MR. McCALLUM: Thank you, Mr. Speaker. As I was saying a week or so ago before I was interrupted, I am very concerned with the manner in which this present government goes about the business of governing people: spending money without legislative approval; calling and delaying sittings of this House; delaying the tabling of legislation; setting off in directions without stated policies. It is no wonder that this has been, to use the words of my colleague, Mr. Patterson, who is a Minister and an MLA, "a very boring session". There has been little to do. Whose fault is that?

We MLAs review government initiatives, we authorize government expenditure. If these are not placed before us then there really is nothing to do. MLAs and other northerners, as the Minister has indicated, will not give up when the going gets tough. I only wish that Mr. Patterson had said that about a year and a half ago when he was a member of the NCF. Perhaps then his aspirations would be better moved along and other NCF members would have known how strong an individual he really is.

I am very concerned to hear Members of this House rise to criticize and support the so-called recycled concepts from the South. It moves one to reconsider one's plans just to ensure that a basic tenet of democracy will come about; that is, the right of voluntary association. Whether present MLAs like it or not, the concept of party politics, like Nunavut, will not go away. In the face of these new and possible changes such as party politics, which I have and will continue wholeheartedly to endorse, and the possibility of new blood coming into this Assembly in 1987, this tired old body filled with a lot of tired old blood will maybe be able to get a transfusion and make an attempt to return here. I would not miss it for the world.

---Applause

MR. SPEAKER: Item 3, Members' statements. Mr. Patterson, Members' statements.

Member's Statement On Cigarette Smoking

HON. DENNIS PATTERSON: Mr. Speaker, I am very concerned that cigarette smoking has reached epidemic proportions in the NWT.

HON. TAGAK CURLEY: Hear, hear!

HON. DENNIS PATTERSON: Mr. Speaker, data I have just received from the Department of Health indicate that in 1983, 151 million cigarettes were sold in the NWT, or 1.5 million packages or about eight cigarettes per day per man, woman and child. Mr. Speaker, over one-third of the cancer deaths in the Northwest Territories are due to lung cancer, which is probably caused by smoking. Mr. Speaker, these are deaths we can prevent by encouraging people to stop smoking. Mr. Speaker, our government has been in receipt of a proposed policy to eliminate and reduce smoking in the work place since last June. Our government should set an example for the people of the Northwest Territories before we expect the general public to follow. And for those who do not smoke, second-hand smoke is twice as lethal as what smokers inhale. Mr. Speaker, most smokers want to stop. Nobody wants to die of lung cancer. This is to encourage our government and Mr. McLaughlin to bring this policy forward so our government can set an example and send a strong message to the people of the Northwest Territories that smoking is costly and deadly. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. Patterson. Item 3, Members' statements. Mr. McLaughlin.

Member's Statement On Disposition Of NCP Facility In Edmonton

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. It has recently come to my attention that the NCP headquarters in Edmonton, the facility that they operate out of, has been promised to another crown corporation -- namely, CBC, in order for them to operate CBC West out of it. Mr. Speaker, the facility in Edmonton is owned by the ratepayers of the Northwest Territories and the Yukon. That is where they got the money to pay off that building and I think that for the previous Minister of Indian Affairs to have made that commitment was a mistake and the decision as to what to do with that building should be left to the two territorial governments who are taking over the responsibility for NCP in their own jurisdictions. Mr. Speaker, everybody knows there is a recession in Edmonton right now. The real estate values have dropped tremendously so perhaps the Yukon and Northwest Territories governments might want the option of leasing out that building until such a time as the real estate market changes in Edmonton, before it is sold. Specifically, what I am saying is that the ratepayers of the Northwest Territories who pay electrical rates own that building, and a commitment like that should not be followed through by the federal government. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. McLaughlin. Item 3, Members' statements. Mrs. Lawrence.

Member's Statement On Little Buffalo River Bridge And On Elders' Units, Fort Resolution

MRS. LAWRENCE: Thank you, Mr. Speaker. First of all I would like to thank the Hon. Gordon Wray for his support in getting a bridge over the Little Buffalo River. I was very impressed with how quickly the work on the bridge was completed and I had the chance to drive over it recently. Unfortunately, we could not make the official opening because the weather would not allow us to go into Fort Res last week but we will make another attempt on Friday.

Mr. Speaker, I am also very pleased with the result of a pilot project this summer in Fort Resolution to build four two-room units for elders at a minimum cost. This is really an ideal project for the community and the people living in it are very happy. The community worked hard on this project with the support of the Housing Corporation in Hay River and the Minister responsible for the Housing Corporation. I encourage the Minister to consider a similar project for Snowdrift and other communities. Mahsi cho.

MR. SPEAKER: Thank you, Mrs. Lawrence. Item 3, Members' statements. Mr. Gargan.

Member's Statement On Northland Utilities

MR. GARGAN: Thank you, Mr. Speaker. Mr. Butters, the Minister responsible for Energy, Mines and Resources announced during this session that the Executive Council has decided to establish a fully integrated utility operation in the Northwest Territories. This means that the operation of NCP

by Northland Utilities is no longer being considered. As the MLA for one of the constituencies not serviced by NCPC, I would like to express my appreciation to Northland Utilities for their excellent services provided to Fort Providence, Kakisa and Hay River Reserve.

The company has been very accommodating in many cases where new houses are being built. Northland Utilities' crew has come into the community well ahead of the completion of the construction. Northland's power rates are lower than those of NCPC and Northland has been very considerate in cases where subscribers have had problems in paying their bills, especially in cold weather. Presently in the community where there are diesel-operated generators it is costing the community 15 to 20 per cent more. Northland Utilities has proved they have the ability to provide reliable and economical service responsive to the consumers' needs. Although it is the government's intention to establish a crown corporation, I still feel this issue should be discussed in the House with regard to the options. Further, that the Minister of Finance should table the Olsen Report on the transfer of NCPC.

In addition, Mr. Speaker, some of the eastern MLAs are concerned about the Housing Corporation's user-pay policy. When I made a motion supporting this system last year, it was done with good intentions but I realize the policy has caused some hardship. It is now one year since this policy was put in place and it should probably be reviewed. Members with concerns about the user-pay policy...

MR. SPEAKER: Thank you, Mr. Gargan. Members' statements. Mr. Wah-Shee.

Member's Statement On Conduct Of Former Civil Servants

MR. WAH-SHEE: Thank you, Mr. Speaker. I am very concerned in regard to the policy or lack of an existing policy within the administration in regard to the top management and the type of agreement that should exist between the deputy ministers and top management of the territorial administration in regard to how they conduct themselves once they leave their posts. I have been looking into the previous Hansard and I find that the following information might shed some light for the present administration.

Ms Cournoyea, on a number of occasions, has raised the issue in the House and, just to refresh the memory of the Executive, I will note the following. On November 7th, 1980, a motion was carried, Motion 57-80(2), which basically was "to investigate and prevent further incidents of civil servants from using knowledge to set up businesses". And that particular motion was carried. Again on February 9th, 1981, Ms Cournoyea asked a question regarding ex-employees using expertise and knowledge of government operations to further their careers.

Again on February 10th, 1981, Mr. Braden, the Leader at that time, and the Commissioner responded to a question indicating that there is no policy to restrict ex-employees but that they are open to suggestions and a further examination of the issue. Reference to a two-year restriction on federal deputy ministers was made at that time. Again, February...

MR. SPEAKER: Thank you, Mr. Wah-Shee. Members' statements. Members' statements. Members' statements. Order, please. That appears to conclude Members' statements for today. Item 4, returns to oral questions. Returns to oral questions. Mr. Government Leader.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 072-86(2): Return To Question 300-86(1) Re Hiring Practices

HON. NICK SIBBESTON: I have a return for Mr. Pudluk on the question asked regarding the hiring practices of polar continental shelf project.

Polar continental shelf project operates base camps in Resolute Bay and Tuktoyaktuk. At present none of the project's 14 employees are Inuit although in the past as many as five local people have been employed by the project in the two communities.

I am informed that the project has had difficulty keeping local employees because of the low level and relatively low pay of most of the available jobs. Many of the positions with this scientific project are technical and there have been difficulties in finding skilled people at the local level. The federal government is now examining this issue and are trying to identify vacancies

that can be filled by local people. They are also reviewing some of the higher level positions to determine if a local person might be trained to take over one or more of these jobs. If the situation does not improve in the coming year, I will write to the federal Minister on this matter.

MR. SPEAKER: Thank you, Mr. Government Leader. Returns to oral questions. Mr. McLaughlin.

Return To Question 0121-86(2): Social Worker's Caseload, Pond Inlet.

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I have a return to Question 0121-86(2), asked by Mr. Erkloo, concerning a social worker in Pond Inlet.

My department is aware of the heavy workload presently carried by the community social service worker in Pond Inlet. We have identified the need for additional staff and recommended in the operational plan an addition of one supervisory position to be responsible for both Pond Inlet and Igloolik. This position has been approved by the Financial Management Board for inclusion in the 1987-88 main estimates. Subject to approval by the Legislative Assembly of the additional staff person, this will alleviate some of the pressure presently being felt by our staff member in Pond Inlet.

MR. SPEAKER: Thank you, Mr. Minister. Returns to oral questions. Mr. Wray.

Return To Question 093-86(2): Tabling Of Local Government Legislation

HON. GORDON WRAY: Thank you, Mr. Speaker. I have a return to Question 093-86(2), asked by Mr. Paniloo on October 24th, as to the status of local government legislation.

On Tuesday, October 28th, 1986, I tabled the following bills of local government legislation which are proposed to replace the present Municipal Act: the proposed Cities, Towns and Villages Act; the proposed Hamlets Act; the proposed Charter Communities Act; the proposed Settlements Act; and the proposed Local Authorities Elections Act. I also tabled a Statement of Intent on the Proposed Property Assessment and Taxation Act. Thus, five of the six bills proposed in this program of local government legislation are now available to the public. I will welcome the comments of municipal governments, settlement and band councils, regional councils, the NWT Association of Municipalities, the Dene Nation and other interested organizations, as well as from the public. I will also look forward to the deliberations of the standing committee on legislation on the proposed legislation between now and the winter session.

MR. SPEAKER: Thank you, Mr. Minister. Returns to oral questions. Mr. Pedersen.

Return To Question 085-86(2): Restrictions Re Territorial Government Policies

HON. RED PEDERSEN: Thank you, Mr. Speaker. I have a return to Question 085-86(2), asked by Mr. Richard on October 23rd, regarding restrictions on public servants.

In response to Mr. Richard's query regarding restrictions on public servants, representatives of my department have sought a legal opinion on the matter. Section 33(1)(e) which was referred to, provides that: "33(1) Subject to this section, an employee, including a teacher as defined in the Education Act, shall not (e) publicly criticize the policies of the Government of the Northwest Territories unless on a leave of absence granted pursuant to subsection (4)." While the Canadian Charter of Rights and Freedoms, in section 2, guarantees certain fundamental freedoms, including freedom of expression, these guarantees are subject to "such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society".

It is the opinion of our legal advisers that although there have been no decisions directly on this point under the Charter of Rights and Freedoms, if one extrapolates the principles set forth in the Supreme Court decision in a case known as the Neil Fraser case, the absolute prohibition against public criticism of a government by a public servant such as that contained in section 33(1)(e) of the Public Service Act could be expected to be found by a court to be offensive to the guarantee of freedom of expression which is found in the Charter of Rights. However, also on the basis of the Fraser decision it is likely that the courts would recognize that some limitation on the freedom of expression of public servants would come within the "reasonable limits" exception of the charter.

Until further judicial interpretation directly on this point is forthcoming it is unclear as to precisely where the line would be drawn.

I will be reviewing section 33 of the Public Service Act and I will take into account all documentation, including but not limited to, the submission to the standing committee on legislation on proposed amendments to the Public Service Act by the NWT Public Service Association, the current guidelines in the province of Saskatchewan, the law reform commission of Ontario's examination of the issue, as well as the political rights of employees under the British parliamentary system. The honourable Member and this House will be advised of further developments in this matter. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: Thank you, Mr. Minister. The Chair would like to recognize in the gallery, His Worship Mike McGrath, the mayor of the city of Yellowknife. Welcome to the House.

---Applause

Returns to oral questions. Mr. Curley.

Further Return To Question 0113-86(2): System Governing Fuel Rates

HON. TAGAK CURLEY: Mr. Speaker, I have some returns and I would like to deal with them at this time. Return to Question 0113-86(2), asked by Mr. Sam Gargan on October 28th, 1986. The Member asked why heating oil at Fort Providence costs 38.2 cents per litre while at Hay River it costs 31 cents per litre.

My staff have looked into this and have determined that the fuel distributor in Fort Providence is the Snowshoe Inn who have no affiliation with any major oil company. The inn purchases its product directly from the oil agencies in Hay River and the difference in price reflects its operating cost to transfer the product and its profit margin.

Mr. Speaker, further, on October 28th, 1986, the Member asked if it is normal practice to charge a call-out fee of \$35. My officials have checked with Esso in Yellowknife who do charge a \$75 fee for call-outs to customers who are not on automatic delivery. In Hay River, Esso charges \$50. These call-out fees seem appropriate and are set high to encourage customers to check their tanks and have them filled up during normal operating hours.

Further Return To Question 086-86(2): Problems In Request For Alternative Oil Agent

Return to Question 086-86(2), asked by Mr. Appaqaq on October 23, 1986. The honourable Member asked if it was possible for another oil company to deliver petroleum products in Sanikiluaq. I honestly do not believe that another company would be interested, but I have instructed my officials to develop long-term options on how Sanikiluaq could be provided with petroleum products and determine the impact to the GNWT and the community. I will advise the Member at the winter session of the results of our findings.

MR. SPEAKER: Thank you, Mr. Minister. Returns to oral questions. That appears to conclude this item for today. Item 5, oral questions. Mr. Wah-Shee.

ITEM 5: ORAL QUESTIONS

Question 0130-86(2): Formation Of New Power Corporation

MR. WAH-SHEE: Thank you, Mr. Speaker. I have a question for the Minister responsible for Energy, Mines and Resources regarding the planned devolution of NCPC. Could the Minister tell me the intention of the government as it relates to the structure of the new power corporation? Will it be a crown corporation or a private corporation? Has that decision been made or will the Members of this House have an opportunity to debate the merits in terms of the direction of the formation of this new power corporation?

MR. SPEAKER: Mr. Minister.

Return To Question 0130-86(2): Formation Of New Power Corporation

HON. TOM BUTTERS: No, the decision has not been made of the eventual framework. And, yes, the Members will have an opportunity to debate the decision. I would hope that there will be another report to the House in mid February which will deal with a lot of the elements of the devolution.

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

Supplementary To Question 0130-86(2): Formation Of New Power Corporation

MR. WAH-SHEE: Thank you, Mr. Speaker. Will the new power commission be under the authority of the Public Utilities Board?

MR. SPEAKER: Mr. Minister.

Further Return To Question 0130-86(2): Formation Of New Power Corporation

HON. TOM BUTTERS: The Public Utilities Board is the regulatory body in the Northwest Territories to provide this type of service so I would expect that it would be looking at the corporation as it currently does with regard to NCPC. I would just like to clarify my other answer. When I suggested that we would be devolving an NCPC-like structure in the Northwest Territories, which would be functioning as a crown corporation now, that is what we will be doing. There may be a requirement in the future, in terms of economy, to look at another arrangement, but we now have the options to do that. Had we moved in the direction of Northland Utilities, we would not have had any other options and this is where I take exception to the remarks of Mr. Gargan in his Members' statement. Northland Utilities is still a very active proponent, which has a proposal before our government that is under active consideration, along with one made by NTCL/Montreal Engineering. So these options remain out there for consideration at a future date.

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

Supplementary To Question 0130-86(2): Formation Of New Power Corporation

MR. WAH-SHEE: Thank you, Mr. Speaker. I am not too clear on your response, Mr. Minister. Are you indicating to me that the new power corporation, whether it is crown or private, will be administered under the authority of the Public Utilities Board? That was really my question and I would like to know if that is the case. If that is not the case, then what are the other options that we are looking at?

MR. SPEAKER: Mr. Minister.

Further Return To Question 0130-86(2): Formation Of New Power Corporation

HON. TOM BUTTERS: It would be administered under the NWT Energy Corporation Act which was put in place during the last session. It would be regulated under the Public Utilities Board.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Mrs. Lawrence.

Question 0131-86(2): Subsidy For Child Care Costs

MRS. LAWRENCE: Thank you, Mr. Speaker. I have a question for the Minister responsible for Social Services day care policy and subsidy for child care costs. Are these child care costs applicable to all residents of the Northwest Territories or only to large centres such as Yellowknife?

MR. SPEAKER: Mr. Minister.

Return To Question 0131-86(2): Subsidy For Child Care Costs

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I thank the Member for giving me advance notice of the question, which was also raised at a public meeting on child care held at Yellowknife city hall a couple of nights ago. Mr. Speaker, there has been difficulty with the publicity of this child care plan. Apparently when that was put into place several years ago, there was publicity involved with it but there is a lack of knowledge by the general public that this is available to all residents of the Northwest Territories.

Mr. Speaker, the Department of Social Services currently subsidizes day care in the NWT through the social assistance program. People who require day care can apply for a subsidy at their local social services office. The social worker calculates the subsidy using a needs test based on income and the cost of basic needs. The assessed income is net monthly income; that is, after

taxes and benefits have been discounted. The cost of basic needs is set out in the social assistance regulations, and for day care applicants includes the following monthly costs: Food varies according to the size of family and location; clothing, \$20 per person; household, \$20 per household; personal, five dollars per person; rent, actual cost; utilities, actual cost; work-related expenses, \$140; telephone, \$10; day care, actual, up to \$20 a day. The day care subsidy is the difference between total income, less a worker-incentive deduction of \$100, and the total cost of basic needs, up to the amount of the monthly day care expenses.

The Department of Social Services prepared a brochure on the day care subsidy program several years ago. In addition, the department has recently distributed a booklet entitled "NWT Social Assistance: A Guide for Clients", to all communities, which includes a description of the day care benefit. These booklets are available at social services offices and in many communities will be available at nursing stations and hamlet offices. With the co-operation of the Department of Culture and Communications, the department will then prepare a special flyer and poster describing the day care program; an Anik Info spot for TV reception; and will arrange for interviews describing day care with social workers in the communities that have local radio and newspapers. The department is also preparing a news release on our current day care subsidy program. Mr. Speaker, the Department of Social Services is currently reviewing its entire approach to the provision of assistance for day care. Thank you.

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

Supplementary To Question 0131-86(2): Subsidy For Child Care Costs

MRS. LAWRENCE: Thank you, Mr. Speaker. Does this mean then that we do not have to have a recognized day care centre in the communities and that they can just use a local home or a good reliable home?

MR. SPEAKER: Mr. Minister.

Further Return To Question 0131-86(2): Subsidy For Child Care Costs

HON. BRUCE McLAUGHLIN: Yes, Mr. Speaker. All that is required is that the applicant has to show that they do not have the income necessary to purchase the service which they are needing in their own community. Thank you.

MR. SPEAKER: Oral questions. Mr. Paniloo.

Question 0132-86(2): Sale Of Polar Bear Bladders

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I would like to ask this question to the Renewable Resources Minister. In our home, the polar bear quota is 15 per year and we are starting our yearly hunting season. If we can have sport hunting established some quotas can be bought from our quota. For bladders of polar bears they are paid \$40. I would like to know if it is more expensive to buy polar bear bladders in the South. Can you let me know what type of price rating they have in the South and who buys polar bear bladders in the South? We are not familiar with the reason that they want to buy bladders and how they organize the retail system. In some communities, I know that they sell them at \$800 a bladder. I would like to find out whether there are regulations in regard to the selling of bladders, trading of bladders and what they use them for. Thank you.

MR. SPEAKER: Mr. Minister.

HON. RED PEDERSEN: Thank you, Mr. Speaker. I will admit total ignorance on the point the Member is raising but I will undertake to find out the answer for him. I am really sorry that I know nothing about it.

MR. SPEAKER: He is taking the question as notice. Oral questions. Mr. Paniloo.

Question 0133-86(2): Five Year Capital Plan For Housing

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I would like to ask a question of the Minister of Housing. We have not received any letters in our community in regard to a housing survey in our community in the coming year. When are we going to be supplied with planning for next year's

houses in our community? The people in my community were concerned that they were not going to receive any new houses this summer. Why were they not given any notices as to whether or not they were going to receive houses? I would appreciate an answer to this. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 0133-86(2): Five Year Capital Plan For Housing

HON. MICHAEL BALLANTYNE: Mr. Speaker, I tabled in this House a five year capital plan which shows the potential allocation of houses to each community of the NWT. I know that that community and the MLA have copies of the five year capital plan. We are just finalizing the needs study data now, so there might be some minor changes in that capital plan. I am sure the Member's community has been involved in the development of the needs study. The information should be there. If there is any other specific information that the Member wants, you can talk to me later on privately or perhaps clarify the question a little. But as far as we are concerned, that information should be there at the community level. Thank you.

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

Question 0134-86(2): Igloodik Housing Contracts

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I have a question of the Minister of Economic Development and Tourism, in regard to housing. Two or three years ago, you had a pilot project of constructing houses. It was to divide the contracting in three so that local construction people can be involved in it. I would like to know now, as Igloodik people do, whether this can work in Baffin now.

MR. SPEAKER: Mr. Minister.

Return To Question 0134-86(2): Igloodik Housing Contracts

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. The preliminary analysis of the data from the Keewatin/Kitikmeot Region is pretty good. We have not finalized our analysis yet. If it looks good and if it looks like it was successful in the Kitikmeot and in the Keewatin, I intend next year to extend it to other regions of the NWT. But we should have that information finalized within the next two months. Thank you, Mr. Speaker.

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

Question 0135-86(2): Establishment Of School Bus System, Igloodik

MR. ERKLOO: (Translation) I would like to ask this question of the Education Minister. The Igloodik people would like to have this question answered. Could a school bus system be established in the larger communities? You said that there is going to be a policy established providing buses for children in the larger communities. But since they do not have any buses in Igloodik and the directive has not been stated, could there be a program established for a private business to handle the school bus system in that region? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 0135-86(2): Establishment Of School Bus System, Igloodik

HON. DENNIS PATTERSON: Mr. Speaker, we are still working on developing a busing policy which would provide for fair allocation of the scarce resources that we have to devote to busing children to school in all parts of the NWT. However, Mr. Speaker, I would not want to raise expectations that we would be able to offer significant busing services in communities the size of Igloodik. I personally may be old-fashioned, but I do not think it hurts children to walk to school, provided the distance is not excessive. I am going to be none the less working on developing this policy and where busing services can be justified, of course we will want to provide business opportunities to the private sector. But I want to make it clear to Members that I would rather spend money on teachers and books and good programs in the school, than on transporting children who, in smaller communities, are quite able to walk. Thank you.

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

Question 0136-86(2): Tabling Of Olsen Report

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Energy, Mines and Resources. The former Minister last year tabled a document, a Peat Marwick report, "Organization Structure Alternatives of an Independent NWT Electrical Utility". I would like to ask the Minister of Finance whether he intends to table the Olsen report as the previous Minister did for the Peat Marwick report?

MR. SPEAKER: Mr. Minister.

Return To Question 0136-86(2): Tabling Of Olsen Report

HON. TOM BUTTERS: Mr. Speaker, no, it is not my intention to table the Olsen report. That was a report to me. I do not mind tabling the elements of the report upon which we made our decision, but as I say, the report was an internal report.

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

Question 0137-86(2): Increased Housing, Hall Beach

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I would like to ask this question of the Minister of Personnel. The Hall Beach workers have no houses, although they were getting an adult educator and the alcohol and drug co-ordinator for Igloolik and Hall Beach who was to live in Hall Beach. Since there were no houses they could not transfer them to the community. If you could provide more houses to the Hall Beach area it would be appreciated. Thank you.

MR. SPEAKER: Mr. Minister.

HON. RED PEDERSEN: Thank you, Mr. Speaker. My information here shows that there will be one three-bedroom house completed in Hall Beach, October 1987. That is the only information I have here from the Department of Personnel. Which department it is slated for I do not know, so I will take the Member's question as notice and provide him with an answer.

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

Question 0138-86(2): Extension Of Spence Bay Airstrip

MR. ANGOTTITAUURUQ: Thank you, Mr. Speaker. My question will be directed to the Minister of Municipal Affairs. In the past I have tabled some petitions from Spence Bay, Pelly Bay and Gjoa Haven regarding the extension of the airstrip in Spence Bay so that they could start getting larger aircraft and the freight costs and air fare would decrease. I am wondering what is happening to my petitions and what is happening with the negotiations between the federal government and his department about the airstrip in Spence Bay?

MR. SPEAKER: Mr. Minister.

Return To Question 0138-86(2): Extension Of Spence Bay Airstrip

HON. GORDON WRAY: Thank you, Mr. Speaker. I can indicate to the Member that there are no plans nor any funding allocated for any extensions to airstrips in his constituency, for Spence Bay, Pelly Bay or Gjoa Haven. We are having an extremely difficult time even getting the federal government to give us money to put airstrips in the communities that do not even have an airstrip. So, therefore, I hold out very little or almost no hope, to see any work done in those communities at least in the next 10 to 15 years.

MR. McCALLUM: How about the year 2001?

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

Question 0139-86(2): Crown Corporation Privileges

MR. WAH-SHEE: Mr. Speaker, I have a supplementary to the Minister of Energy, Mines and Resources. Recently NCPG had put some changes before the Public Utilities Board but, as I understand it, it was not mandatory that the crown corporation abide by the Public Utilities Board's decision. So what I would like to know from the Minister is will the territorial crown corporation have this privilege which is not offered to the private corporation?

MR. SPEAKER: Mr. Minister.

HON. TOM BUTTERS: Mr. Speaker, I cannot answer that question on a moment's notice. It has a number of implications but I will certainly take it very seriously and look into the concern that has been raised by the Member.

AN HON. MEMBER: ...complex...

HON. TOM BUTTERS: It is very complex, yes, Mr. Speaker. I am not familiar with the role and routine of the Public Utilities Board as yet, but I will look into this question.

MR. SPEAKER: You are taking the question as notice?

HON. TOM BUTTERS: That is correct.

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

Question 0140-86(2): Grant To Overture Concerts Series

MR. McCALLUM: Thank you, Mr. Speaker. I have a question to the Government Leader in his capacity as Minister of Culture and Communications. I wonder if I could have some indication from the Minister whether he would be willing to assist the overture concerts series program through grant money. I recognize that this has been asked before. I am rather loath to ask him something given past things but nevertheless, I will.

MR. SPEAKER: Mr. Minister.

Return To Question 0140-86(2): Grant To Overture Concerts Series

HON. NICK SIBBESTON: Mr. Speaker, I am very pleased to respond. I have no reluctance at all in answering such a straightforward and simple question. When I took over as Minister of Local Government in 1984, I also had the responsibility of dealing with cultural matters. I noted that we had very limited funds for cultural activity. I then decided that we could not fund the overture concerts. It was an outside cultural entity that came into the North. Since this time there has been much more money made available for culture in the North. There has also been the establishment of the arts advisory council and money for it to function. So I recognize now that there is more money available for cultural matters such as the overture concerts. I would be very pleased to re-examine that decision that was made a number of years ago.

---Applause

MR. SPEAKER: Thank you, Mr. Government Leader. Oral questions. Mr. Erkloo.

Question 0141-86(2): Damage By Polar Bears To Equipment

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Renewable Resources, the Hon. Red Pedersen. In the communities in the High Arctic some of the hunters leave skidoos behind. These are being wrecked by polar bears when they are left behind by the hunters out on the land. A lot of them cannot retrieve the skidoos because they do not have any insurance. This has become a problem to the communities especially when there is an increase in the polar bears in the North. The hunters are aware that the polar bears belong to the government. For this reason maybe your department could assist us if a hunter loses equipment such as a skidoo. If you could maybe think about this. I have received a letter concerning this problem from Seanna Atagootak, from the hunters and trappers federation in Baffin Island. I do not know what I am going to do with this, maybe I should table this document. If you could possibly give me some clarification or any idea what you know about this.

MR. SPEAKER: Mr. Minister.

Return To Question 0141-86(2): Damage By Polar Bears To Equipment

HON. RED PEDERSEN: Thank you, Mr. Speaker. I am aware that polar bears at times when they get near camps or towns, tear up skidoo bodies, etc. Our government does have a disaster compensation policy. It applies to natural disasters. I suppose that damage by such natural animals as polar bears could be included in that.

HON. BRUCE McLAUGHLIN: ...it meets every time the Assembly convenes.

HON. RED PEDERSEN: I would suggest to the Member that any hunters affected should contact our local renewable resource officers and get assistance to make out a claim under the existing policy. Thank you, Mr. Speaker.

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

Supplementary To Question 0141-86(2): Damage By Polar Bears To Equipment

MR. ERKLOO: (Translation) Supplementary to my question. They are aware of this. We understand this applies only to people who have no jobs, this assistance from your department. I myself do not like it at all when I see the treatment on the level of the hunter that has a job or does not have a job. It does not seem fair. Why are you treating these differently, the person who has a job and the person who does not have a job, that some are not able to get any assistance? Could you please answer me?

MR. SPEAKER: Mr. Minister.

Return To Question 0141-86(2): Damage By Polar Bears To Equipment

HON. RED PEDERSEN: Mr. Speaker, the Member is not correct in what he is saying. It is not a matter of whether a person has a job or does not have a job. The regulation states that the compensation policy applies to hunters who make the majority of their living from hunting. The amount of money that my department has allocated for this fund is not very large and a criterion has to be established somewhere. We feel that our main responsibility is to those people who predominantly live off the land. So the criterion is that you must make the majority of your income from hunting and trapping and off the land to qualify under the policy. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. That appears to conclude oral questions for today. Item 6, written questions. Mrs. Lawrence.

ITEM 6: WRITTEN QUESTIONS

Question W27-86(2): Low Level Military Flight Testing

MRS. LAWRENCE: Thank you, Mr. Speaker. I have a question for the Government Leader regarding the proposed low level military flight testing in my area of Fort Reliance and through Cold Lake, Alberta. Yesterday the Minister indicated that an environmental study is under way and that the results are expected by next February. Similar impact studies were conducted for cruise missile testing in the NWT and low level flights in Labrador. In both instances local people were prohibited from participating in the study and in both instances tests went ahead despite strong opposition from local people.

Can the Government Leader tell me how people of the Northwest Territories can participate in the study and make their concerns known on such a short notice? Can the Leader also assure this House that the low level flights will not commence until the study has been completed? Mahsi cho.

MR. SPEAKER: Thank you, Mrs. Lawrence. Written questions. Written questions. That appears to conclude this item for today. Item 7, returns to written questions. Returns to written questions. Mr. Clerk.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, the following returns have been filed: Return to Question W15-86(2) asked by Mr. Pudluk of the Minister of Renewable Resources; Question W19-86(2) asked by Mr. Arlooktoo of the Minister of Renewable Resources; Question W20-86(2) asked by Mr. Gargan of the Minister of Public Works and Highways; Question W21-86(2) asked by Mr. Gargan of the Minister of Education; Question W22-86(2) asked by Mrs. Lawrence of the Minister of Social Services; Question W23-86(2) asked by Mr. Arlooktoo of the Minister of Renewable Resources; Question W24-86(2) asked by Mr. Arlooktoo of the Minister of Renewable Resources; Question W25-86(2) asked by Mr. Appaqaq of the Minister of Justice; Question W26-86(2) asked by Mr. Arlooktoo of the Minister of Economic Development and Tourism.

Return To Question W15-86(2): October And December Polar Bear Seasons

Hon. Red Pedersen's return to Question W15-86(2), asked by Mr. Pudluk on October 24th, 1986:

The following communities have an October polar bear season: Grise Fiord, Cape Dorset, Igloodik, Hall Beach. December seasons are set for Resolute Bay, Arctic Bay, Pond Inlet, Clyde River, Broughton Island, Pangnirtung, Frobisher Bay. The community of Lake Harbour can take polar bears as follows: four bears from October to November 30th, nine bears from December to May 31st.

Return To Question W19-86(2): Hunters and Trappers Association, Lake Harbour

Hon. Red Pedersen's return to Question W19-86(2), asked by Mr. Arlooktoo on October 27th, 1986:

The Department of Renewable Resources agrees that in many cases the funding provided by our department is not enough to allow the local hunters and trappers association to do all of the things that they wish to do in support of the hunters. In recognition of this, in 1984 we increased the funding from \$3000 to an average of \$15,000 per hunters and trappers association each year. Our current operational plan indicates that we intend to increase this amount again in the fiscal year 1988-89 to \$20,000 pending a review of how the hunters and trappers association are making use of the money which they are currently given.

Return To Question W20-86(2): Resurfacing Of Roads, Hay River And Fort Providence

Hon. Gordon Wray's return to Question W20-86(2), asked by Mr. Gargan on October 27th, 1986:

Mr. Gargan inquired as to "what is the capital plan for resurfacing of the Fort Providence area and the Hay River Reserve access road". Both these access roads fall within the intraterritorial highway reconstruction capital program. The current budget is approximately six million dollars per year, which allows for a much less than desired amount of work to be accomplished. We had requested from the federal government about eight million dollars per year. Also, our northern roads are extremely expensive roads to reconstruct. Priorities within this capital plan are:

- 1) preserve and maintain existing facilities through necessary capital restoration, e.g., replacing failed bridges or failing pavements;
- 2) upgrade substandard facilities to acceptable standards, e.g., road widening or realignment, bridge strengthening;
- 3) new paving of existing gravel roads where this is cost effective.

Several unforeseen problems have increased the number of projects falling into the first priority, thereby forcing deferral of second and third priority projects. The Birch Creek bridge failed during the 1985 spring flooding and was replaced in 1986. Premature failure of pavements on the Hay River highway, the Fort Smith highway and between Rae and Edzo must also be accommodated as first priority work.

Strengthening and surface treating the Fort Providence access road will be cost effective and it was scheduled to be done in 1986. However, it has had to be deferred due to the higher priority work noted above. It is now scheduled for 1992. At this point, this is the earliest we can schedule it given our limited funding and very high construction costs. Reconstruction of the Hay River Reserve access, priority 2, and surfacing of this road, priority 3, are currently scheduled for 1990 and 1991 respectively.

The current plans for the intraterritorial highway reconstruction program for the next few years largely consist of the highest priority work, preservation of existing facilities. The greatest benefit will accrue to the NWT by spending the limited available capital on existing highways which require strengthening and restoration.

We are currently negotiating with federal DIAND for funding and transfer of the remaining interterritorial highway reconstruction program. Once this is accomplished, the combined capital budgets can be used to address the overall highway reconstruction priorities. This may allow us to address all priority restoration projects and proceed with highway upgrading and new paving as well.

Return To Question W21-86(2): Elizabeth Ward School, Fort Providence

Hon. Dennis Patterson's return to Question W21-86(2), asked by Mr. Gargan on October 27th, 1986:

During the last school year the water table rose and flooded the basement of the Elizabeth Ward school, where the industrial arts room is located, on several occasions. Last February a safety inspection was done listing a number of items for repair, such as the anchoring of pedestal equipment in the shop. These items were repaired and, according to the most recent inspection on October 14th, 1986, no other deficiencies were noted in the shop. However, a crack in the foundation leaking ground water into the home economics room was noted and the Department of Public Works have been notified.

Return To Question W22-86(2): Institutional Care Of Native Children

Hon. Bruce McLaughlin's return to Question W22-86(2), asked by Mrs. Lawrence on October 27th, 1986:

The Department of Social Services provides institutional or residential care to two groups of children from age zero to 18 years -- those who are in custody as a result of being found guilty and sentenced for the commission of an offence, ages 12 to 18, and those who are placed in care either by the courts due to parental neglect or voluntarily by their parents due to behaviour, emotional or other problems which prevent the child from remaining in his own home.

Regardless of the program status of the child -- young offenders or child welfare ward -- it is the policy of the Department of Social Services to provide care and services as close as possible to the child's home and family. When it is not possible to provide a service close to the child's home, then arrangements are made to facilitate family visiting during the course of treatment or incarceration.

The Department of Social Services currently operates six staffed facilities, three exclusively for remanded and sentenced young offenders and three which provide care for child welfare wards and young offenders. The department also contracts with private companies and individuals to provide group and residential care services. Currently there are 14 such programs in operation in the NWT. The target group of these programs are in large measure adolescents experiencing behaviour problems.

The annual operating budget for departmental homes in 1986-87 is \$3.7 million and 64 person years for child welfare wards, and \$4.6 million and 49 person years for young offenders.

In order to program appropriately for young offenders, the Department of Social Services must provide custody facilities in the Eastern Arctic in order to alleviate the extreme social and cultural dislocation experienced by Inuit youth sentenced to custody. Additionally, the Department of Social Services is looking to develop a mechanism whereby treatment services for children and youth with severe emotional and behavioural problems can be provided in the NWT along with improved counselling and treatment services to parents. Other than replacement of certain facilities, the Department of Social Services does not contemplate an expansion of custodial or institutional programs over the next five years. However, the Department of Social Services will seek to enhance our present services so that the needs of children and youth can receive a more effective service.

Return To Question W23-86(2): Permit To Hunt Bowhead Whale In Cape Dorset

Hon. Red Pedersen's return to Question W23-86(2), asked by Mr. Arlooktoo on October 27th, 1986:

Management of whales is within the mandate of the federal Department of Fisheries and Oceans. As you are aware, the hunting of any "right" whale is prohibited by the cetacean protection regulations under the Fisheries Act except under a licence issued by the federal Minister of Fisheries and Oceans. The position of departmental fishery officers and the international scientific community with respect to these whales, in the Eastern Arctic in particular, is that the stocks are not sufficient to allow any hunting for the foreseeable future. I will, however, discuss this matter with the Minister of Fisheries and bring the concerns of the people of Cape Dorset to his attention.

Return To Question W24-86(2): Funding For Campsite Clean-Up

Hon. Red Pedersen's return to Question W24-86(2), asked by Mr. Arlooktoo on October 27th, 1986:

The Department of Renewable Resources provides approximately \$440,000 per year to people who wish to establish an outpost camp or to live in existing outpost camps. It is expected that these areas will be treated with respect and kept clean for their children's use.

The territorial and federal government attempt to regulate how developers maintain their camps by permit and inspection. To date, it has been believed that traditional users do not require such rules to keep the land liveable or acceptable to visitors; consequently, the department does not have funding available for outpost clean-up.

Return To Question W25-86(2): Special Constable At Sanikiluaq

Hon. Michael Ballantyne's return to Question W25-86(2), asked by Mr. Appaqaq on October 28th, 1986:

This return is in response to the written question submitted by the honourable Member for Hudson Bay seeking to know whether a native special constable is to be selected for the hamlet of Sanikiluaq. My department is negotiating with the federal government to create 10 new native constable positions in 1987-88. The selection of where these native special constables would be placed depends on such factors as whether the area is served by just one regular member, the crime statistics of that community and the size of the native population. I wish to inform the honourable Member that I will ensure that the hamlet of Sanikiluaq will be considered as a location for locating a native special constable in 1987-88.

Return To Question W26-86(2): Game Hunting For Tourists

Hon. Tagak Curley's return to Question W26-86(2), asked by Mr. Arlooktoo on October 28th, 1986:

The management of walrus is within the mandate of the federal Department of Fisheries and Oceans. We are advised that a request to allow walrus sport hunting at Coral Harbour has been put to the Minister of Fisheries and Oceans some months ago by the Keewatin Wildlife Federation. The answer to this request will determine whether or not sport hunting of walrus will be allowed in the Eastern Arctic, and if so, under what conditions will such a hunt be allowed to take place.

MR. SPEAKER: Thank you, Mr. Clerk. Returns to written questions. That appears to conclude this item for today. Item 8, replies to the Opening Address. Mr. Curley.

ITEM 8: REPLIES TO OPENING ADDRESS

Mr. Curley's Reply

HON. TAGAK CURLEY: (Translation) Mr. Speaker, I would just like to say a few things concerning my constituents. Mainly, this fall there did not seem to be any major problems in our region but we still have to plan for our future, for the next year's plan. I am expecting that it is going to be more exciting for next year. A lot of times some of the other communities do not have any job opportunities and a lot of the jobs that are there are being held by the government. In our constituency there are the smaller communities who still have a concern that some of the job opportunities are taken by the southern people when they come up to the community, and this has to be rectified. As for us elected MLAs, we should deal with this this year. Gordon Wray is also aware of this and has been involved with the contractors. Some of the private sectors are getting into contracting in the communities in Keewatin but a lot of times we are not advised who the contractors are, who the companies are. A lot of them are not hiring local people because the

Minister of Municipal Affairs deals with this. A lot of us should be aware of the company that is getting a contract for the community. I would like you to be aware that in my constituency, for those communities that had contractors for this summer, it will be written down properly who they are and for how much money the contract was. We will be looking into this much more for next year so that the people in the local communities have more jobs.

Privatization Of Government Services

I just want to say about my constituency that the government started up this privatization policy. It means giving the government services to the people and this has been a great assistance to my constituents, especially Chesterfield Inlet, Repulse Bay and Coral Harbour because they do not have enough jobs over there and they have no road access to other communities. So contracts should start to be given by the government to the people in the communities. Even though it is a very small contract, we would like the communities to get involved in it. They appreciate the government's starting this up. I would like to thank my Executive colleague for being able to implement this. Perhaps we will see more of it next year. I feel that, regarding the jobs of the hamlet and the local government, they could follow the NWT government's policies a little bit more regarding giving out contracts to contractors, giving out to the businesses in the local communities such contracts as road maintenance and heavy equipment operation. Those are done by the hamlet. I think they should be given out to the private business people instead of the hamlet.

Mr. Speaker, I would like to say that in my community, in my constituency in Coral Harbour -- I am in Rankin Inlet now but Coral Harbour is where I am from -- the business of tourism is being very much enjoyed by the people over there and they enjoy it when the tourists come into their community. We started this up this summer in full force. Coral Harbour has a lot of wild game to see, such as walrus. When you saw the Expo '86 film, you saw a lot of walrus and Coral Harbour is the home base for a lot of walrus. That came from the people of Coral Harbour because they wanted to advertise for tourism.

The tourists are now coming to Coats Island a lot more. It is 100 miles out of Coral Harbour. There is an outfitter that is taking them to Coats Island and tourists are being looked after by the outfitters. They also have a small hotel in Coral Harbour which was renovated again this summer. I am very happy that Leonie's place has been expanded. It finished being expanded just the day before yesterday. When I go to Coral Harbour I know they are going to make me feel welcome. I would like to urge the other Members to try to make a trip over there.

Coral Harbour Concerns

I would like to talk about one community in particular. I heard yesterday that the people of Coral Harbour cannot get any caribou. For instance, the people here in Yellowknife, although they are non-native, can get more caribou than the native people. They can get only 25 caribou for their own consumption. If you are to go caribou hunting, the caribou that you get has to be split among a lot of people. You would not be able to take it home for your own consumption but would have to share it with the rest of the community. That is the concern that the people of Coral Harbour have, because one caribou in one year is not enough, especially in view of the fact that the price of food is very high. The hunters and trappers of Coral Harbour asked about this.

The biologists designate how many caribou are to be killed by the residents. The people of Coral Harbour feel that those 10 caribou should be given out to the people of the community on sort of an organized hunt. I would like the honourable Minister for Renewable Resources to consider this, because they requested another increase in their quota.

When I was in Coral Harbour the day before yesterday, when we met there, I was told that they were very happy because they heard from us about the musk-ox and they would like this to be considered. They would like Southampton Island to be considered, to see whether they can transfer musk-ox to that island. When I was in Coral Harbour, the hunters and trappers met and all agreed that they will be writing a letter to the Minister of Renewable Resources.

There are a lot of musk-ox in Sachs Harbour and this winter, or in the fall, they would like to transfer musk-ox to Southampton Island from Sachs Harbour. That is a big island and they should be able to survive. The people could harvest musk-ox, and I do not think they would be going off the island. That was what the people of Coral Harbour suggested and I will be in support of them, to transfer musk-ox to their island from Sachs Harbour.

Chesterfield Inlet Concerns

I would like to say a bit about Chesterfield Inlet. I went there with Dennis Patterson and they have a concern about the school. In Chesterfield Inlet the old school that was used 30 years ago was run by the priests and there were a lot of people who came from different places in the NWT to go to school there at that hostel. But today, that old school that was built 30 years ago has not been renovated. It is still there. The Minister for Education is aware of this and the people of Chesterfield Inlet would like to get a new school built. The old school is deteriorating, especially the wiring, and it is not up to the proper building standards. We would be very happy if we could get the new school built soon in Chesterfield Inlet so our children can attend a better school.

Also, when I was in Chesterfield Inlet last fall with Commissioner John Parker, the people mentioned that the water reservoir is about six miles outside the community and there is a very rough road going there. That road in the winter is filled with snow and the depth of the snow even goes as high as the ceiling. They have been using a lot of money to clear their road to the water reservoir and they do not do any delivery of water when there is too much snow on the road. For that reason they would like to get another water reservoir in another location or improve the road. I know that the Minister of Municipal and Community Affairs is aware of this. He said he has made some plans about the water reservoir, but I think this is going to have to be done very soon so they can better service the community. If they were to elevate the road it would cost a lot of money, but I think something has to be considered.

In Chesterfield Inlet the local government is aware that the population is growing and they are going to have to get more housing and more gravel to upgrade lots. There is no gravel left in Chesterfield Inlet and that is another problem that they have. I think they are going to have to make some plans for next year as to how and where they can get the gravel to level off the lots for building houses. They do not have a crusher over there, either. There is gravel about five or six miles away but they do not have a road to get to it. That is one of the problems of Chesterfield Inlet that we are going to have to consider for this coming summer, as to where they are going to get their gravel. Maybe the Minister of Municipal and Community Affairs knows about this already. There are going to be a lot of houses built this summer in Chesterfield Inlet and that will have to be considered soon. (Translation ends)

Prospects Of Job Opportunities In Constituency

Overall, as far as my constituency is concerned, we went through a pretty difficult period last year in terms of job opportunities, and so on. But I think we have sort of stabilized now. We are looking forward to a little more opportunity next year.

Even though some communities do not have as much opportunity as some other larger communities like Rankin Inlet, my home town presently is looking forward to next year because they have realized that this government has at least a positive attitude toward smaller communities and that we are attempting to take every possible opportunity to maximize our resources and they do realize that the implications of the present budget fundings are that it is not possible to spread the wealth around. So every little bit is appreciated and I know that they are looking forward to some of the steps that we have taken, particularly in the field of tourism.

I have seen, this year, a number of small outfitter businesses being formed and operating in the region. I would like to compliment my regional staff for the very interesting marketing programs that they are carrying out. They are bringing small groups of tourists into this region and I think that is going to continue to grow over the next few years.

Gravel Supply

I did indicate that one of the communities in my constituency is in critical need of a gravel supply. That is something that I know our government is going to have to look at very carefully -- that we do have a long-term strategy in terms of supplying gravel. Gravel is very important in those communities because every building, every institution needs a supply of gravel, as well as to keep the roads and airports in good condition. At the present time, Chesterfield has completely run out of their gravel supply and unless something is done next year it is going to come to a very critical situation.

Medical Services In Keewatin Region

Mr. Speaker, I do not want to go on too long but there is one area that I was very distressed about two days ago when I read the press release from the Department of Indian Affairs issued by Minister McKnight when responding to the recommendation from the standing committee on Indian Affairs with respect to the request to the department to consider building a hospital in the Keewatin Region. I think the honourable Members have realized and heard from the people of the North, particularly from the Keewatin, that health care delivery in the Keewatin is in a very critical situation. The response from the medical services branch was disappointing and I applauded my colleague, Mr. Gordon Wray, for indicating his views on the matter yesterday. I share that view because, Mr. Speaker, I do not think anyone or any federal official should tell me or you that you do have an excellent health care service when your closest doctor or specialist is 1500 miles away. There is no way that it can be said that the service is excellent when you cannot even make a telephone call to make an appointment, either a dental or any other appointment that you have to make with respect to your health. There is not any. It is even difficult in my home town in Rankin Inlet to phone the only doctor in town unless you are absolutely in a critical condition.

So, Mr. Speaker, I want to indicate to the House that I think what the Hon. Bill McKnight was provided with was not accurate information at all because he is a very honourable gentleman and he is relatively new. I think he was being taken advantage of by the representatives from the medical services branch, indicating to him that the medical services in the Keewatin are excellent, as the report stated. I wanted to indicate to the House that I will be doing everything possible to see that that message is at least presented to the Minister of Indian Affairs.

We will continue to work toward -- maybe even if it is a long-term prospect -- to eventually having a hospital because you cannot have a decent hospital outside of your territory. Manitoba is not the place for the people of the Keewatin to look to when expressing their need for better facilities and medical service requirements for the people. I will leave it at that for now.

Emergence Of Party Politics In NWT

Mr. Speaker, there has been quite a bit of interest in this Assembly with respect to the way in which the political system operates in the Northwest Territories. I am proud to say that I am one of those individuals who is very much interested in the evolution of this government. I hopefully would like to see the day that we do at least have a system of government that is fair and responsive to the people of the Northwest Territories. I do not believe that we will ever decrease that level of good government. I think we have achieved it to a certain extent. I think this is the best government that the people of the North have ever been provided with. Right?

AN HON. MEMBER: ...no votes...

HON. TAGAK CURLEY: Mr. Speaker, I am also proud to be a part of a party that I think has contributed a lot toward good government in the Northwest Territories.

HON. MICHAEL BALLANTYNE: The Conservative Party.

HON. TAGAK CURLEY: I would also like to congratulate all my MLA friends here that they do belong to a party, regardless of what colour it is. They are playing a very important role by belonging to a political party. I do not think there should be any dispute about that, that I accept them as...

HON. MICHAEL BALLANTYNE: ...peoples.

HON. TAGAK CURLEY: ...Members belonging to a certain party. Some of them are much luckier than I am. They have switched from one party to another and then to the next.

AN HON. MEMBER: There you go.

---Laughter

HON. TAGAK CURLEY: Who knows? They may switch back to my type of party before too long. Mr. Speaker, having said that, the evolution of this government I think will also involve, eventually, party politics in the Northwest Territories. I do not want to rub it in too far but I think

eventually party politics will come around. I would just like to point out for the record the comments that were made the other day. I believe in party politics. I think party politics is one possibility that we eventually will have to accept whether we like it or not because that is the way...

HON. DENNIS PATTERSON: After the next election.

HON. TAGAK CURLEY: ...that is the way that free democracy operates.

AN HON. MEMBER: Agreed.

HON. TAGAK CURLEY: We must give the voters, the general public, an opportunity to see the platforms of each individual and also allow the ordinary MLAs who may not have legal expertise and the language needed to operate effectively by being involved in a political party. In my view, they would be able to have much more access to the resources -- when they get home, like for instance from tomorrow, they would be kept informed by their colleagues. I am not at all suggesting the next election will be based on party politics but I think the time has arrived today that it is an issue that we are going to have to consider and discuss openly. By discussing it openly, we are probably going to succeed in either not ever having party politics but by proposing, by trying to keep tab on free discussion on party politics I think it is going to do more harm than good.

HON. BRUCE McLAUGHLIN: ...we need more secret meetings in private houses.

HON. TAGAK CURLEY: So, I would be prepared to run any time on the party line but I have indicated to my colleagues that I would not do it unless my constituents are at all interested in it. I will be doing my own consultation on the matter. But I would be prepared to run any time on the party ticket in a federal election. I think my colleagues would, too.

HON. DENNIS PATTERSON: You already did.

---Laughter

HON. TAGAK CURLEY: So, to me, Mr. Speaker, I do not have any conflict with the position. I do not change my mind when on my own turf or the broader turf because if you believe in party politics on one level, you should also practise it in your own home town. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Minister. Item 8, replies to Opening Address. Mr. Nerysoo.

Mr. Nerysoo's Reply

MR. NERYSOO: Thank you, Mr. Speaker. I thank the Members for giving me the opportunity to address the Assembly and to address some issues that relate to my constituency and generally to the Northwest Territories. Firstly, let me say, through you, Mr. Speaker, to the Commissioner, I appreciate the notice of Mr. Charles Koe in the statement of the Commissioner. I think that the recognition of the gentleman was long overdue and I thank the Commissioner for recognizing publicly the contribution of Mr. Charles Koe to Fort McPherson and generally, the Northwest Territories as well.

I wish to address a very serious issue in my constituency and that deals with the question of energy, with regard to the so-called crisis that the economy of the Mackenzie Delta and the Beaufort, generally, is feeling. I know that there are initiatives that have been taken by the federal government and I guess I can commend them for establishing a committee with such high profile individuals within the Conservative cabinet. I can also commend the government for establishing their own working committee. But none the less, I think it is crucial for those particular committees not to overlook the role of the region and not to overlook the role of the leadership of the Mackenzie Delta and the Beaufort generally. I think they have significant contributions to make in the direction that the government will take in the manner in which they can respond to the economic problems and crisis in that particular region. My belief is -- and clearly the historical evidence is there to show that the region previously responded to what was considered an economic crisis -- and we were successful in dealing with it.

I also say, though, that it is necessary that government come to the aid of the region and to those communities that are affected by the downturn in the economy, and it requires initiatives in the area of capital expenditures. It also requires not only financing of projects or programs but also redirection of dollars that have been identified in government and in agreements that have been negotiated with the federal government. For many of the ideas of planning that were initially researched and many of the projects that were undertaken, I believe now is the time to find money to implement those programs and direction that the region has given to this particular government and the Government of Canada.

Contents Of Documents Tabled

It is of interest, Mr. Speaker, that I tabled three documents in this House; one dealing with the direction of education and the college system, one dealing with the development of renewable resources, and the other dealing with an economic strategy that was developed by the Mackenzie Delta Regional Council. Those documents show that the region and the regional council and people in the communities have ideas about how to resolve some of the problems that they are encountering with the economic downturn and, even more so, that they are prepared to take the initiative to develop long-term strategies, with the economic development patterns and strategies that might occur in that particular region.

It is also interesting to note, Mr. Speaker, that the Mackenzie Delta Regional Council is the only council that is not receiving, at this particular time, I believe, any financial support. Yet it is one regional council that has prepared documentation that will help government develop some long-term economic strategies for the Northwest Territories. Even though we have approached the government, we have not received that financial support.

Projects Proposed By Aklavik

Mr. Speaker, I would also like to give you some idea of some issues that came out of the hamlet of Aklavik, regarding some of the projects that they felt could be a part of the decisions and part of the solutions that might ensure that there was work in the region, in particular, in winter and the upcoming year, and for that matter, for a number of years. I note, Mr. Speaker, the following ideas: the construction of a road to the mountains; the stockpile of crushed rock to meet five year capital requirements; completion of land development as per recommendations in the new community plan; the commencement of an erosion control project in 1987 hauling season; and further, the promotion of the tourism industry. These are ideas that are not outside the present plans of government but rather directions or ideas that could be initiated to take advantage of what might be the policy on fast-tracking that the Government of Canada and the Government of the Northwest Territories are considering for capital projects or other projects that could be initiated on behalf of the government and as partners with the government.

I realize that it is clear, Mr. Speaker, that much of the profile for development and much of the profile that has occurred with regard to resource development has centred solely around the issue of non-renewable resource development in the Mackenzie Delta and Beaufort region. We find ourselves in the situation of having now to respond to ensure that we have a very diverse economy. It is also clear that the most serious alternative is our renewable resource industry. This certainly is an area that the aboriginal people and those existing businesses that are now in the region can participate in -- in particular, the long-term residents of the region.

There is also a need, Mr. Speaker, to ensure that there are improved facilities for the tourist industry. There is a need to develop hotels and motels, there is a need to provide access to communities, there is a need to provide, I guess, sites that will attract tourists. Much of this does not cost any additional money to government, it is a matter of the government and the region identifying those sites that can be used to attract the tourist industry and tourism, generally, and tourists.

Mr. Speaker, in responding to the question of the oil industry and the problem that has resulted in the oil industry leaving the Mackenzie Delta and the Beaufort region, I think it is important that the government begin to develop policies that will attract the oil industry into the North or ensure that they remain in the North. I do not mean that we have to, necessarily, deal with this

issue on the basis of providing financial assistance alone but rather, to develop incentives that will attract the petroleum industry. Such things as developing roads can be a factor, or I think even the idea of approaching the Government of Canada to consider the extension of the Norman Wells pipeline. In a recent statement by Esso, they were going to continue exploration in the Norman Wells area and Norman Wells field, mainly because they had a transportation system that could take the resource to market. That was a major factor and a major issue that had an effect on the decision of Esso.

Issues To Be Resolved

But I believe that any expansion has to recognize that there are still some outstanding issues that have to be addressed and resolved. The question of aboriginal rights -- but I do not believe that the issue of the rights question has been in any way negatively affected by the construction of the pipeline previously, and in fact might have improved the situation with regard to negotiations. I do say though that it is still necessary to resolve some issues.

One particularly important issue is the Fort Good Hope land lease situation. My belief is that that could have a bearing on any future developments or any type of pipeline construction in future, unless it is resolved to the benefit of the community. It requires the assistance of the GNWT to ensure that the community gets the best deal possible in providing those lands and allowing the petroleum industry to have access to lands that, previous to this year, it did not have access to. I think that has a bearing and could have a significant effect on the decisions that are made by the community and the representatives of the community as to whether or not they allow developments to occur in future.

I would just like to say, Mr. Speaker, that there are other issues that I think are important to recognize. Firstly, in the Mackenzie Delta region, along with the community of Arctic Red River, we are considering the idea of making available lands for exploration reasons. I think that we are very conscious about the negotiations and we recognize the effect that the negotiations that Fort Good Hope is carrying on with Chevron could have on our discussions, on whether or not in the end we make a decision of support, or whether or not we make a decision that we may not be able to approve an arrangement whereby exploration and the oil industry could work in lands in that particular region. At this particular time, I can indicate to Members of this House that the community of Arctic Red looks upon it as a favourable idea and that we are working to ensure that any exploration that goes on will recognize and include the benefits to the community.

Mr. Speaker, I fortunately had an opportunity to speak to officials of the Department of Justice on a particular issue, and I thank the Minister of Justice for becoming aware of it. It is an issue that has concerned us. It is the recent death of an individual from Fort McPherson through an incident that occurred in Old Crow. We, in the community, are concerned about the circumstances of that death. We believe that this gentleman should not, at this particular time, have died if certain practices and procedures had been followed. Much of the blame now is being laid on an individual who may not have been required, who may not have been necessary, had the procedures and the practices that were used, in fact been properly implemented. But it is a concern. We were going to approach the government to ensure that there is an inquiry of some type. Whether or not we participate in the Yukon inquiry process, or whether or not we develop or ask for an inquiry in the Northwest Territories, is a matter that has to be worked out over the next few weeks, we hope, or the next few months. But we believe that it is a necessary issue to deal with publicly.

Medical Clinic In Inuvik

Mr. Speaker, I introduced a motion in this House with regard to the idea of Dr. Terry Fellows setting up a medical clinic in Inuvik. It is important for people here to recognize that the issues that were raised by both Mr. Wray and Mr. Curley and the concern they have for medical services in their particular region also applies within ours. We are fortunate that we have a hospital but that does not resolve the concern we have with regard to the medical services that are offered to the residents of our region. At this particular time, we have a doctor who is prepared to reside in our region, prepared to provide a medical service to the residents of the region, and is having a very difficult time. That is one of the major reasons I am approaching this Assembly for support, approaching all Members to recognize that here is an initiative from a gentleman who is prepared to live and remain in the North, and that we should support his efforts.

Serious Lack Of Facilities For Adult Education

Mr. Speaker, there were a number of issues that were raised with regard to education. I had an opportunity to travel to Aklavik and also to attend the Inuvik regional education committee conference where many issues were raised. In my tour of Aklavik what I found in the community was a serious question with regard to the type of facilities that were being used or the lack of facilities. Certainly my belief is that there are facilities in the community that can be utilized but it requires the support of the government to come up with some kind of arrangement to utilize the facilities or take over the facilities once they become available. In dealing with adult education and the programs that were being offered, it was interesting to note that, because of the size of the facilities that were being used, as many as 20 students in an office procedures program had to be turned away from participating in that particular program. Many of the people that were interested in this program were, in fact, people who were not working in the oil and gas industry any longer -- had been laid off. They were prepared to upgrade their education and their skills, educational skills, but because of the facilities were unable to.

I would also like to say that, with regard to the programs that are being offered, the communities do have ideas about programs. If the Minister might review what the arrangements are and the agreements are with CEIC, there are programs which could be considered as a benefit to the community. These may not be recognized in the agreement and in the programs that are being funded by CEIC but may be of value. These have to be programs that, of course, are of educational value to the participants, but also of long-term benefit to the participant, in the sense of being programs that can be utilized on an ongoing basis.

I would just like to speak, Mr. Speaker, about the Minister of Education and, of course, the government taking the initiative of opening the college campus. But it still requires much more participation on the part of the region and the Inuvik Region educational committee, in determining the direction and the programs that are going to be offered in the long term on that particular campus. I tabled a document here, Mr. Speaker, that I hope the Minister of Education will review. It is an educational program for management development and training that we feel could be offered as part of the ongoing program in the college. It is quite thorough in its research and, in my belief, some of the elements could be part of, and are in fact, part of the program that is now being offered in Fort Smith. But even more, Mr. Speaker, this may form the basis of one of the initiatives that this government has taken, and that is the entrepreneurial training program. Funds that have been identified in that particular program could be utilized to implement a two year program of this nature with the Mackenzie Delta Regional Council and also with the Inuvik Region education committee.

Airstrip For Arctic Red River

Mr. Speaker, I have to raise an issue on behalf of the community of Arctic Red River, and that has to do with the construction of an airport. Arctic Red River, even though it is on the highway system, does not have any access to the larger centres once freeze-up and break-up is occurring. They have no bridge to cross the river to Fort McPherson to have access to a runway. Neither is there a bridge -- and everyone knows that there is no bridge -- over the Mackenzie River. I do say that there is a real need to consider construction of a runway that will handle smaller aircraft and the a response may be part of the package that is going to be developed for presentation to the federal government.

Mr. Speaker, I would like to say that on the question of devolution or decentralization, I still have a concern with regard to the direction that the government is taking. It is difficult for me to make judgments with regard to the decisions of government on decentralization and devolution in the absence of any type of policy. This makes it very difficult to make and ensure that the decisions that are being made by government are reflective of the needs of the communities or the needs of the region. I would hope that in future a policy could also look at the idea or the possibility of decentralizing to communities, authorities that are presently held in Yellowknife so they could be better utilized to serve the interests of the residents of the Northwest Territories. I say this because there are a couple. I know, for instance, highways is one. The ferries system is another. Why, it is interesting to note, is much of the highway staff located in Yellowknife and yet it could be located at a centre that provides or has...

MR. RICHARD: Where?

MR. NERYSOO: ...has better roads and has a responsibility to maintain the roads? The ferries system, it is interesting to note again, that the head of the ferry system is located in Yellowknife yet there is no real relationship to ferries or, I should say, I had better be careful of that...

MR. MacQUARRIE: Yes.

MR. RICHARD: The guys in Ottawa are going to have trouble with that.

MR. NERYSOO: ...but the ferries system...

HON. DENNIS PATTERSON: How about the RCMP?

MR. RICHARD: Our RCMP are real nice.

MR. NERYSOO: ...in Yellowknife or in this particular region. But I do think that it is necessary to review the direction that the government has taken.

I also think that it is necessary in the case of health, to begin to provide more access to health officials in the regions. I can accept the idea that the health officials should stay in Yellowknife, but the people in the communities need to have access to people that are responding to financial requirements or requests of individuals in the community.

With regard to responding, Mr. Speaker, to the initiatives that have been taken by government, one of the things that the government, and I know the Minister of Finance has begun to deal with is a need for government to pay out completed contracts prior to the 21 day period in the Mackenzie Delta or the Inuvik Region. There is a 21 day waiting period before contracts are completely paid out but much of the money that is left over from the particular contracts could have a bearing on whether or not particular contractors or businesses survive. It requires the initiative of government to respond to ensure that the people in business have access to these financial resources.

Government Leasing Of Office Space

Mr. Speaker, I should also raise this issue of office complexes. I do not condemn the idea of initiatives that have been taken by government here in Yellowknife or, for that matter, in regional centres, with the idea of leasing office space. What is interesting to me is that when it comes to communities and native corporations or native people taking the initiative to construct office complexes, the government makes it extremely difficult to allow government departments to rent space in those complexes. Much of it has to do, not with the idea of the regional offices not wanting to, but it seems that they have become more financially accountable than, in fact, many of the senior staff here in Yellowknife. They are not prepared to spend as much money for office rental but to allow for more money to be left for programs and services. That is not the case in the larger centres. I think if you are going to create an incentive for the communities to develop their own businesses, then it has to be with the idea that the government is going to take the initiative to rent space from these community corporations and take advantage of these initiatives.

Mr. Speaker, on the question of division. A point my colleague, Mr. Patterson, raised is that the people of the NWT deserve a clear statement from this Assembly and we should give it to them before the next election. I agree wholeheartedly with that. I think it is necessary for us to make clear the position of this House. We have assumed and adopted and accepted the position of the previous Assembly and I think it is important that mandates change, not because of our own feelings with regard to division, but certainly the position of the people in the communities change. I think in the discussion we have to be reflective of those concerns that are being expressed by representatives of the community.

I want to also say that I agree with Mr. Patterson that the issue of division is not going to go away. He has stated his position quite clearly to this House and to the public of the NWT. But let me remind Members in this House of my position, again. I was never opposed to the issue of division and I made that very clear, but I did say, and I made it clear in all the statements that I made in this House, that I will not support the idea of the Beaufort and Mackenzie Delta being divided. I made that very, very clear. I am prepared to run in any election with that particular issue on my platform.

MR. MacQUARRIE: Hear, hear!

MR. NERYSOO: I think that more recently, in a letter in the Inuvik Drum, it is clear in the letter that there are residents that are very clear about their position, that they are not prepared to see the Delta divide and be separated into two territories. That has been very clear. These people are not only young people but also very well-respected elders in the region. I just want to indicate that to Members and reiterate my statement of the past.

Party Politics

In the last couple of days, Mr. Speaker, the question of party politics has arisen in this House. Now I for one do not condemn a public discussion on party politics. Whether the communities approve it is something that we should not, as an Assembly, decide on without their involvement. I think that we should also be honest and not be deceitful about the idea that partisan politics has never been practised in this House. In reality, it has. Whether it is a matter of the eastern caucus or the western caucus, whether it is the aboriginal caucus, whether it has been a collective group of individuals, the reality is that partisan politics has been practised by this Legislature. I am prepared to discuss this particular issue with my constituents. I am prepared to tell them that I am prepared to run in the next election with a collective group presenting a public platform, by which they can judge whether or not they should elect me as a representative. At no time am I saying that it has to be one particular party or another, but I am prepared -- and it may even include some of the Members of the Executive Council that support the platform that I will develop. But none the less, I am prepared to do that.

Mr. Speaker, I am not so sure if it is a matter of individuals or the old boys club, the reality is that what happens is that we become publicly accountable for the direction we want to take. I am not opposed to the idea. If the government and the Members such as Mr. McLaughlin can come up with ideas as to how we might make consensus government more publicly accountable, I am prepared to discuss that. I am prepared to review whether or not consensus government can work in the North. But clearly, and to everyone here in this House, there has to be a process of accountability. I think I am prepared to listen to the other side. But if Mr. McLaughlin and people of that nature do not wish to listen to the arguments that I give, then I think that clearly the consensus situation here in that situation is reflective of the things that I am talking about -- not prepared to listen. If consensus government is going to work, everyone is going to have to accept that we may have differences of opinion and we may have differences of direction that we wish to take, but we must be prepared to listen, in a consensus government. If you want true consensus government to work, then you have to be prepared to listen to the differences and not object before you know whether or not the direction or the issues that are being raised might work in this government. Mr. Speaker, with that I would like to conclude my comments.

---Applause

MR. SPEAKER: Thank you, Mr. Nerysoo. Replies to the Opening Address. Replies to the Opening Address. Third and final chance, replies to the Opening Address. That appears to conclude this item.

Item 9, petitions.

Item 10, reports of standing and special committees. Item 11, tabling of documents. Mr. Pudluk.

ITEM 11: TABLING OF DOCUMENTS

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I would like to table Tabled Document 38-86(2), about a motion by Baffin Regional Council, Motion 19/23, dated October 2nd, 1986. It is going to be looked at by the Department of Economic Development to resolve the problem that they are having about Special ARDA. Thank you.

MR. SPEAKER: Thank you, Mr. Pudluk. Mr. Curley, tabling of documents.

HON. TAGAK CURLEY: Mr. Speaker, I wish to table the following document: Tabled Document 39-86(2), NWT Tourism Today, newsletter of the Travel Industry Association. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Tabling of documents. That appears to conclude this matter for today. Item 12, notices of motion. Mr. Butters.

ITEM 12: NOTICES OF MOTION

Notice Of Motion 11-86(2): Chief Electoral Officer For The NWT

HON. TOM BUTTERS: Mr. Speaker, I wish to give notice of a motion for which I will ask unanimous consent to move at the appropriate time. The motion is:

Now therefore, I move, seconded by the honourable Member for Yellowknife Centre, that the Legislative Assembly recommend to the Commissioner that the chief electoral officer for Canada be appointed chief electoral officer for the Northwest Territories to be effective when the Elections Act comes into force.

MR. SPEAKER: Thank you, Mr. Minister. Notices of motion. That appears to conclude this matter for today.

Item 13, notices of motion for first reading of bills. Item 14, motions: Motion 7-86(2). Mr. Richard.

ITEM 14: MOTIONS

Motion 7-86(2): Torrance Report, 1984

MR. RICHARD: Mr. Speaker:

WHEREAS the NWT Alcohol and Drug Co-ordinating Council, ADCC, was created by the Legislative Assembly in 1973, prior to ministerial responsibility for Social Services;

AND WHEREAS changes in the mandate and membership of ADCC have occurred without the approval of the Legislative Assembly;

AND WHEREAS reporting relationships among ADCC, the Minister of Social Services and the Legislative Assembly are unclear;

AND WHEREAS the Government of the Northwest Territories has requested from the Government of Canada a transfer of all funding under the National Native Alcohol and Drug Abuse Program;

AND WHEREAS the 1984 Torrance report on the future administration of alcohol and drug programs in the Northwest Territories has not been acted upon;

NOW THEREFORE, I move, seconded by the Member for Deh Cho, that this Legislative Assembly recommend that the Executive Council consider implementation of the alternatives for administration of alcohol and drug programs outlined in the 1984 Torrance report and present a proposed plan of action at the next session of this Legislative Assembly.

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

MR. RICHARD: Mr. Speaker, the Alcohol and Drug Co-ordinating Council was created by this Assembly in 1973 following the recommendations in the report by Dr. Wacko. It is significant, Mr. Speaker, that the council is created not by a statute passed by the Assembly but simply by a motion back at that time. One of the problems is that the co-ordinating council is not answerable to a specific Minister but directly to this Assembly. Although that direct reporting relationship, Mr. Speaker, is unique, in my view it is unworkable. All other independent bodies which we have created by statute, such as the Housing Corporation, the Workers' Compensation Board, various hospital boards, various business loan boards, all of these bodies report pursuant to a statute directly to a Minister of government. And the Minister, of course, is then accountable to this Assembly. In my view, Mr. Speaker, this should be the case also with the Alcohol and Drug Co-ordinating Council.

ADCC Has Changed Its Own Mandate And Membership

Over the years the co-ordinating council has changed both its mandate and its membership without reference to this Assembly. And while not suggesting, Mr. Speaker, that the changes have not been beneficial, it would appear that this Assembly has lost the control that it originally had or, perhaps more accurately, Mr. Speaker, this Assembly has not given the direction that it should have given on a regular basis.

Another of the problems experienced by ADCC, I understand, is the large turnover in the membership of ADCC including those representing native organizations. This has led to a lack of continuity and, I understand, Mr. Speaker, from the point of view of the communities or community groups, has led to a lack of credibility.

Absence Of Professional, Trained Advisers

Yet another problem is the absence of professional, trained advisers in the regions and in the field to assist the communities and the community groups that are in receipt of grants from ADCC to implement their community programs. I understand, Mr. Speaker, that there are only one or two professionals and they are here in headquarters and are unable by themselves to provide the necessary professional advice out in the regions.

Mr. Speaker, all of these problems that I have mentioned were identified in the Torrance report that was tabled in this Assembly two years ago. Mr. Torrance in his report suggested two alternatives for dealing with these problems. One alternative he suggested was what is called a commission model. An independent commission, totally independent of government. The other model was, I think, what he called the "departmental model" which would see these programs being delivered and administered from within a department but would see the advisory body off the side in the structure.

Mr. Speaker, today I do not purport to suggest which of these alternatives is the better. I would leave that to greater minds than mine on the Executive Council for them to make a recommendation. But I do say this, that the present system is unsatisfactory.

Federal NNADAP Funding For NWT Sought

Finally, Mr. Speaker, I understand that our territorial government is seeking, in conjunction with the transfer of programs of Health and Welfare Canada, the funding in the federal NNADAP program which is spent here in the NWT. Assuming the federal government agrees, it would appear to make sense to combine that funding with the funding that this Assembly currently provides to ADCC in the administration of alcohol and drug programs through the Department of Social Services. And I say, Mr. Speaker, that in my view it would be more appropriate for that NNADAP money to be combined with the current ADCC money in the Department of Social Services rather than in the Department of Health.

My motion, Mr. Speaker, simply calls on the Executive Council to pick up the Torrance report and consider implementing one of the alternative courses of action that is recommended in that report and report to this Assembly at its next session. I would urge all Members to support this motion. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Richard. Mr. Gargan, as seconder.

Two Options In Wacko Report

MR. GARGAN: Thank you, Mr. Speaker. I just want to add a few suggestions concerning the motion and that is, with regard to the Wacko report, it did suggest two options. One of the options that was favourable with the native organizations at that time was with regard to establishing a commission to look at all preventative types of programs within the Departments of Health and Social Services and also Health and Welfare. These are programs in the areas of mental health, alcohol prevention, drug prevention, child abuse -- those sorts of programs that for us might be best left with the people that could address them through experience. Also programs like Northern Addiction Services and the Inuvik one which are looking more at alcoholics who have gone through a long process of drinking and are trying to rehabilitate. These programs are probably best left with professional people who best know how to handle them and give medication in those areas. So I just wanted to mention that.

Also, Mr. Richard is correct when he said that there is a large turnover of members on the Alcohol and Drug Co-ordinating Council. I was a member of that particular council at one time, and the experiences that we had within that group -- in a lot of cases we do not have the flexibility that is required in order to do the task that is given to us. There were a lot of political interferences and a lack of administrative support in that area. So really, for the group to function, it was not realistic because there was just never enough support to help in the administering of the moneys, the training, and so on. So I would suggest that it is long overdue.

We have been addressing the issue of alcohol. However, that is as far as we have gone, and we will have to go a bit further and decide what this particular group is going to be doing. Let alone the fact that if there is a transfer of the National Native Alcohol and Drug Abuse Program, which is a federal program -- if it is going to be transferred, we have to be prepared to administer that large amount of money that is going to be transferred with that program. So I would suggest that in a lot of cases it is the smaller communities that are going to be affected, whatever way this program goes. So I suggest Members should support it. Thank you.

MR. SPEAKER: Thank you, Mr. Gargan. To the motion. Mr. McLaughlin.

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. As the Minister responsible for Social Services, I appreciate the initiative taken by Mr. Richard and a couple of other Members to go over in some detail this report which I provided to all Members a couple of weeks ago. As Members will recall, twice -- myself as a Minister and I think my predecessor made the Torrance report available to Members of the Assembly as a tabled document and tried to have it dealt with in committee of the whole. However, we were in a busy budget session at the time and unable to debate the item fully. So I was reluctant as a Minister, because the ADCC was established by the Legislative Assembly and reports to the Assembly, to interfere too much. So now with this direction from the Assembly, I can bring to you some option papers that you can consider and we can then put the responsibility of ADCC into a situation where you will have a Minister who is actually responsible for it, but also accountable on terms that meet with the approval of the Legislative Assembly. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. To the motion.

AN HON. MEMBER: Question.

Motion 7-86(2), Carried

MR. SPEAKER: Question being called. Mr. Richard, do you wish to wind up the debate? Question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Motions. Mr. Butters.

HON. TOM BUTTERS: Mr. Speaker, may I have unanimous consent to proceed with the motion that I gave notice of earlier?

MR. SPEAKER: Unanimous consent is being requested to deal with the motion filed today by Mr. Butters. Are there any nays? Mr. Butters.

Motion 11-86(2): Chief Electoral Officer For The NWT, Carried

HON. TOM BUTTERS: Mr. Speaker:

WHEREAS the Elections Act requires that the chief electoral officer be appointed for the Northwest Territories;

AND WHEREAS the chief electoral officer for Canada has agreed to administer, for the last time, the next general election;

AND WHEREAS to ensure the proper conduct of the next election that a chief electoral officer for the Northwest Territories be appointed;

NOW THEREFORE, I move, seconded by the honourable Member for Yellowknife Centre, that the Legislative Assembly recommend to the Commissioner that the chief electoral officer for Canada be appointed chief electoral officer for the Northwest Territories to be effective when the Elections Act comes into force.

MR. SPEAKER: The motion is in order. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Item 14. Motions. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Speaker. If I could seek unanimous consent to proceed with Motion 9-86(2).

MR. SPEAKER: Do we have unanimous consent? Are there any nays? Proceed, Mr. Nerysoo.

Motion 9-86(2): Medical Services In Inuvik Region, Carried

MR. NERYSOO: Thank you, Mr. Speaker:

WHEREAS the residents of the Inuvik Region have expressed concern about the quality of medical services provided within the region;

AND WHEREAS the residents of the Inuvik Region have expressed support for the need to ensure that medical professionals establish medical services and reside in the region;

NOW THEREFORE, I move, seconded by the honourable Member for Inuvik, that this Legislative Assembly express its support for the efforts of Dr. Terry Fellows in establishing a medical clinic in Inuvik;

AND FURTHER, that this Assembly recommend to the Executive Council that they do everything possible to encourage and support the establishment of a medical clinic by Dr. Terry Fellows.

MR. SPEAKER: Your motion is in order. To your motion.

MR. NERYSOO: Thank you, Mr. Speaker. I had an opportunity to speak with regard to the establishment of this particular clinic. I will ask my seconder to speak further.

MR. SPEAKER: Mr. Butters.

HON. TOM BUTTERS: This is a very worthy motion and I am pleased that the mover has given me an opportunity to second it. Dr. Fellows has served the people of Inuvik and of the Western Arctic for many, many years. He is a young man and is extremely enthusiastic about providing medical services to the people of the North. I can recall only one doctor, in my experience, who has been as interested in the people as is Dr. Fellows. Unfortunately, he died in an air crash many, many years ago. So the fact that Dr. Fellows is taking this move to set up a clinic in the community bodes well both for our future medically and, we trust, for his future economically.

MR. SPEAKER: Thank you, Mr. Minister. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. Mr. Nerysoo, do you wish to wrap up the debate?

MR. NERYSOO: No, Mr. Speaker.

MR. SPEAKER: Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Motions. That appears to complete this item.

Item 15, first reading of bills.

Item 16, second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Bill 2-86(2), Elections Act; Third Report of the Special Committee on Rules, Procedures and Privileges; and Tabled Document 37-86(2), Summary of the Cotterill Report, with Mr. Gargan 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 2-86(2), ELECTIONS ACT.

CHAIRMAN (Mr. Gargan): The committee will now come to order. We are on Bill 2-86(2), An Act Respecting Elections. Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, as we deal with this bill, I would like to move to the witness table and I would be grateful if Members would permit me to have witnesses, legal counsel, Giuseppa Bentivegna and the Clerk of our Assembly, David Hamilton.

MR. GARGAN: Does the committee agree?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Mr. Minister, could you introduce your witnesses for the record?

HON. TOM BUTTERS: Yes, thank you, Mr. Chairman. To my right is our legal counsel, Ms Giuseppa Bentivegna; to my left, the Clerk of the Assembly, Mr. Hamilton. I have a brief statement which I would like to read, if I may.

MR. GARGAN: Mr. Butters, go ahead with your statement.

Minister's Opening Remarks

HON. TOM BUTTERS: Mr. Chairman, I am pleased to put forward the new Elections Act which provides for the holding of elections to elect Members to the Legislative Assembly. The act also establishes the framework and the procedures for holding of elections. This act, along with the Legislative Assembly and Executive Council Act, falls under the direct authority of the Legislative Assembly. The bill before you is the end result of a long process which commenced with the report of the CEO, chief electoral officer, at the 1983 general election. The report was then referred to the standing committee on legislation which made recommendations to the Legislature on the matter. After the recommendations were adopted by the House and the matters that were referred to the Management Services Board were resolved, the bill was finalized. Mr. Chairman, apart from the major changes to the bill, the legislation has been made as simple as possible, to read and to administer. This, we are sure, will assist potential candidates and local returning officers who have to work within the act. The major changes to the act include: the appointment of a chief electoral officer for the NWT; reduction in the election period from 60 days to 45 days; fewer disqualifications making a candidate ineligible; simplification of the nomination process; modified procedures to allow for open lists at polls; introducing the concept of mobile polls and the procedure for holding them; enlarging and simplifying the proxy voting process; the implementation of a tax credit system; inclusion of sections dealing with contested elections. Mr. Chairman, many other provisions of the act have been changed to update the legislation before you, including the deletion of long, wordy sections. These sections required no change in substance but were administratively difficult to deal with. I would be pleased, along with my witnesses, to answer any questions on this bill. I would expect, Mr. Chairman, that the chairman of the standing committee on legislation for this House may also have some comments on this act.

MR. GARGAN: Thank you, Mr. Butters. Mr. MacQuarrie.

Comments From Standing Committee On Legislation

MR. MACQUARRIE: Thank you, Mr. Chairman. The standing committee on legislation has reviewed this bill and finds that the recommendations that were passed in this House some time ago with respect to changes in the act are largely implemented in the bill that stands before us now. One exception that may be noted is that initially we had wanted, with the forthcoming general election in 1987,

to have the entire election run by a chief electoral officer in the Northwest Territories. But there are a number of considerations that have pointed to the fact that we ought, this one last time, to have the chief electoral officer of Canada serve as the chief electoral officer of the Northwest Territories and hence the motion that was made in this House just a short time ago. The intention is certainly to use that election as a training period for territorial officials and, subsequent to that general election, I am sure you will see another motion in this House naming a chief electoral officer in the Northwest Territories. Any following by-elections or general elections down through the years would be run by a territorial chief elections officer.

Tax Credit For Campaign Contributions In The Northwest Territories

Members will recall that in a couple of cases, while they agreed to certain things in principle, the House was not ready to provide details, and the matter that is largely concerned with that statement is the question of a tax credit system for contributions to candidates in elections in the Northwest Territories. As was pointed out earlier in this House, the Northwest Territories, I believe, was the only jurisdiction in Canada that did not have a tax credit system for campaign contributions. This House agreed that there ought to be a system but asked the Management and Services Board to look at the details of implementing a system. You will find the provisions that the Management and Services Board has recommended in this bill.

Another matter that this House had not decided upon was the question of extending the vote to judges and to inmates. The reason the House did not deal with it at the time was because a federal parliamentary committee was looking at that very matter and there have been various Charter of Rights issues that have arisen, so we wanted to delay as long as possible to have benefit of the findings of the various court cases and of that committee before making a decision. Members will note in this bill, finally, that the vote will be extended to judges, if this act passes, but not to inmates.

In my opening remarks, I would like to call Members' attention to a couple of...

HON. MICHAEL BALLANTYNE: (Inaudible comment)

MR. MacQUARRIE: I have an audience of one. Very nice. A couple of issues that will come up later when we are considering this in the matter of tax contributions. I will state what they are now so that Members will have a chance to think about them while we are going through the bill and perhaps be prepared to make a decision with respect to them when we get to that point.

The first issue was that the Management and Services Board has recommended that no contribution to any candidate should exceed \$1500. That that is a maximum contribution that can be made to any candidate's campaign.

Charter Flights As Contributions Exceeding Value Of \$1500

The standing committee on legislation generally accepted that recommendation. However, it was called to the committee's attention that, even when this issue was first raised, some Members had pointed to the fact that in outlying constituencies a contribution that is sometimes made to campaigns is that an aircraft company will offer as a contribution a charter flight to some of the communities. Without that kind of contribution it is almost impossible for any individual in a community to be able to campaign in other communities and get those people to know who he is and what he represents. So certainly the intention was -- that is, a way back when we first started thinking this over -- that that type of contribution was certainly acceptable, but it was pointed out to us that in every case, that kind of contribution probably exceeds the \$1500 limit that we are recommending.

And so we are asking this House, do you feel that an exception should be made in the case of aircraft charters -- that that particular type of contribution at market value could exceed the \$1500 maximum contribution? If so, if you do believe that that exception should be made, then a second issue will arise which is in reference to the concept of contributions vis-a-vis the concept of expenses.

In a very strictly technical sense you could have a contribution of a charter made with a market value of \$4000. The candidate could then say, "Well, that was a contribution to me of that amount but it is not part of my election expenses because I did not incur any liability." The Management and Services Board, as another feature of this tax credit scheme, had indicated that no Member

should exceed \$20,000 in a campaign as far as expenses were concerned. So, if you are making an exception with respect to charters, would the House understand that that contribution really was equivalent to an expense and would have to fit within the \$20,000 limit? I think that is what most Members are thinking but, if that is the case, we have to make that very clear in the legislation. I believe our legislative counsel has prepared some alternate wording which, if Members agree that is what is intended, can be included in the bill.

"Group Contribution" As Relating To Trade Unions

The other issue that will arise with respect to the tax credit system is that we find that where an individual makes a contribution it is clear. He is allowed a maximum of \$1500. It is in his name. He gets a limited tax credit for that. Where a corporation makes a contribution, under the law it is recognized as a person and so that corporation as a single entity could make the contribution subject to the same limits. However, in the case of unions, it appears that they are neither corporations in that sense nor entities under the Societies Ordinance, I believe. Therefore, if they were to make a contribution, they apparently would be required to list all of the members every time they made a contribution and Members may wish to consider whether some special provision should be put in exempting them from having to do that or, in fact, whether that is the way it ought to be. So that is an issue that will arise.

That is it for my opening remarks but I would like to note for the benefit of Members that there are a number of people who have worked very hard over several months in order to give effect to this legislation. They are our clerk, David Hamilton, the assistant clerk, Henry Zoe, the Assembly's law clerk, Joel Fournier, and Giuseppa Bentivegna, who works with the legislation division in the Department of Justice. I spent a great deal of time in recent weeks drawing everything together. Then also in Ottawa, Trudy Gibson, whose name is probably well-known to many Members, has had a great deal to do with plebiscites and elections in the Northwest Territories over many years. Madelaine Menard, who is a legal counsel for the chief electoral officer, Louis Lavoie of the chief electoral officer's office and even Mr. Hamel, the chief electoral officer himself, has taken a personal interest in trying to make sure that we have good legislation here.

So what we have is a bill that I think will be a very good piece of election legislation. As I said, it implements the vast majority of the recommendations that were made in this House. Voting should be much simpler for people in the Northwest Territories and the opportunity to become a candidate should be simpler as well. There are many other features which I will note briefly as we are passing through the bill. With that, Mr. Chairman, I think we are ready to go clause by clause.

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

---SHORT RECESS

We are now on general comments. Mr. McCallum.

MR. MCCALLUM: Thank you, Mr. Chairman. I would like to make a few comments. I did have some experience in 1978 or 1979, when we changed the Elections Act, and again at this time to try to bring together a piece of legislation that would not just be unique to the Territories but, of course, be more appropriate than what we had prior to those years. Some of us were elected under a piece of legislation that we should all now acknowledge is outdated. I think that although the bill is fairly long, it does take into consideration a great number of concerns that not only the committee but also other MLAs had in reviewing it. Now I think this piece of legislation does take care of those concerns of individual MLAs and, to some extent, some concerns that may have been raised by other constituents in various constituencies.

Appreciation For Those Who Worked

As Mr. MacQuarrie has indicated, some long and tedious work and a great deal of effort by quite a few people went into this. Not the least, of course that should be made mention of is Mr. MacQuarrie's work in leading the committee in dealing with this bill. I think it is safe to say that we have made so many changes to the old Elections Act that in point of fact we are looking at something new altogether. The changes that have been brought about through this particular review that we have done are going to make this bill or Elections Act in the NWT a model for others.

I think it is safe to say that even the federal government are looking at this piece of legislation and wanting to embody in their own act, at the federal level, some of the provisions that are in here. So I think the result should be that we have a very, I would say, more than adequate piece of legislation to guide us in the next general election in the NWT. I think that is something that we as Members when we pass this piece of legislation should take pride in.

I find it a little difficult to sit here, as a Member of the standing committee on legislation and as well, as a Member of this committee of the whole, to discuss a piece of legislation that is fairly lengthy and that has a great deal of effect on Members who are now in this House and not have the House filled with these Members. Surely there are concerns that Members would have about the legislation. Whether they are going to stand for re-election or not is not the point. The point is that we have to leave something and we have a responsibility to leave something to those who come next. And if Members of this House are concerned about how things are going to be run in the NWT, how you can get in on trying to determine the direction that government is going, it would seem to me that one must be, first and foremost, aware of how you are going to be able to get elected in the first place. So I would have hoped that we would have had all Members of this House in here to discuss what I think is a very important piece of legislation, if not one of the most important pieces of legislation that has been before the House in the past three years. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McCallum. General comments. Does the committee agree that we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 4, appointment. Mr. MacQuarrie.

Chief Electoral Officer

MR. MacQUARRIE: In clauses 4 through 9, I will make a few comments. The recommendation that was passed in the House was that the Northwest Territories take over administration of elections in the NWT; that the GNWT solicit funds from the Government of Canada to engage a chief electoral officer for the NWT and that the CEO develop a framework for running of elections in the NWT; that the CEO receive training in Ottawa and that the next general election be run by the CEO for the NWT with support and advice from the CEO for Canada.

It is to be noted that clauses 4 through 9 do deal with the appointment, duties, powers and staff of the chief electoral officer. But it should also be noted, as I said earlier, that the decision, for a variety of reasons, has been made to have the chief electoral officer of Canada be the chief electoral officer for the Territories for the forthcoming election, and that all of the rest of these decisions would be implemented following that time. Nevertheless the sections still are changed significantly in order to provide for, as I said, the appointment, duties, powers and staff of the chief electoral officer as well.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 4, appointment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 5, duties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 6, power to adapt act. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 7, delegation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 8, publication of instructions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 9, staff. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 10, writ of election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 11, general election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 12, day to be held. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 13, returning officer to act. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 14, withdrawal of writ. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 15, appointment of returning officers. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. First I could note generally -- it appears in more than one place in the act, because of the nature of it -- that the House had recommended that the period of an election be reduced from 60 to 45 days and that change is reflected in a number of points throughout the act. I know that some Members thought that the period should be even shorter than that, but after serious consideration of the matter, it was felt that 45 days could be accommodated, but given the distances and communication and transportation and so on in the Territories, that we could not safely reduce it below 45 days. So from 60 to 45 is still a very significant reduction in the period of an election.

Returning Officers To Be Appointed By Chief Electoral Officer

With respect to clause 15 specifically. The recommendation of the House had been that the appointment of returning officers be on a continuing basis; that in case of a vacancy in a returning officer's position, that the Commissioner shall appoint a new returning officer forthwith, if an election is imminent or within 60 days of the vacancy; that section 6 be amended to make clear that if a returning officer is not carrying out the duties or instructions of the chief electoral officer, that the Commissioner may remove the returning officer. The response is that this clause deals with the initial appointment, removal from office and new appointments of returning officers and all of the provisions reflect the wishes of the House. Members should note particularly that the authority and power in appointing and removing a returning officer is being given to the chief electoral officer and not to the Commissioner.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 15, appointment of returning officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 16, publication of appointments. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 17, election clerk. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 18, returning officer unable to act or absent. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 19, election clerk to act. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 20, additional election clerk. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 21, delegation to election clerk. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 22, transmission of oaths. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 23, returning officer to open and maintain office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 24, prohibition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 25, revision of boundaries of polling divisions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 26, supplies for returning officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 27, proclamation by returning officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 28, persons qualified as electors. Mr. MacQuarrie.

Qualifications And Disqualifications Of Electors

MR. MacQUARRIE: This generally is the section on electors' qualifications and disqualifications of electors. The purpose of changes in the section was to make sure that wherever possible, residents of the NWT would get the opportunity to vote, and certain restrictions have been deleted. The recommendation was that the issue of whether judges and inmates should receive a vote should be discussed by the Legislature after the report of the federal privileges and elections committee has been tabled in Ottawa. As I said earlier, the information that the MSB had received led to a discussion on the matter, and the response is that subclause 28(3) deals with persons who are disqualified from voting at an election. The MSB was recommending to the House, and it is reflected in the legislation, that judges should receive the vote, but the MSB did not wish to extend the vote to inmates. If some Members have a concern, this would be the point at which to raise it. Nevertheless, that is what the MSB has recommended for the House's approval. Of course, it is entirely possible that at some date in the future, there could be other Charter of Rights cases that could necessitate some change in the legislation, I do not know, but Members, in the majority, wanted to leave it this way at the present time.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 28, persons qualified as electors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 29, persons entitled to vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 30, residence rules. Mr. MacQuarrie.

Determining Residence

MR. MACQUARRIE: This is the section on determining residence. In the existing legislation there were some very complex provisions about residency which we have tried to simplify. That is not with respect to being a bona fide resident to vote in an election. That has been left the same. The House recommended that you must be resident a year in the Northwest Territories in order to vote in an election and that provision has been left the same. But then, of course, the question arises within the Northwest Territories; if you are moving from constituency to constituency for some reason or other, when are you entitled to vote? And there were some very complex provisions in the previous legislation that have been cleaned up and addressed, I believe, very effectively.

One of the concerns was the matter of temporary residence. The standing committee on legislation, long ago, had recommended that this be looked at and if the concept was not necessary, to delete all sections dealing with temporary residence. That has been done. Essentially, what you will find now is that it is clear that every bona fide resident of the Territories is assumed to have a residence in the Territories somewhere, not more than one. And in general it is the place to which he or she intends to return, when he or she is away from it.

If someone, for example, is away attending one of the campuses of Arctic College for a brief period of time, taking courses there, it is clear from this legislation that their place of residence is the constituency in which they ordinarily live. If they have come to the campus in Inuvik from Cambridge Bay, they are considered to be residents of Cambridge Bay. It should be noted at this time -- we will go into it a little more later -- that the ability for them to vote by proxy has been made much simpler in this legislation than it was before. There is still the possibility that if someone went to the Inuvik campus for a course from Cambridge Bay, but was not intending to return to Cambridge Bay, in other words was going to take the course and then was not sure where they would be going following that course, that they could, in conscience, claim that Inuvik is their residence and they would be entitled to vote in Inuvik in that case. So what I am saying is that everybody clearly has the right to name a place as their residence. However, if it is clear that they are intending to return some place else, that some place else is to be taken as their residence. I think that is all I have to say on that section, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 30, residence rules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 31, residence at a general election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 32, residence at by-election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 33, Members, spouses and dependants. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 34, appointment of enumerators. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 35, list of enumerators. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 36, preliminary lists. Mr. Butters.

Motion To Amend Subclause 36(1), Bill 2-86(2), Carried

HON. TOM BUTTERS: Mr. Chairman, we would wish to make an amendment to clause 36. Specifically, it is the fifth line of clause 36(1). Mr. Chairman, I move that Bill 2-86(2) An Act Respecting Elections, be amended by deleting line 33 on page 17 and substituting the following: "comprising his electoral district are prepared." Mr. Chairman, on that line, we are just deleting the word "in" that is in the Member's books.

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

---Carried

Thank you. Clause 36 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 37, posting of notice of enumeration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 38, obtaining information. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 39, entry in index book. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 40, forfeit of payment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 41, receipt of preliminary list copies. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 42, distribution of copies of preliminary lists. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 43, changes to preliminary list. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 44, time for revision of preliminary list. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 45, statement of changes. Mr. MacQuarrie.

Statement Of Changes

MR. MacQUARRIE: Yes, Mr. Chairman. It is just a small change but I know it concerned a number of Members so I would like to point out that, in fact, a change has been made. The recommendation was that this area be amended to require that each candidate be given a copy of the statement of changes and additions so that candidates would be up to date on the list of electors in their constituency and the bill does reflect that. It requires statements of changes to be sent to all candidates.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 45, statement of changes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 46, official list. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 47, list not received in time. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 48, amalgamation of polling divisions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 49, enumerators. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 50, nomination day. Mr. MacQuarrie.

Eligibility Of Candidates

MR. MacQUARRIE: The recommendation of the House had been that what was then section 19, concerning "persons ineligible as candidates", be given to a lawyer to be rewritten to make it less restrictive and in line with the Charter of Rights and Freedoms. The section should, however, include ineligibility where there is a clear danger to the public interest.

The intent there was, in view of the fact that we have such a small population, to try to leave it as open as possible for people to be candidates and that there should not be needless restrictions on candidacy. This section has been improved and the number of restrictions lessened on those who may be candidates. The committee had wanted to ensure however, that when candidates are elected, there are conflict of interest guidelines strict enough that there is no danger to the public interest and the matter of conflict of interest is one that has been partially addressed by the rules committee which may possibly be further addressed at a later date. At any rate I feel there are not needless roadblocks in the way of potential candidates now in the present legislation.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 50, nomination day. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 51, qualifications of candidates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 52, ineligible candidates. Mr. MacQuarrie.

MR. MacQUARRIE: With respect to clause 52 which deals with ineligible candidates, we had pointed out earlier that judges would be unable to vote and since under this legislation those who are eligible to vote are eligible as candidates, it would be clear that judges are eligible as candidates. But it was pointed out to us that the way this section is written, I believe it is clear at any rate that a judge, if he wished to run, since he holds an office, could run only if he were to resign his office. And I get a nod from the legal counsel indicating that that is the case. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 53, number of nominators. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 54, official agent. Mr. MacQuarrie.

Nomination Of Candidates

MR. MacQUARRIE: Regarding clause 53 and onward, there are a number of changes that have occurred. The House specifically had requested that what was then section 21(1) be amended to increase from 10 to 15 the number of persons required to nominate a candidate and the act has been changed to reflect that. I believe you will find that provision in subclause 53(1).

The committee had also recommended that the section on nomination of candidates be referred to Elections Canada to be cleaned up so as to make the process as fair and easily accomplished as possible, while still safeguarding the candidates' candidacy. In other words, we had to have sufficient regulations surround nominations so that a candidacy could not frivolously be disputed afterwards. The response is that in fact these matters have been attended to and the section has been drafted to simplify the procedure for nominations.

With respect to 53(2), put into other language, this clause would now mean that a potential candidate has 17 days in which to file nomination papers from the time that the writ is issued until nomination day.

One method of simplification is noted in 53(4)(g) or (h). There was a recommendation that that area should be amended to delete the requirement to include the occupation of persons nominating a candidate and the act is changed to reflect that.

Official Agents

Clause 54, dealing with an official agent. The proposal that was brought to the standing committee on legislation, the committee felt was too restrictive as it had eliminated virtually all of the relatives and employees of a candidate, as well as the employees or partners of an election officer, from acting as an official agent. The committee felt that in many of those cases there was not really any reason of substance as to why certain people could not be official agents of candidates and recommended to the government that it modify this clause in order to stipulate that only those people who for some very substantial reason ought not to be official agents, would be eliminated. The new wording does reflect the committee's wishes in that respect and what is in the bill is acceptable to the committee.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 54, official agent. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 55, new official agent. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 56, declaration of witness. Mr. MacQuarrie.

MR. MacQUARRIE: The House earlier had recommended that the section include a provision to allow for the option of individual witnesses or for the official agent to serve as witness for all nominators and that provision has been implemented.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 56, declaration of witness. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 57, deposit. Mr. MacQuarrie.

MR. MacQUARRIE: One of the concerns of Members, I recall, with respect to existing legislation was that I believe that certified cheques were required in placing a deposit for nomination. Some Members of the House rightly pointed out the difficulty of candidates in small communities being able to do that. The recommendation had been that section should be amended to make Hudson's Bay and co-op drafts legal tender for nomination fees and I will point out that the legislation has been changed to reflect that.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 57, deposit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 58, photograph to be reproduced. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 59, returning officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 60, return of deposit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 61, duty to be present. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 62, transmission of names of candidates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 63, votes void. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 64, delegation of powers. Mr. MacQuarrie.

Filing Of Nomination Papers

MR. MacQUARRIE: Another concern that had been voiced by quite a number of Members was the difficulty of filing nomination papers, that the old legislation was very inconvenient for many people who might wish to be candidates. So the House's recommendation had been that the section include a provision for candidates to be able to file nomination papers in any community. The response is that the act now permits the filing of nomination papers in any community with the prior approval of the chief electoral officer. I do not think I need to read the rest of that comment. Is that okay? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 64, delegation of powers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 65, withdrawal of candidate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 66, single candidate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 67, false withdrawal statement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 68, postponement of nomination day. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 69, return by acclamation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 70, granting of a poll. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 71, deputy returning officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 72, posting of list of deputy returning officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 73, deputy returning officer unable to act. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 74, ballot boxes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 75, ballot papers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 76, property. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 77, photographic placards. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 78, materials to be furnished to deputy returning officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 79, polling stations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 80, hours of polling. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 81, central polling place. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 82, polling stations in adjacent polling division. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 83, polling station in school or other suitable public building. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 84, official list. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 85, application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 86, special statements of changes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 87, official list of electors. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 88, application of act. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 89, advance polling districts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 90, opening hours for advance polls. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 91, eligibility to vote at advance poll. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 92, voting at advance poll. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 93, advance poll examination of ballot box. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 94, count of votes cast at advance poll. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 95, striking off names of advance voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 96, who may be present at poll. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 97, powers of candidate and agent. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 98, counting of ballots before polling. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 99, instructions as to posting of directions to electors and placards. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 100, examining and sealing ballot box. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 101, opening polling station. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 102, open lists in polls. Mr. MacQuarrie.

Open Lists In Polls

MR. MACQUARRIE: The fact is that although this is a new act, many of the provisions of the act are simply taken from the existing legislation. There were no changes in it and so they have been found to be acceptable. But here again we have another change in section 102. One thing that had been galling to, perhaps not so much to Members, but perhaps to electors, people who had lived in a community all their lives, had voted before in elections and had tended to assume that they were on the electors list, and yet when they turned up to vote on election day, they find that they are not on the list and they have to run around to get somebody to vouch that they are who they say they are, and that kind of thing. That causes some complications in certain ridings. It certainly did in the last election.

So Members generally felt that there should be some change there, and the recommendation was that the method of getting on the voters list on election day, be as simple as possible. And in particular that a provision be included whereby an elector at the poll who is not on the list, can sign a sworn statement before a witness and be placed on the list. So the response is that the act has been drafted to permit open lists in polls. In other words, if people turn up and find that they are not on the list, they will be able to swear that in fact they are eligible and be allowed to vote. But it should be noted that, in accordance with the recommendation of the House that it should be made an offence to make a false statement in order to cast a vote, Section 102(3) of this legislation reflects that recommendation. So it is a very serious matter. If you were to turn up and claim to be eligible, knowing that you were not, you would be committing an offence. But if you were sincere and in fact were eligible, then it would be a simple process to get to exercise your vote.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 102, open lists in polls. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 103, oath requirement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 104, identification documents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 105, minor error in list. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 106, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 107, secrecy during and after poll. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 108, production of ballot paper to elector. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 109, spoiled ballot paper. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 110, elector in whose name another voted. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 111, inability of elector to mark ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 112, situation at close of polls. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 113, definition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 114, definition. Mr. MacQuarrie.

MR. MacQUARRIE: Just in moving along as we did, I should have noted one thing and that is that the act no longer requires that the mark being used to mark a ballot be an "X". It can be any clear mark that would indicate support for a candidate, so long as it is in the circle that is provided on the ballot. So it could be a check mark or an "X". If a question mark were to appear in the circle I am not sure how that would be interpreted, but presumably if there is only a question mark beside one candidate's name, you would have to suppose that that was a satisfactory mark and indicated support, although with some hesitancy maybe.

Mobile Polls

Regarding section 114 and onward, this was not one of the original recommendations of the standing committee on legislation, but perhaps it should have been because it is a good recommendation. It was a recommendation that was added when our set of recommendations came to the House, and that is that there should be a provision to allow voting by mobile poll. The response is that these provisions have been incorporated in sections 114 through 119. So I think we have a system whereby virtually everybody who wants to, in the next general election, will have an opportunity to vote one way or another -- at a mobile poll or by proxy or in an advance poll or at the polling stations on the general election day, and if they are not on the list they can get on to the list. So virtually everybody should have that opportunity and not be denied because of some red tape or technicality.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 114, definition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 115, appointment of deputy returning officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 116, procedure. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 117, collection of records. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 118, striking off names of voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 119, proxy voting prohibited. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 120, voting by proxy. Mr. MacQuarrie.

Proxy Voting

MR. MacQUARRIE: This refers to proxy voting. It was felt in the old legislation that there were some very arbitrary distinctions about who could and who could not vote by proxy. Those have been removed to the point where essentially anyone who indicates that he will not be present in his constituency on an advance polling day or on a general election day, will be eligible to vote by proxy, and it is a fairly simple system for effecting a vote by proxy.

The existing legislation also required, however, that if you were eligible for a proxy vote that it would have to be someone in your own polling division who could vote for you by proxy. This legislation opens that up and indicates that it would have to be someone in your constituency certainly, but not necessarily in the polling division.

CHAIRMAN (Mr. Gargan): Clause 120, voting by proxy. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 121, notice to disabled. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 122, declaration of proxy voter. Mr. MacQuarrie.

MR. MacQUARRIE: The recommendation of the House had been that the method of voting by proxy be as simple as possible, concluding with a simple declaration before the deputy returning officer at the poll concerning one's eligibility to vote by proxy for another voter, and the act has been changed to reflect that, in subclause 122(1). In subclause 122(5) there continues to be the requirement that there be only three proxy votes per elector allowed. In other words, any elector who is asked by someone else to vote for him or her by proxy, may do so, but to a maximum of three other people, not beyond that. And that is reflected in this act.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 122, declaration of proxy voter. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 123, offence. Mr. MacQuarrie.

An Offence To Solicit Proxy Votes

MR. MacQUARRIE: In the matter of proxy votes, the House had made the recommendation that a provision be included to ensure that it is an offence to solicit proxy votes. In other words, it would be an offence for any candidate, or any other person, to try to encourage people to turn their proxy votes over to him. This act reflects the recommendation. It is an offence to do that but the act also makes clear that it is not an offence for a candidate or returning officer or someone else, simply to make people aware of the fact that there is a proxy voting provision and that they may vote by proxy if they should choose to do so. That is not an offence, it is entirely permitted.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 123, offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 124, consecutive hours for voting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 125, keeping the peace. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 126, peace officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 127, polling day prohibitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 128, counting of votes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 129, rejection of ballots. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 130, effect of failure to initial. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 131, objections. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 132, disposition of ballot papers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 133, statement of poll. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 134, collection of boxes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 135, safekeeping of ballot boxes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 136, opening and official addition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 137, certificate of votes cast. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 138, application for recount. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 139, adjournment of addition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 140, procedure where statement not in ballot box. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 141, declaration of apparent winner. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 142, offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 143, custody of empty ballot boxes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 144, application to judge for recount. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 145, notice and service. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 146, recounting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 147, counterfoil. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 148, continuity of proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 149, termination on application. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 150, procedure at conclusion. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 151, candidate declared elected. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 152, casting vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 153, costs. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 154, assistance to judge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 155, appeal of recount. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 156, decision. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 157, effect of decision. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 158, costs. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 159, order made after return of writ. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 160, new declaration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 161, return of elected candidate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Give me some water. Clause 162, procedure on receipt of return. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 163, reports by chief electoral officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 164, offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 165, report to Speaker of the Legislative Assembly. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 166, complaints and suggestions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 167, retention of election documents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 168, certification. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 169, definitions. Agreed? Mr. MacQuarrie.

Tax Credit System

MR. MacQUARRIE: Yes, this is an entirely new part of the act. Clauses 169 to 177, and clause 245, which is a consequential amendment, all deal with the matter of a tax credit system. As I pointed out in my opening remarks, the House had asked that a tax credit system be implemented since it was a feature in all other political jurisdictions. The details were left to the Management and Services Board as to the limitations on it. The Management and Services board held a number of discussions and had some research done by researchers and lawyers and came up with a package of recommendations. Perhaps I can ask the Minister or the Clerk or Ms Bentivegna, to point out what are the main features of the tax credit system that would be implemented if this legislation is passed?

CHAIRMAN (Mr. Gargan): Mr. Butters, sir.

HON. TOM BUTTERS: Ms Bentivegna will now respond to the question.

MS BENTIVEGNA: The main features of the contributions are as follows: Contribution includes any money, services and goods, but does not include volunteer labour or any goods produced by volunteer labour. Then, anyone can contribute, any person, which person includes corporations, can contribute to a maximum of \$1500 to a candidate per campaign, in a campaign period.

A candidate can use any amount of his own funds on the campaign, but he is limited by the \$20,000 election expense maximum, and he can only get a tax receipt, the same as all individuals, for \$1500. But, the maximum tax credit is \$500. Then there is a provision that allows contribution by groups but these contributions have to be detailed, in that the amount that is given by each person in that association has to be written and the name has to be given.

Also, any contribution that is in goods and services is valued at market value and is recorded as such and reported. Only an official agent, or any person authorized by him, can collect contributions but only an official agent can give a tax receipt for the amount of the contribution received. A contribution up to \$100 can be given anonymously and anything over \$100 has to be recorded. The name of the person has to be recorded and reported.

Then, there is a provision to allow for collection of money at functions. Again, this is money that is given anonymously, and the whole total amount collected at such a function is recorded.

Disposition Of Surplus Campaign Funds

There is another important provision on any surplus that is not used. So therefore, let us say, if contributions are \$30,000, and there is a maximum of election expenses that can be used of \$20,000, then let us say the \$10,000 can be given by the candidate, either to the consolidated revenue fund or to a charity of his choice, and a charity is defined as any association that is incorporated under the Societies Act. Also, the candidate will not receive a tax receipt or any tax credit for such a donation.

There is another feature also, that if a candidate finds at the end of the campaign period, which ends on polling day, that he has not collected enough to cover his election expenses, then the act allows him to receive additional contributions and give tax receipts, but again limited by the maximum of \$1500 per person, and the other sections also apply.

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

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Well, Mr. Chairman, those are a number of fairly complex provisions, and perhaps Members have questions or comments about them generally or about any aspect of them. The one thing that I would reiterate in it all, is that it is clear that a candidate may spend more than \$1500 of his own money on his election campaign. Everybody else is limited to the \$1500, but the candidate himself can exceed that. But, even where the candidate does, he is still limited to the same tax credit restrictions that everybody else is. Essentially the tax credit scheme works this way, that any contribution up to \$100 for which you get a receipt will be credited in full, 100 per cent. Any contribution from \$101 to \$900 will be credited half, that is 50 per cent. Any credit contribution beyond \$900 will not be credited at all and therefore, if you figure it out you will see that the maximum tax credit anyone could get under this regime would be \$500.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 169, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 170. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, if we could return to clause 169. If Members do not wish to ask questions of clarification on any of those matters then I would like to come to the two issues that I raised at the beginning of it all. So, I will ask again, do Members wish to ask myself or Mr. Butters or the Clerk questions of clarification on these other amounts and the procedure? If not, then I will go to these issues before you leave clause 169.

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I am interested in one of the issues that Mr. MacQuarrie brought up and I would like a little clarification. As I understand it, if unions make contributions to a candidate, all the members of the union would have to be named. If a company makes a contribution, do all the shareholders or company officers have to be named?

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie.

HON. TOM BUTTERS: Ms Bentivegna will answer.

MS BENTIVEGNA: They do not have to because companies are persons, legally they are seen as persons and so they would not have to name their shareholders.

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

HON. MICHAEL BALLANTYNE: This is a personal opinion and I am not sure if Mr. MacQuarrie will agree with it or if that is his concern also. I assume it is. That I think in all fairness if we are to consider companies as persons, we should also consider unions as persons, so we have some balance as far as making contributions to campaigns is concerned.

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

MS BENTIVEGNA: Mr. Chairman, that is a decision for the committee to make, whether they want to put in a provision which would allow trade unions to contribute as a trade union without naming all the members who are members of that union.

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie.

Inequity In The Legislation

MR. MacQUARRIE: Yes, not speaking as the chairman of the standing committee on legislation but as an individual Member, I have raised the very issue that that Member just raised now. That is a concern to me too. It seems that there is an inequity there and it stems from legal definitions and legal practice in the past. It would seem to me that a shareholder in a corporation, in a sense would have as much right, although maybe not the same motivation, to say to the corporation, "Hey, you ought not to be giving what is essentially my money to a particular political party." Perhaps that will be challenged some day in the courts as well. I do not know but it has not been yet. But the way the law would seem to allow now is that if a corporation were to give a donation to a candidate, the corporation is recognized in law as an entity unto itself, that it is dealing with its own money as a person and therefore makes the contribution and shareholders are not listed. Somehow to me it seems that there is an inequity there and personally I would prefer to see us include something in the legislation that would put a union on the same footing.

Incidentally this would not, as I understand the law, apply to the Public Service Association in any event, because the Public Service Association, under other legislation I believe, is prevented from making such a contribution. Could I clarify that with Ms Bentivegna?

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

MS BENTIVEGNA: Yes, in subsection 46(1) of the Public Service Act, the public service union is prohibited from making contributions to political candidates.

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

MR. MacQUARRIE: So, Mr. Chairman, we would be dealing with unions here, such as the Canadian Association of Smelter and Allied Workers or United Steel Workers or whatever. I would like to hear from other Members as to how they feel about this.

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

MR. WAH-SHEE: Mr. Chairman, I have difficulty with putting unions in the same category as corporations. Number one, there is really a difference in that the objectives are not the same in terms of the two separate organizations. One represents the interests of a particular group or

collectives, the other is incorporated for the purpose of entering into private enterprise. The view that I would put forth is that I do not think that the unions can be separated from associations. There is a variety of associations in existence in the Northwest Territories. They also have memberships, individuals who join to associate themselves with the various associations.

So, I think that if in our proposed legislation here we are going to name individuals that belong to these associations and the amount of money they are going to contribute, then I would think that the same thing has to apply to a union. On the other hand, if you are going to give special consideration to the union, then I would suggest that you do the same thing to the other associations in the Territories, which are set up to represent the interests of the membership.

But, to try to put them in the same category as corporations, I think that that would be the wrong approach, because I do not see where we can put the unions and the corporations in the same category. So, I cannot see how we can just lump them in the same category, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, I can appreciate some Members' concerns about the inequitable treatment, as Mr. Ballantyne pointed out, but I would like to ask, what is the rationale for the disclosure in subparagraph (4)? Because, it occurs to me that with corporations, there is a requirement over in the next page in section 173, that only individuals who are resident in the Territories and corporations that carry on business in the Territories, can in fact contribute. Therefore it is a corporation carrying on business here, that is registered in the government's companies registry, and therefore there is information about the company. I mean you can have a numbered company, but you can go to the registry and find out as much as possible about the company to get the identity.

But, similarly, if under subparagraph (4), the associations or organizations -- perhaps I have to ask, who is contemplated there, because if it is a society for instance, again we do have a societies register here and you can go and find out who belongs to such and such a society or a co-operative association, so why is it necessary to have this requirement for disclosure in subsection (4)? Maybe I can ask that of the witnesses. Thank you.

CHAIRMAN (Mr. Gargan): Ms Bentivegna. Go ahead.

Group Contributions

MS BENTIVEGNA: Thank you, Mr. Chairman. The reasoning behind subsection 169(4), is that that would cover any group that is not a corporation under the Companies Act or incorporated under the Societies Act. So, that therefore, would just be individuals who had grouped together. It could just be an association that has got together to elect a certain candidate, so that you want to record it, so it then comes within the person's \$1500 maximum. That is the reason behind that subsection.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Well, Mr. Chairman, without thinking it through, I am wondering if we should not consider deleting group donations. We are talking about an unincorporated group in subsection (4), I take it. That is the problem, it is not an identifiable entity. Maybe we should not allow group donations.

MR. MacQUARRIE: Unincorporated group donations.

MR. RICHARD: Unincorporated group donations. I can appreciate that a trade union, as they are wont to get into political matters, should be allowed to donate. I appreciate that, and I think that it is unreasonable to require a trade union -- certainly for a large trade union, as in the examples that Mr. MacQuarrie gave, I think that it is unreasonable to require that kind of disclosure, but to get around that inequitable treatment, Mr. Chairman, maybe we should be considering not allowing group donations.

If, in the example given, there is a group of people who get together to support a candidate, if there are 10 of them and they each chip in \$40, the point that is being made is, that that \$40 donation should be added to maybe another \$1000 donation that they have made somewhere else, to see

if they are still within their maximum of \$1500. But, if there is a group of 10, each contributing \$40, it should be recorded as their individual names, \$40 each, and not record them as a group but as 10 different donations if you will, rather than one group donation. But, I have not looked at it long enough to know whether there are other groups that this would cause a hardship to if we prohibited group donations.

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

HON. TAGAK CURLEY: Mr. Chairman, on that last clause, as far as I am concerned, the wording here, I think, is probably more of a problem than it intends to be. I certainly agree that these non-registered organizations or groups that are not registered probably should be, you know, monitored carefully.

Definitions Should Be Included

But, as far as this clause is concerned, I have two questions here. What is the meaning of an association or an organization? I think that the problem here is a definition problem. I do not think that it means what it intends to mean. I think that the problem here is the definition of the two, association and organization. To me these are very fundamental, important groups in the Northwest Territories. We have many organizations that are registered under the Societies Act. We have an association of municipalities, we have co-ops in every community throughout the Northwest Territories. They are associations and organizations, so I think we should be given a clear definition of exactly what they mean by these two words in that clause.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Curley. Ms Bentivegna.

MS BENTIVEGNA: Thank you, Mr. Chairman. This subsection is intended to cover any group that is not incorporated. So, therefore, they are not incorporated under the Societies Act, or they are not a company, because they are covered by the word "person" if they are. So this would be any other grouping that does not have any kind of legal status, that is not recognized under any law particularly.

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

MR. MACQUARRIE: Yes, just to clarify it for Members that that is where the problem stemmed from then, because you could have societies that are incorporated and companies are incorporated, so they can give a single donation as a person. Apparently, legally unions are not incorporated in that same way in the Territories. That is why they could not give it and why, if there were a clause like that, they would fit into that kind of clause, then that seems to work an undue hardship. So perhaps eliminating the clause -- but then would unions have the opportunity to make any contribution at all in that case? If so, under what circumstances, if you just deleted the clause? I do not know.

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

Specific Mention Of Trade Unions

MS BENTIVEGNA: There is no problem with deleting this clause, in that then you will not allow any group that is not incorporated and, therefore, a person to make a donation. Now trade unions, since in most cases they are not necessarily incorporated but accredited, might not fit in the definition of "person". So, there would have to be a very specific mention of trade unions and allowing them to donate. Otherwise they might be excluded if they are not incorporated and which many of them, under all reservation, I do not think are.

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

MR. MACQUARRIE: I would ask Ms Bentivegna then is it possible to, let us say, delete that group contribution section, but have a clause merely stating that trade unions may make contributions?

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

MS BENTIVEGNA: Yes, Mr. Chairman, it is. Except may I point out that usually where trade unions are allowed to make contributions it is stated -- a maximum is given for each member -- and also that it as usually done, as where would be allowed, would be where they are done through payroll

deduction. Now, this House is certainly not bound by those requirements. I mean you can certainly decide that it will allow any union to make the maximum contribution, up to the maximum no matter of the number of members. I would just like to point out that it should specify, as done for the other contributors, that it has to be operating in the Territories.

CHAIRMAN (Mr. Gargan): Thank you. Clause 169, definitions. Are there any further comments? Mr. MacQuarrie.

Appearance Of Arbitrary Discrimination Within Legislation

MR. MacQUARRIE: Yes, Mr. Chairman, it appears or it seems to me as a Member anyway that there should not be a kind of arbitrary discrimination against trade unions and yet that is what would appear to be because of the legal structure and everything. So, I think it appears quite possible to define trade unions in our definition section and then perhaps to have simply a clause that states, beginning the same as subsection (4), "Subject to subsection 46(1) of the Public Service Act, a trade union may make a contribution to a candidate at an election which shall not exceed \$1500 in a campaign period."

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

MR. McCALLUM: Just a point of clarification. Does subsection 46(1) of the Public Service Act have any relevance to trade unions?

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

MS BENTIVEGNA: I am just pulling out the relevant section, Mr. Chairman, so that I can read it for the committee.

HON. MICHAEL BALLANTYNE: Again, to try to be totally equitable, if we are saying that individuals and companies that are not registered in the Territories do not qualify, that also should apply to locals of unions in the Territories if we want to have a balance.

AN HON. MEMBER: (Inaudible comment)

HON. MICHAEL BALLANTYNE: Yes, it should be the same sort of balance so that a local from Kitimat could not make a contribution here, if a company could not. Well, we want the same balance. There are locals that are here -- registered here. It should be easy to check out. Does that make sense?

CHAIRMAN (Mr. Gargan): Mr. Butters.

HON. TOM BUTTERS: We could probably get out of this conundrum if we could give Ms Bentivegna about five minutes to draft what she has heard discussed here over the last 10 minutes and present it to the committee. Obviously, it is impossible to do under the stress of debate, so if you could give us a five minute recess possibly?

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie.

Exception For Charter Flights Contributed

MR. MacQUARRIE: No, I think that would be a good idea. I am not sure she heard the last comment by the honourable Member for Yellowknife North, about it being union locals operating in the Territories. But I would say that it is wise to give her the chance to do that, but I can address the other issue because she might as well incorporate it if Members agree to it. And that is the idea that it is clear that in many outlying constituencies the kind of contribution that has been made in the past toward election campaigns is by air charter companies offering flights to Members from one community to another so that they can campaign. It would be too complex to try to set a different valuation on that contribution -- you know, at cost or something. It is best to just leave it at market value as before. But if we are to agree and I think many Members would agree that is a fair kind of contribution, almost always that exceeds the \$1500 maximum that we have already put here. So can Members agree that there should be an exception made for aircraft charters? We are just dealing with contributions and expenses generally, yes. Can Members agree that there should be that exception made for aircraft charters so that a contribution there could exceed the \$1500 maximum...

AN HON. MEMBER: Up it \$20,000.

MR. MacQUARRIE: ...but then also relate contributions to expenses, so that every candidate would have to consider a free gift of charter like that as an expense in his campaign and his expenses could not exceed the \$20,000 maximum? Could Members agree with those ideas?

CHAIRMAN (Mr. Gargan): Thank you. While Ms Bentivegna looks over the drafting of this particular section, can we perhaps defer this particular section and go on with the rest of the clauses? Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. With regard to the idea of the charters, how many charters is that? Is that one charter or a number?

MR. MacQUARRIE: Any number, so long as it fits under the \$20,000.

MR. NERYSOO: Mr. Chairman, what about the idea of taxis and those other expenses?

CHAIRMAN (Mr. Gargan): Thank you, Mr. Nerysoo. Mr. McLaughlin.

Travel Not Included As An Expense In Federal Act

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. On the item just raised by Mr. MacQuarrie and Mr. Nerysoo, in the federal Elections Act, where there is a close governance of what Members of Parliament get to expend as election allowances, travel is not included, because they have, wisely I think, over the years realized that different Members have different ridings and some ridings have good scheduled services, some do not. So Members' travel is not included in any restrictive area in travelling through their constituency for election purposes. I would be against anything that put a ceiling on what Members can use to travel in their ridings because some ridings have good scheduled services, some do not. I think that we should follow the federal guidelines there, where Members' travel is not included as part of the election expenses.

CHAIRMAN (Mr. Gargan): Mr. McCallum.

MR. McCALLUM: I just want to get straight what Mr. McLaughlin is suggesting. You are suggesting they not become expenses at all and simply a contribution. You make an exception for the cost of air charters. They become a contribution and they do not become part of the expenses, so that in effect a candidate can spend over the \$20,000?

CHAIRMAN (Mr. Gargan): Mr. McLaughlin.

HON. BRUCE McLAUGHLIN: Yes, in other words any expenses for travelling during the campaign are virtually unlimited and not included as part of the -- I mean if people contribute a charter to you, this value should be reported. I think that it is important that contributions be reported, so you know that a candidate may in future be beholden to some sponsor. That is the reason for reporting it. But I think that you should do the same as you do in the federal elections, where although the item may be reported, there is an unlimited amount allowed for Members to travel.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McLaughlin. We will take a five minute coffee break. Mr. Butters.

HON. TOM BUTTERS: Mr. Chairman, I wonder if our legal counsel could review what she believes she has heard exchanged over the last 10 minutes and if that is correct, then she could proceed with drafting.

CHAIRMAN (Mr. Gargan): Okay, Ms Bentivegna.

MS BENTIVEGNA: From what I have heard, there is not that much consensus yet except on the trade unions. It seems to be that the House does want a provision on trade unions. Under all reservation, what I have heard since we have gone on to the next issue of air charters, there does not seem to be anything. So, as a draftsman I do not know what I could put into writing, since there does not seem to be a consensus on -- well, when I look at Mr. McCallum, he does not seem to think there is any on any question.

Legislation Regarding Contributions From Public Service Employees Associations

Mr. Chairman, if I could just answer Mr. McCallum's question before, on public service employees and subsection 46(1), of the Public Service Act, it might help the Members. It says that "No money deducted from an employee's salary for payment to an employees' association or paid to an employees' association by an employee of the public service shall be used directly or indirectly on behalf of any political party or on behalf of any candidate for political office."

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

MR. MACQUARRIE: Well, I feel that I heard, if not consensus, a fair amount of support for the idea that in some way we could address the trade union problem in a way that would be acceptable to a majority of Members. Ms Bentivegna appears to have heard that, so I think the way to find out, of course, is to try drafting something and then we would find out when we came back to the House exactly how many support it or not.

I think there is basis there, but I do agree I do not think we have quite a consensus yet, that she might operate on with respect to travel. I did hear Mr. McLaughlin suggest that travel should not be limited under the \$20,000 maximum. In other words, travel I guess should not be included -- the idea that contributions and expenses should not be linked. So that in the matter of travel you could exceed the \$20,000 maximum. I am relatively open to that. I do not know how other Members feel about it. We could see if there is a kind of consensus. I assume that it would still mean that that air charter company, however, could not get a tax credit of more than \$500, that it would be limited, like all other contributors, to that tax credit. Could we hear if there is more understanding of that and acceptance? If so, then we may have a show of hands. How many generally support that idea? Perhaps if we see quickly if there is a consensus then we could have her draft it up. On the travel, yes.

CHAIRMAN (Mr. Gargan): There is a general consensus here. Thank you, Mr. MacQuarrie.

The Chair would like to recognize the chief from Fort Providence, Jim Thom and the chief from Fort Simpson, Jerry Antoine.

---Applause

We will take a five minute coffee break.

---SHORT RECESS

The committee will now come back to order. Mr. Wah-Shee.

MR. WAH-SHEE: Mr. Chairman, I move we report progress.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Gargan): There is a motion on the floor to report progress. This motion is not debatable. All those in favour? Opposed, if any?

---Carried

I will rise now and report progress.

MR. SPEAKER: Will the House come to order? Mr. Gargan.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 2-86(2), ELECTIONS ACT

MR. GARGAN: Thank you, Mr. Speaker. Your committee has been considering Bill 2-86(2); the Third Report of the Special Committee on Rules, Procedures and Privileges; and Tabled Document 37-86(2), and wishes to report these matters for further discussion.

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

SOME HON. MEMBERS: Agreed.

---Carried

MR. SPEAKER: The orders of the day, third reading of bills. Mr. Butters.

ITEM 19: THIRD READING OF BILLS

Third Reading Of Bill 7-86(2): Supplementary Appropriation Act, No. 3, 1986-87

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Aivilik, 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 third time.

MR. SPEAKER: I have a motion on the floor. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Bill 7-86(2) has had third reading. Third reading of bills. Mr. Butters.

Third Reading Of Bill 9-86(2): Write-Off Of Assets And Debts Act, 1986-87

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Kivallivik, 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 third time.

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

---Carried

Bill 9-86(2) has had third reading. Third reading of bills. Third reading of bills. That appears to conclude third reading of bills. Mr. Butters.

HON. TOM BUTTERS: Mr. Speaker, might I have the unanimous consent of the House to amend the rules for the Assembly to sit tomorrow from 9:30 a.m. to 12:00 noon and from 1:30 p.m. till 6:00 in the evening or whatever time is required to complete the business of the House?

MR. SPEAKER: Unanimous consent is being requested to change the sitting time of the House tomorrow. Are there any nays?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Are there any nays? You have the floor, Mr. Butters.

Motion To Extend Hours Of Sitting, Carried

HON. TOM BUTTERS: Mr. Speaker, I move that the rules of the House be amended so that tomorrow we convene at 9:30 a.m. until 12:00 noon and if the work of the committee has not been concluded, we return at 1:30 p.m. and work until that work has been completed.

MR. SPEAKER: Thank you, Mr. Butters. All those in favour? Opposed, if any? The motion is carried.

---Carried

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

ITEM 20: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, orders of the day for Thursday, October 30th at 9:30 a.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: Bill 2-86(1); Third Report of the Special Committee on Rules, Procedures and Privileges; Tabled Document 37-86(2), Summary of Cotterill Report
18. Report of Committee of the Whole
19. Third Reading of Bills
20. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Thursday morning at 9:30 a.m. The change of the sitting hours will be 9:30 a.m. until 12:00 noon and from 1:30 p.m. until the work is through.

---ADJOURNMENT

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