



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

8th Session

10th Assembly

HANSARD
Official Report
DAY 12

THURSDAY, OCTOBER 30, 1986

Pages 413 to 475

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

Speaker

The Hon. Donald M. Stewart, M.L.A.
P.O. Box 1877
Hay River, N.W.T., X0E 0R0
Office (403) 874-2324
Home (403) 874-6560
Office (403) 873-7629 (Yellowknife)
(Hay River)

Angottitauruq, Mr. Michael, M.L.A.
Gjoa Haven, N.W.T.
X0E 1J0
Office (403) 360-6600
(Natilikmiot)

Appaqaq, Mr. Moses, M.L.A.
Sanikiluaq, N.W.T.
X0A 0W0
Home (819) 266-8808
(Hudson Bay)

Arlooktoo, Mr. Joe, M.L.A.
Lake Harbour, N.W.T.
X0A 0N0
Home (819) 939-2363
(Baffin South)

Ballantyne, The Hon. Michael, M.L.A.
P.O. Box 1091
Yellowknife, N.W.T.
X1A 2N8
Office (403) 873-7658
Home (403) 920-2968
(Yellowknife North)
Minister of Justice and Housing

Butters, The Hon. Thomas H., M.L.A.
P.O. Box 908
Yellowknife, N.W.T.
X1A 2N7
Office (403) 873-7128
Home (403) 920-4411 (Yellowknife)
(403) 979-2373 (Inuvik)
(Inuvik)
Minister of Finance

Cournoyeya, Ms Nellie J., M.L.A.
P.O. Box 156
Tuktoyaktuk, N.W.T.
X0E 1C0
Office (403) 979-2737 (Inuvik)
Home (403) 977-2405
(Nunakput)

Curley, The Hon. Tagak E.C., M.L.A.
P.O. Box 36
Rankin Inlet, N.W.T.
X0C 0G0
Office (403) 873-7139
Home (819) 645-2951
(Aivilik)
Minister of Economic Development
& Tourism and Government Services

Erkloo, Mr. Elijah, M.L.A.
Pond Inlet, N.W.T.
X0A 0S0
Office (819) 899-8903
Home (819) 899-8845
(Amittuq)
Deputy Chairman, Committee of the
Whole

Gargan, Mr. Samuel, M.L.A.
P.O. Box 2131
Yellowknife, N.W.T.
X1A 2P6
Office (403) 873-7999
Home (403) 699-3171
(Deh Cho)
Deputy Chairman, Committee of the
Whole

Lawrence, Mrs. Eliza, M.L.A.
P.O. Box 2053
Yellowknife, N.W.T.
X1A 1W9
Office (403) 920-8052
Home (403) 873-2457
(Tu Nedhe)

MacQuarrie, Mr. Robert, M.L.A.
P.O. Box 2895
Yellowknife, N.W.T.
X1A 2R2
Office (403) 873-7918
Home (403) 873-8857
(Yellowknife Centre)

McCallum, Mr. Arnold, M.L.A.
P.O. Box 454
Fort Smith, N.W.T.
X0E 0P0
Office (403) 872-3224
Home (403) 872-2246
(Slave River)

McLaughlin, The Hon. Bruce, M.L.A.
P.O. Box 2637
Yellowknife, N.W.T.
X1A 2P9
Office (403) 873-7113
Home (403) 873-6200 (Yellowknife)
(403) 393-2939 (Pine Point)
(Pine Point)
Minister of Health and Social Services

Nerysoo, Mr. Richard W., M.L.A.
Fort McPherson, N.W.T.
X0E 0J0
Office (403) 979-7112 (Inuvik)
Home (403) 979-2668 (Inuvik)
(Mackenzie Delta)

Paniloo, Mr. Pauloosie, M.L.A.
Clyde River, N.W.T.
X0A 0E0
Office (819) 924-6336
Home (819) 924-6340
(Baffin Central)

Patterson, The Hon. Dennis G., M.L.A.
P.O. Box 310
Frobisher Bay, N.W.T.
X0A 0H0
Office (819) 979-5993 (Frobisher Bay)
(403) 873-7123
Home (819) 979-6618
(Iqaluit)
Minister of Education

Pedersen, The Hon. Red, M.L.A.
Coppermine, N.W.T.
X0E 0E0
Office (403) 873-7959
Home (403) 982-5221
(Kitikmeot West)
Minister of Renewable Resources and
Personnel

Pudluk, Mr. Ludy, M.L.A.
P.O. Box 240
Resolute, N.W.T.
X0A 0V0
Home (819) 252-3719
(High Arctic)

Richard, Mr. Ted, M.L.A.
P.O. Box 1320
Yellowknife, N.W.T.
X1A 2L9
Office (403) 873-7920
Home (403) 873-3667
(Yellowknife South)

Sibbeston, The Hon. Nick G., M.L.A.
P.O. Box 560
Fort Simpson, N.W.T.
X0E 0N0
Office (403) 873-7112
Home (403) 695-2565
(Nahendeh)
Government Leader, Chairman of
Executive Council and Minister
of Culture & Communications

T'Seleie, Mr. John, M.L.A.
Fort Good Hope, N.W.T.
X0E 0H0
Home (403) 598-2325
(Sahtu)

Wah-Shee, Mr. James, M.L.A.
P.O. Box 471
Yellowknife, N.W.T.
X1A 2N4
Office (403) 873-8099
Home (403) 873-8012
(Rae-Lac la Martre)
Deputy Speaker and Chairman,
Committee of the Whole

Wray, The Hon. Gordon, M.L.A.
Baker Lake, N.W.T.
X0C 0A0
Office (403) 873-7962
Home (819) 793-2700
(Kivallivik)
Minister of Municipal &
Community Affairs and
Public Works & Highways

Officers

Clerk
Mr. David M. Hamilton
Yellowknife, N.W.T.

Clerk Assistant
Mr. Henry Zoe
Yellowknife, N.W.T.

Law Clerk
Mr. Joel Fournier
Yellowknife, N.W.T.

Editor of Hansard
Mrs. Marie J. Coe
Yellowknife, N.W.T.

Sergeant-at-Arms
Mr. Gordon Barnes
Yellowknife, N.W.T.

TABLE OF CONTENTS

THURSDAY, OCTOBER 30, 1986

	<u>PAGE</u>
Prayer	413
Ministers' Statements	
- 23-86(2) Firefighters Training	413
Members' Statements	
- Mr. Gargan on Housing Corporation's User-Pay Policy	414
Oral Questions	414
Replies to Opening Address	
- Mr. Richard's Reply	415
Consideration in Committee of the Whole of:	
- Bill 2-86(2) Elections Act	417
- Third Report of the Special Committee on Rules, Procedures and Privileges	442
- Tabled Document 37-86(2) Summary of Cotterill Report	454
Report of Committee of the Whole of:	
- Bill 2-86(2) Elections Act	473
- Third Report of the Special Committee on Rules, Procedures and Privileges	473
- Tabled Document 37-86(2) Summary of Cotterill Report	473
Third Reading of Bills	
- Bill 2-86(2) Elections Act	473
Assent to Bills	475

YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, OCTOBER 30, 1986

MEMBERS PRESENT

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

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Thursday, October 30th. Item 2, Ministers' statements. Mr. Ballantyne.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 23-86(2): Firefighters Training

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. Earlier this year in response to inquiries made by some Members of this Assembly I made a commitment there would be renewed emphasis on fire-fighting training at...

---Applause

...both the community and regional level. I am touched by my colleagues' applause.

---Laughter

I am pleased to announce that over the past 10 months there have been five regional fire-fighting seminars held.

---Applause

Two were held in the Baffin Region and one each in the Kitikmeot, Inuvik and Keewatin Regions, with a total of 90 firefighters participating. A regional seminar is planned for the Fort Simpson/Fort Providence...

---Applause

...area for February, 1987. Also, over 150 firefighters have been trained in their home communities by local fire chiefs and officers of the fire marshal's staff in all regions of the Northwest Territories.

AN HON. MEMBER: Hear, hear!

HON. MICHAEL BALLANTYNE: In addition to the above, the 75 firefighters in communities throughout the NWT have been examined and have qualified at the internationally recognized standard of firefighter level I. This, in particular, represents a major step forward in fire-fighting training as it represents a formally recognized career step for the firefighters concerned.

Training plans for the coming 12 months include expansion of the regional seminars approach and further emphasis on training in the home community. Also, all NWT firefighters will be encouraged to participate in the firefighter level I training program. Within a year we hope to have in place a training program at the firefighter II level, which is obviously a more advanced course.

AN HON. MEMBER: Obviously.

HON. MICHAEL BALLANTYNE: Obviously, very obviously. The Members on the other side actually are mathematically inclined.

Finally, I met with the delegates of the NWT fire chiefs and firefighters association's annual general meeting and discussed with them proposals regarding fire safety in the Northwest Territories. Our approach to training has the association's full support. Since the association has full representation of all regions, I will ensure that my staff continues to consult that organization. Thank you.

---Applause

MR. SPEAKER: Ministers' statements. That appears to conclude this item for this session. Item 3, Members' statements. Mr. Gargan.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Housing Corporation's User-Pay Policy

MR. GARGAN: Thank you, Mr. Speaker. Mr. Speaker, some of the Eastern MLAs are concerned about the Housing Corporation's user-pay policy. When I made this motion supporting this system, Mr. Speaker, it was over concerns in my constituency. Also, it was with good intentions but I realize the policy has caused undue hardship in some areas. In the motion on the user-pay policy there was also a clause on a review of the policy after one year. I would support any Eastern MLAs that may have some concerns over this issue. Thank you, Mr. Speaker.

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

Item 4, returns to oral questions. Item 5, oral questions. Mr. Paniloo.

ITEM 5: ORAL QUESTIONS

Question 0142-86(2): Funding For Businesses In Pangnirtung And Broughton Island

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Economic Development and Tourism. In Pangnirtung and Broughton Island five people have applied for funding from the Department of Economic Development and Tourism to start their own businesses. They were not able to obtain funding. I would like to know, before our session is over, if there will be any funding available for those people. Will the funding be made available for these people to reapply? Thank you.

MR. SPEAKER: Mr. Minister.

HON. TAGAK CURLEY: (Translation) Thank you, Mr. Speaker. I would like to respond to you adequately, but this is the first time I have heard about it and I cannot provide a response at this time. Perhaps if you had provided a written question then I could have dealt with it. I will have to look further into this. I will not be able to give you my response before the session is over. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. You are taking the question as notice and will advise the MLA in writing. Mr. Paniloo, supplementary.

MR. PANILOO: (Translation) I am sorry, I will inform you further in writing. Thank you.

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

Question 0143-86(2): Low Level Flights Of B-52s

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Government Leader concerning the low level flights of B-52s. I understand there is an environmental study on the effect of these low level flights. Also the study is going to be completed February 1st, 1987. If the House is not sitting during the time that the tests are completed, perhaps a decision might be made before the House sits. I would like to ask the government what their position is concerning the low level flights of B-52s, because this already is occurring in Goose Bay and I do not think we need another area to further test these low level flights.

MR. SPEAKER: Mr. Government Leader.

Return To Question 0143-86(2): Low Level Flights Of B-52s

HON. NICK SIBBESTON: Thank you, Mr. Speaker. The government does not have a position with respect to these flights at the moment. We are concerned about them and will hopefully, through time, get a report of the study that is being done. Then we will examine it and see what the report says with respect to any adverse effects on the environment and animals, and so forth. I think our position now is simply to await the study that is being done, see what it says and, of course, if the report indicates that it would have any great adverse effects on the land and the animals, then we, as a government, will respond to that and take a position. But at the moment it is a bit premature to take a position. So we will simply await the results of that study.

MR. SPEAKER: Thank you, Mr. Government Leader. Oral questions. That appears to conclude this matter for today.

Item 6, written questions.

Item 7, returns to written questions. I understand the Clerk does not have any returns today. Item 8, replies to Opening Address. Mr. Richard.

ITEM 8: REPLIES TO OPENING ADDRESS

Mr. Richard's Reply

MR. RICHARD: Mr. Speaker, I did want to take this opportunity to make some brief comments on behalf of my constituents, on the Opening Address read by Commissioner Parker earlier this month. I will be brief.

---Applause

MR. MacQUARRIE: They sure have a heavy-handed approach to government, don't they?

MR. RICHARD: I know that Mr. Wray and the others want to get on with the meaty, weighty issues of the rules report. Mr. Speaker, as unusual as it may seem for those of us in this corner to criticize the government, and loath as we are to do that, I do want to record my disappointment in the Opening Address read by Commissioner Parker in that the legislative program put before us at this session was so thin. There is a backlog of legislation that is to come before us. If one looks at the Hansard debates of all of the sessions since this Assembly commenced its work three years ago, one can very quickly see that there are many, many matters that have to come before this Assembly, in terms of legislation. I, quite frankly, am disappointed that so many of these matters continue to be delayed from session to session.

I say that, Mr. Speaker; in all seriousness, although just yesterday one of the media representatives passed a questionnaire to the MLAs and asked us to provide some general responses. I, when asked about voting confidence in this particular Executive Council, can say to my friends and on the public record -- my constituents may hate me for it -- I was able to say, generally, yes, that I do have a general vote of confidence in this Executive Council.

---Applause

MR. MacQUARRIE: Or at least would not move a motion of non-confidence.

MR. RICHARD: So, Mr. Speaker, when I say that I am seriously disappointed that this backlog of legislation has not been brought forward this session, or part of it, I say that in the context of a general satisfaction with the performance of my colleagues on the Executive Council.

The fact, Mr. Speaker, that we are told we are going to have a very long winter session, with perhaps 30 or 40 bills to consider, proves my point. I rest my case, so to speak. That should not be. We should not have had nine bills this session but perhaps 18, because Members and the Executive Council are aware of the outstanding items.

Issue Of Division Of Northwest Territories

The only other item that I wish to discuss at this time, Mr. Speaker, the other disappointment that I have with this session, that has also been expressed by other Members in their replies, and I say that my other disappointment is not the fault of the Executive Council, is that we are not, in this session, going to be discussing or debating the issue of division. I had hoped that we would have a substantial debate and much discussion about division. And I, in all seriousness, anticipated that we would. I thought this session might last a month, that we would deal with the legislation and also have a lengthy discussion on the issue of division.

MR. MacQUARRIE: So that we could see where Members stand.

MR. RICHARD: I refer to the remarks of my colleague for Iqaluit and my colleague for Yellowknife Centre, in particular, when I said that in my view, Mr. Speaker, we are in the eleventh hour on this issue. I agree with Mr. Patterson, in particular, that the time is now, to deal with division. I agree with Mr. Patterson that we should not skate around this issue any more. Mr. Patterson's perception of the Yellowknife business community is accurate. The Yellowknife business community and, Mr. Speaker, I do not say for a moment that their voice is any more or less important on the issue of division, but they do want an end to the indecision of the last four years. My perception of those ogres in Ottawa, the federal government, my perception, Mr. Speaker, is that they want an end to the indecision as well. I agree wholeheartedly with Mr. Patterson and Mr. MacQuarrie...

HON. DENNIS PATTERSON: Me?

Eastern Desire For Division Will Remain

MR. RICHARD: ...that the eastern desire will not go away. I personally have every sympathy for that objective of the eastern residents. I began, Mr. Speaker, from a position that I was not at all wildly enthusiastic about division and, speaking with full candour, Mr. Speaker, my constituents clearly are not wildly enthusiastic about it, clearly they are not.

Mr. Speaker, in the last year particularly, there has been much progress made in the work of the leaders, I will call them, of the Western Constitutional Forum. Members of this Assembly and residents of the Northwest Territories, particularly residents of the western part of the Northwest Territories, owe much to Bob MacQuarrie, Stephen Kakfwi and Larry Tourangeau.

---Applause

Mr. Speaker, I feel it should be said, publicly and loudly, because of the work of these three gentlemen, their hard work, the good will, the integrity and the dedication that they have shown in the last year or so on this issue. Again, Mr. Speaker, speaking personally, for me it has been an honour to work with Bob MacQuarrie and particularly to be associated with him in his work on constitutional development issues. He has met with the non-native Members of this Assembly from the Western Arctic on these matters, has kept us advised and, almost without exception, Mr. Speaker, those Members stand behind Mr. MacQuarrie in his efforts.

---Applause

Mr. Speaker, before I conclude on this issue, the point I want to make, Mr. Speaker, is that as opposed to February, 1985, in this Assembly on this issue of division when there was much, much acrimony, there was very much an East-West partisanship displayed in this Assembly, that is not the case today. I hope, Mr. Speaker, and the main reason that I rise on this last day to say these things, I hope seriously that Eastern Arctic residents and their representatives in this Assembly have some appreciation, in this eleventh hour on this issue, of who their friends are...

AN HON. MEMBER: Hear, hear!

MR. RICHARD: ...on this issue of division.

HON. TAGAK CURLEY: Likewise.

MR. RICHARD: I simply ask, Mr. Speaker, for Eastern Arctic residents and their representatives to ask themselves who called off the important -- I had certainly felt it was going to be very important -- meeting of the Constitutional Alliance this month, timing it such that we would get the results of the Alliance meeting and debate them in this Assembly in this, one of our last sessions of the 10th Assembly.

Mr. Speaker, those of us who are representatives of Western Arctic residents in the so-called big centres are not the bad guys. Mr. MacQuarrie, Mr. Kakfwi, Mr. Tourangeau are bending over backwards to resolve this issue. Mr. Speaker, my constituents, by and large, those who voice an opinion publicly on division, are not in favour of division. I venture, Mr. Speaker, to say the same for constituents of my colleagues in this corner. However, on this issue, Mr. Speaker, we the Members of this Assembly representing those constituents, being part of this entire Legislative Assembly, are looking at the big picture. We are here to represent all of the people of the Northwest Territories.

AN HON. MEMBER: Hear, hear!

MR. RICHARD: And we are prepared to address the real concern of the residents of the Eastern Arctic for a more meaningful government. Thank you.

--Applause

MR. SPEAKER: Thank you, Mr. Richard. Replies to Opening Address. That appears to conclude this item for today.

Item 9, petitions.

Item 10, reports of standing and special committees.

Item 11, tabling of documents.

Item 12, notices of motion.

Item 13, notices of motion for first reading of bills.

Item 14, motions.

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; THIRD REPORT OF THE SPECIAL COMMITTEE ON RULES, PROCEDURES AND PRIVILEGES; TABLED DOCUMENT 37-86(2), SUMMARY OF COTTERILL REPORT

Bill 2-86(2), Elections Act

CHAIRMAN (Mr. Gargan): The committee will come to order. We are on Bill 2-86(2), An Act Respecting Elections. We are on Clause 169, page 82, with Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Butters has asked me to stand in for him today since he is attending a meeting of provincial and federal Ministers of Finance. I would like to request permission to have the same witnesses return to the committee, Ms Bentivegna and Mr. Hamilton.

CHAIRMAN (Mr. Gargan): Does the committee agree that the Minister bring in his witnesses?

SOME HON. MEMBERS: Agreed.

---Agreed

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. With me is Giuseppa Bentivegna, legislative counsel, and David Hamilton, Clerk of the House.

CHAIRMAN (Mr. Gargan): Mahsi cho. We are on clause 169, definitions. Are there any further comments on clause 169? Mr. MacQuarrie.

MR. MacQUARRIE: There were two issues on the table yesterday when we adjourned, the one being the matter of travel expenses, the unusual problem that exists in some constituencies as compared to others. There seemed to be a consensus that Members felt that travel expenses, as we are told is done in the federal jurisdiction, need not be included as part of the election contribution expense regime although they would still have to be reported, I guess.

The other matter had to do with contributions from unions. I would suggest that we split those two issues, deal with them separately and see if we could get agreement on them. I would recommend that we deal with the travel expense problem first, and perhaps I could ask Ms Bentivegna or Mr. Hamilton to explain what is being recommended. We had suggested yesterday that some wording for a potential amendment might be prepared. I have a copy of that here on my desk. But perhaps we could just have Mr. Hamilton or the Minister explain what was intended before a motion of amendment is moved.

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

Proposed Amendment Regarding Travel Expenses

HON. DENNIS PATTERSON: Mr. Chairman, perhaps I should explain that in view of the discussion in the House yesterday, I believe the witnesses were asked to come up with an amendment which would possibly reflect the Member's comments. So that amendment has been prepared and is being circulated and is available for consideration. But I would not necessarily say that it is recommended. I think it is prepared as a basis for discussion. Members should understand that the amendment, which would allow the contribution of services or goods for transportation, would allow Members to go beyond the \$20,000 ceiling that was contemplated otherwise. That perhaps should be considered by the committee in looking at this amendment. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Mr. MacQuarrie, I suggest that we deal with those two issues separately. Does the committee agree?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie, would you like to deal with your first item?

MR. MacQUARRIE: The Minister has just raised to Members' attention the fact that if the proposed amendment that is being circulated were implemented, it could mean -- I think we noted that yesterday as well -- it could mean for particular candidates who received contributions for travel that were larger than the \$1500 amount, that their total expenses for the campaign could rise above the \$20,000 limit that was already contemplated. I think Members understood that that may occur if we were to do this, and the matter was raised yesterday. But perhaps not, so I would leave a moment for discussion on that point. If it does not seem to be a concern to Members, I would be prepared to move the amendment that has been suggested.

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

MR. RICHARD: Thank you, Mr. Chairman. I agree that there are two issues here in the charters. The amendment being proposed now is going a little further than most of the discussion yesterday, in that the charters would be removed not only from the \$1500 maximum on contributions but also from the \$20,000 limit. That is what is being suggested now. Now, for myself, it is not really a big factor in my own personal situation because I do not charter, although I have a big riding in terms of the number of people. I can walk to see them all. But I am wondering, because I am not on the standing committee on legislation, when this figure was being discussed, the \$20,000 figure, how does that fit in with the travel requirements in some of the constituencies where it is required to charter from community to community? Is the \$20,000 figure unreasonable when you consider charters? I guess what I am asking for is input from those Members who will be candidates or have been candidates and have to charter into communities. Is it necessary that we provide for an exemption from the \$20,000 limit for aircraft charters?

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

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Just in response to the Member, I am informed that the Management and Services Board considered this issue and simply guessed at the \$20,000 figure, that it would probably be adequate on the basis of what we know about election expenses and based on the fact that no one has ever exceeded that amount up until now. But it is just an estimate, Mr. Chairman. Thank you.

AN HON. MEMBER: ...include charters?

HON. DENNIS PATTERSON: Yes, it also contemplated charter costs, I understand, although obviously it depends on the level of flying activity that one does.

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

Ceiling On Travel Expenses Unfair In Northern Situation

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. That seems to me to be unfair because you could have one constituency where all the voters were located in one community and that person would have \$20,000 to spend on his campaign. And you could have another constituency where there are maybe three communities where there were 1000 voters altogether, the same number of voters, and that candidate would have to travel around so he would not be able to spend the same amount of money on advertising and promotional material that other candidates have available to them, because some of his money would be taken away by travel. So I do not think it is fair and I think that is why in the federal government system, travel of a candidate does not have a ceiling on it. There is a ceiling on what you can expend in the way of advertising, etc., room rentals, that type of thing, but travel has to be reported but does not have a ceiling on it. It is not included in the amount that each constituency is allotted. Thank you.

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

HON. TAGAK CURLEY: Mr. Chairman, I just wanted to ask a question of the Minister on the next page, section 178(1), maximum expendable. It states here, "A candidate may incur election expenses up to a maximum of \$20,000 during a campaign period." Does that include at the present time, the way it is worded, travel?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, right now the way the act is worded, the costs of travel, including charters, would come within the \$20,000 figure. However, the effect of the amendment which you have before you would be to remove all travel expenses from the calculation of the \$20,000. And it would in effect mean, as I mentioned earlier, that a Member could conceivably, including travel expenses, spend perhaps significantly more than \$20,000. That would be the effect of the amendment which has been circulated.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Mr. Sibbeston.

HON. NICK SIBBESTON: Mr. Chairman, can I just ask the officials whether they have any information as to the practice and the amounts provided for in provinces to give us an idea? Offhand \$20,000 without transportation seems a lot. I am sure the idea of restricting, putting a ceiling on expenses is to keep it fair between candidates so that it does not become a system of, you know, rich people being able to buy their way and win voters' support. I know that that is the idea. So what is the provincial experience? I am just wondering if, without transportation, \$20,000 is a bit high.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I understand that generally in other jurisdictions there is now some concern about the fact that there is an open end on transportation costs in election campaigns. I understand that Elections Canada has had some difficulties on this point and that perhaps in some jurisdictions they are giving consideration to putting limits of the kind that was proposed here.

Mr. Chairman, the Member asked about the adequacy of the \$20,000. I think the only point we could make in reply to that is that I understand election expenses, to date, have never come anywhere near that amount. The greatest expenditures have been not much more than \$10,000 in elections up until now. So it is seen as probably a fairly generous amount in view of our experience to date, including charters. That is the advice I have. Thank you.

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

MR. MACQUARRIE: After having heard the discussion and being aware of the intention originally in MSB to try to set limits, it was felt that \$20,000 was a reasonable limit. In setting that amount we were thinking about people having to travel in remote areas and felt nevertheless that it could be contained within that amount. So on the strength of that, although I personally still agree that occasionally someone may receive a contribution of a charter that exceeds the \$1500, I as a Member, am willing to move an amendment that would allow that contribution to exceed \$1500, but not willing to move the other amendment that would let the ceiling of \$20,000 be exceeded. So if some other Member wishes to do that, they are welcome.

Motion To Add Subsection 169(6) To Bill 2-86(2)

Mr. Chairman, I move that section 169 be amended by adding immediately after subsection 169(5) on page 83, the following subsection: Marginal note, "Exception to maximum contribution. (6) Where transportation for a candidate is given as a contribution of services or goods, the value of the contribution may exceed \$1500."

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Your motion is in order. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I am informed that if Mr. MacQuarrie's amendment is approved by the committee then it will be necessary to make a consequential amendment to the definition of election expenses which would include any contribution of services or goods. As I understand it this is so as to recognize that donations of travel could be made as part of the election expenses. I think that maybe Ms Bentivegna could explain it, if the committee wishes, before we vote on this amendment.

CHAIRMAN (Mr. Gargan): Ms Bentivegna, please do.

MS BENTIVEGNA: Thank you, Mr. Chairman. If the wish of the mover is that any travel expenses be included in election expenses but excluding travel or transportation costs from the limit on contributions, then it would have to be made clear that election expenses would also include any contribution of -- either could be narrow enough to say "transportation", or wide, "goods and services", so that then the person has to report it, no matter what amount they got in air charters. Then the chief electoral officer could check whether they have gone over their \$20,000 limit or not.

CHAIRMAN (Mr. Gargan): Thank you, Ms Bentivegna. To the motion. Mr. McLaughlin.

Contributions On The Basis Of Political Parties

HON. BRUCE McLAUGHLIN: Yes, Mr. Chairman. Just one more clarification. I would like to get advice on what is intended on this \$20,000 limit. That means that candidates would be limited to that as an expenditure. I recognize that this is probably an adequate limit. We have some Members talking about possible party politics in the next election. There is nothing governing what they could expend on a territorial campaign if they went ahead with some of their plans. So, that means that an independent candidate would be limited to what he could spend but a political party could have advertising across the Territories. There might be a leader of that party. If he flew into the person's constituency to give him support, would the cost of that travel, into the person's constituency, have to be reported as a contribution to the candidate's campaign?

CHAIRMAN (Mr. Gargan): Thank you, Mr. McLaughlin. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: I very much recognize what Ms Bentivegna was saying and the need for a consequential amendment. I think I will just leave my amendment on the floor and if it passes then the government can propose the change in definition of election expenses.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, I admit that I have not reviewed this bill to the extent that other Members have but I take it from the point that has been made now, that the limit in section 178, of \$20,000, is a cash outlay only, that if a candidate receives contributions, which is defined as including services and goods, do I understand that the \$20,000 limit does not include non-cash contributions -- that donated goods and services are over and above the \$20,000 cash? Because as I recall, in the federal legislation, where there are limits on expenditures, those limits include donated goods and services. I thought we were adopting that sort of regime, that limits are limits for everything including donated goods and services.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, the intention of the amendment that we propose would be, in fact, to do as the Member suggests. That is, to make it quite clear that all contributions in kind, or contributions of services, would be considered as part of the \$20,000. The transportation costs would be counted after an allowable donation of \$1500, which would not be counted. I am sorry. It would include everything, including the total value of charter contributions. Pardon me.

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

SOME HON. MEMBERS: Question.

Motion To Add Subsection 169(6) To Bill 2-86(2), Carried

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

---Carried

Mr. McLaughlin.

HON. BRUCE McLAUGHLIN: Then, Mr. Chairman, I would like the witnesses to answer my question which I asked already. If there were parties formed before the next election and we went into an election with this legislation in place, would the money spent on advertising by a political party be totalled up and divided among the constituencies that their party had candidates in? Would the travel of, say the leader of such a party into a person's riding be considered part of that candidate's campaign?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, this legislation would not permit parties to obtain contributions and give tax receipts for election expenses. Only candidates would be able to obtain contributions and give receipts. To answer the Member's question, this would not prevent a party

from contributing to a candidate's campaign. With the example of the travel expenses of the leader of a party, they would have to be counted as contributions to that candidate's individual campaign but to the same limits that we have discussed. I think it should be pointed out that the bill was not designed to contemplate party politics. Amendments would be required, likely, if the election was to be run on a party basis. I hope that answers the Member's question.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Yes, I would like to ask the Members to stick to the issues at hand, within the confines. Clause 169, definitions. Agreed? Mr. Patterson.

Motion To Amend Subclause 169(1), Bill 2-86(2)

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Mr. Chairman, I would move that Bill 2-86(2), An Act Respecting Elections, be amended by deleting line 17 and 18 on page 82 and substituting the following: Marginal note "'Election expenses'. 'Election expenses' means any amounts paid or liabilities incurred to promote or oppose the election of a candidate and includes any contribution of services or goods made under subsection 169(6)."

CHAIRMAN (Mr. Gargan): Thank you. Mr. Patterson, your motion is in order. To the motion. Mr. Erkloo.

MR. ERKLOO: I would like a copy of that motion.

CHAIRMAN (Mr. Gargan): Mr. Patterson, could we have copies of that motion?

HON. DENNIS PATTERSON: Mr. Chairman, perhaps I could read it again: "'Election expenses' means any amounts paid or liabilities incurred to promote or oppose the election of a candidate and includes any contribution of services or goods made under subsection 169(6)." Mr. Chairman, that amendment simply makes it clear that the value of transportation contributed to a candidate's campaign will be counted as an election expense. It is a necessary consequence of the amendment just approved by the committee. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Your motion is in order. I would like to take a five minute coffee break until the motion is circulated.

---SHORT RECESS

The committee will come to order. Mr. Patterson.

Motion To Amend Subclause 169(1), Bill 2-86(2), Withdrawn

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Perhaps it is a good thing we did take a coffee break, in that looking at the definition of "contribution" in section 169(1), it clearly states that volunteer labour or any goods produced by volunteer labour is not considered a contribution. Therefore, in the definition of "election expenses" it should include all contributions of goods and services, so as to respect the maximum of \$20,000. So Mr. Chairman, with that explanation, I would like to withdraw the amendment I had made before the break and the amendment I would now move:

Motion To Amend Subclause 169(1), Definitions, Bill 2-86(2), Carried

That the bill be amended by deleting line 17 and 18 on page 82, and substituting the following: Marginal note, "'Election expenses'. 'Election expenses' means any amounts paid or liabilities incurred to promote or oppose the election of a candidate and includes any contribution of services or goods."

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson, your motion is in order. Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. I am just going to make a comment on a point of order and then I am going to leave it at that. I want to remind you, Mr. Chairman, that I could not do what this Member did just now, last week when you were in the chair. I wanted to withdraw a motion and you would not let me. But because of the stature of this particular witness, you just allowed him to withdraw a motion. Over.

---Laughter

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. Your point is well taken. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Gargan): Question has been called. All those in favour? Opposed, if any? This motion is carried.

---Carried

Mr. MacQuarrie.

MR. MacQUARRIE: There was still the other issue that had been called to the committee's attention and which I raised yesterday, and that was with respect to the way the act is written at the present time. If unions were to make contributions they would have to list all of the members. There has been a great deal of discussion, both in the House yesterday and since that time in general discussions. It appears that it is also a very complex problem which I am not sure we would be able to resolve adequately now. Perhaps other Members would just wish to make some comments and maybe we could see more clearly what we ought to do.

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

HON. MICHAEL BALLANTYNE: I would like some clarification. Is there a motion on the floor on this one already? No. Okay, after having considerable discussion with other colleagues in the Legislative Assembly and with legal counsel, this one is very, very complicated and to coin Mr. McCallum's phrase "And I deal with the complicated issues."

---Laughter

Hopefully, I think there was a consensus when we discussed it, that perhaps it would be wise to leave it as it is and then between now and the winter session have a good look at this particular clause and if necessary, make amendments at the next session.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. Clause 169, definitions, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 170, collection of contributions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 171, anonymous contribution. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 172, record of contribution. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 173, prohibited contributions. Agreed? Mr. Curley.

Contributions From Corporations Which Do Not Carry On Business In NWT

HON. TAGAK CURLEY: On clause 173, I have a question on whether it is a convention in Canada that, for NWT, no contribution would normally be accepted from any individual or corporation that does not carry out business in the Northwest Territories. The reason I say that is because I think this

provision is probably similar to the provincial clauses, with respect to prohibited contribution. But I wonder to what extent the problem has been that therefore the contribution from individuals outside of the NWT would be disallowed. I do say that because in some places like Grise Fiord, for instance, it is very difficult and in some other ridings, including my riding, to have all the potential contributors, because the economic base and individual electors are not as wealthy as people here in Yellowknife are. So I would just like some information on that clarified.

MR. MacQUARRIE: (Inaudible comment)

HON. TAGAK CURLEY: No, I think it is good that you have such a good economic base here, but not all the ridings have that. So can I have some explanation of that, because I appreciate the fact that companies that do business, regardless of where they are, north or south, might contribute where their headquarters are based somewhere outside of the NWT. So I would like a bit of a comment on that because I think it is relevant to the North.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I understand that the committee recommended this section with the idea that it would not be desirable to permit too much outside influence in the conduct of campaigns in the NWT. Apparently there is a provision of this kind in Ontario, but it is unknown whether it is found in other jurisdictions.

Mr. Chairman, the clause would permit a company that operates in the Northwest Territories and is registered to carry on business in the Northwest Territories to make a contribution. I should make it clear in case it is necessary that contributions could be made from outside the Member's constituency, by people resident elsewhere in the Northwest Territories or corporations carrying on business in the Northwest Territories.

MR. RICHARD: Like from Yellowknife.

HON. DENNIS PATTERSON: Such as from Yellowknife.

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

HON. TAGAK CURLEY: Thank you, Mr. Chairman. I appreciate the fact that we should eventually align with the, you know, pretty huge province compared with NWT -- Ontario, in order to prevent all the outside influences from engaging in the Northwest Territories political activities. We do have tremendous association with either individuals or corporations that do business in the Northwest Territories. There are many individuals or corporations that do business in the Northwest Territories you know could probably make a contribution. A corporation that does not carry on business in the Northwest Territories is prohibited but again, how do you evaluate that company? How are we going to know whether the company is really doing any business? I am not talking about oil companies or mining companies or anything of that kind, but there are, for instance, some companies or contractors that have only carried out work for maybe one short-term project and may wish to make a contribution to a very obscure riding in the Northwest Territories in order to ensure that they do have involvement. So, can I have some clarification on that?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

Registration Under Companies Act Required

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I am advised that a company that carries on business in the Northwest Territories is required by the provisions of the Companies Act to register in the Northwest Territories. So the Companies Act would clearly require, by law, a company that is active in the Northwest Territories to be registered. Such a company, if it has any business presence in the Northwest Territories, would therefore have to be registered or be in violation of the Companies Act. So a company for example that had headquarters in Winnipeg but operated in the Northwest Territories and was therefore registered in the Northwest Territories, could make a contribution to a candidate running for election in the Northwest Territories.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Clause 173. Mr. Curley.

HON. TAGAK CURLEY: Mr. Chairman, I still see these two clauses as a problem. Again, I appreciate that the larger communities do have a good economic base and obviously it is going to need wealth in the area and the region to be able to raise enough funds for any campaign, but there are areas that do not enjoy that amount of opportunity. So as far as I am concerned I think we are rushing to get in line with the provinces but is it a problem? Has there been excessive use of funds in many ridings causing contravention of the laws? Have there been enough court challenges or whatever to allow us to take a very parochial approach to the way in which we handle election contributions? Thank you.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

Companies Operating In North Have Legitimate Interest

HON. DENNIS PATTERSON: Well, Mr. Chairman, I would like to make it clear. This recommendation came from the Management and Services Board. I do not think it was motivated by a desire to be in line with other jurisdictions but rather, simply the feeling that companies that carry on business in the Northwest Territories have a legitimate interest in participating in the campaigns of candidates in the Northwest Territories. Perhaps companies that do not carry on business in the Northwest Territories, being essentially non-participants in the territorial economy, should not have that privilege. So that is my understanding of why the committee made that recommendation. I would like to make it clear again that it does not prevent a company from outside the Northwest Territories to contribute as long as they are registered and carrying on business in the Northwest Territories. If they are not, then they would be excluded.

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

HON. TAGAK CURLEY: Mr. Chairman, I appreciate legal control on the businesses that do business in the Northwest Territories. There are companies that do business in the Northwest Territories sometimes that do not necessarily have a registration...

AN HON. MEMBER: It is against the law.

HON. TAGAK CURLEY: I am saying in the Northwest Territories. They are registered in the provinces but they may have a contract -- I do not know. But I think it happens sometimes. That does not mean that they are disrespectful to the laws of the Northwest Territories.

HON. MICHAEL BALLANTYNE: ...they should.

HON. TAGAK CURLEY: I am not arguing at all whether the company should be allowed to contribute so much, but an individual resident outside of the Northwest Territories. I think these are two different categories. There are individuals that do business in the Northwest Territories from time to time that do not necessarily have a registration in the North. For instance, we normally call for proposals outside of the Territories on businesses and we receive proposals from the South on a number of projects that do not have a registration in the North. They have the obligation, they have the chance to register as a company and qualify. I am not talking about public works or heavy equipment stuff, I am talking about others. For instance, scientists. Are they registered, for instance, in the Northwest Territories, those who visit the Northwest Territories? They have a lot of bucks. They suck milk from the federal government and territorial government on this. Some of the anthropologists do business but they do not necessarily register as a company because you just cannot have scientists register individually under the act. Your father, Dennis, lives in Vancouver. Would he be able to contribute to your campaign?

So in my view, I would be prepared to move an amendment to delete (a), but I will not move it at the moment. My preference would be to delete (a) and change (b) to (a), because I think individuals do come and go. There are former long-time northerners who do appreciate the North, who reside in Victoria or wherever, or the Maritimes, who do enjoy the Northwest Territories and who may wish to say thank you to particular candidates or groups of individuals running in the election. So I would like to see the Members take a little more active interest in this because some areas are not that wealthy.

CHAIRMAN (Mr. Gargan): Mr. Curley, are you entertaining a motion at this time?

HON. TAGAK CURLEY: Mr. Chairman, I want to ask the Minister who is running this program because as a Minister of the government I do not want to contradict the position of the Executive Council on this. So I would ask him first whether I am allowed to do that. If so, I will move a motion.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

Problems With Taxation

HON. DENNIS PATTERSON: Mr. Chairman, I understand now that the Member is more concerned about contributions of individuals rather than corporations from outside the NWT. The one point I would make is that if the amendment he suggests was made, then it would mess up our tax write-off provisions because the way the bill is structured, a person making campaign donations would receive a tax credit in the NWT under our act for taxes paid under the NWT Income Tax Act. So a non-territorial resident could not claim such a benefit. That would be one problem that the amendment would create.

Secondly, we might not have any way of controlling the contributions -- what the total might be with respect to persons outside the NWT, whom we would not have legal authority over. We would not have their tax returns to check against the amount contributed.

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

MR. MacQUARRIE: When the decision was made to include this, a couple of things governed the thoughts of Members on the Management and Services Board. One was that in view of the fact that we have a relatively small population, we did not wish to see a situation where wealthy contributors from outside of the Territories might be able to have an undue influence on the outcome of elections, by making contributions. That was one thought.

Another was that contributors from outside of the jurisdiction do not have to live with the impact of the outcome of the election. In other words, they are outside and it is people here who will have to live with the consequences of whether Terry Daniels is elected or Bob MacQuarrie is elected. So we felt that it made sense not to enable people in that situation to contribute.

Candidates In Same Riding Face The Same Circumstance

Mr. Curley made the point that in his constituency there may not be a great number of companies that are able to contribute and made the comparison to Yellowknife. I say that is not a legitimate comparison at all, because a Member from the riding of Aivilik runs against other candidates from the same riding who are faced with the same circumstances as he, and therefore there is a kind of equality. So I just feel that it is a desirable provision in the act and I would recommend that if the Member does not think so, that he propose an amendment and we can vote. I think the issue has been discussed fairly thoroughly.

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

HON. TAGAK CURLEY: For the record. I did not mean any disrespect to the Member and his riding, Yellowknife Centre. But what I am saying is that you have no such problem with this provision. I appreciate that is a real difference because you do have the base and the wealth here and have no such problem in raising funding as some ridings will have. Some ridings do have difficulty with raising funds. So what I am trying to say is, I really believe this prohibits people who have an active interest. I do not think people who make a contribution make any impact on the policies of the government at all. I hope they do not, to you or me, because I do not think that would be fair. They do it on the basis of good will to the system, not so much to the individual but to the political system that they can take part in.

Motion To Amend Clause 173, Bill 2-86(2), Defeated

So therefore, Mr. Chairman, since this bill is the bill of all the MLAs, I would move that clause 173 be amended by deleting "(a)" and substituting "(b)" to "(a)".

CHAIRMAN (Mr. Gargan): Your motion is in order. To the motion. Mr. Richard.

MR. RICHARD: Just to put my friend, Mr. Curley, at ease, I support his motion but not because I am from Yellowknife.

CHAIRMAN (Mr. Gargan): To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Gargan): Question has been called. All those in favour? Opposed, if any? This motion is defeated.

---Defeated

Clause 173, prohibited contributions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 174, collection of moneys at functions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 175, advertising contribution. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 176, payments through official agent. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 177, surplus funds. Mr. MacQuarrie.

Disposition Of Surplus Funds

MR. MacQUARRIE: The recommendation had been made by the House that a provision should be in the act so that surplus campaign funds could be given to a registered charitable organization of the candidate's choice, within a limited time period. After quite a bit of discussion on that, MSB decided to recommend that it be made clear that a charitable organization for the purposes of this act would include organizations that are registered under the Societies Act. So that would give quite a broad range of choices. But also MSB felt that it could be that a candidate, faced with surplus funds -- if there is such a person, ever -- may be faced with competing organizations who would like to receive the surplus funds, and find it very difficult to make a decision. So there is an option for a candidate to then turn the surplus funds over to the consolidated revenue fund, if he should choose. In other words, to the benefit of all the people of the Territories instead of just some people.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 177, surplus funds. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 178, maximum expendable. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 179, contracts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 180, return respecting election contributions and expenses. Mr. MacQuarrie.

MR. MacQUARRIE: In the bill there are several provisions that deal with forms that are required for elections, and generally there had been a recommendation from the Assembly that the forms required by various sections be consolidated into one form and that these be simplified as much as possible. The response is simply that as soon as the legislation is in place, the chief electoral officer's office will be aware of precisely what forms are required and they will take these recommendations into account in preparing those forms.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 180, return respecting election contributions and expenses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 181, return of receipt book. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 182, publication of official agent's return. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 183, transmission of returns and declarations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 184, temporary preservation of returns. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 185, disqualification from sitting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 186, offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 187, order for allowing authorized excuse. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 188, validity of an election. Agreed? Mr. MacQuarrie.

MR. MACQUARRIE: It should be noted for Members' attention that there is an existing Controverted Elections Act. What has been done here is to bring the essential provisions of that act into this one. The section that is coming up, clauses 188 to 198, contains provisions for contested elections and the Controverted Elections Act will thereupon be repealed, if this act is passed.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 188. Mr. Wray.

HON. GORDON WRAY: Thank you, Mr. Chairman. Just a question of clarification. In Clause 185(2), it says, "Where a candidate who is a member of the Parliament of Canada or of a legislature of a province or the Yukon Territory is elected, he may not sit or vote in the Legislative Assembly..." I was just looking back into the eligibility so I take it, therefore, that somebody who is at present a sitting Member of Parliament could then run in a territorial election.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

Member Of Another Legislature May Run In Territorial Election

HON. DENNIS PATTERSON: Mr. Chairman, this bill, yes, would permit someone who is at present a sitting member of another legislature, including the Parliament of Canada, to run in a territorial election. They would not have to resign until after the election so long as they meet the other requirements for candidacy, including residency. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Mr. Wray.

HON. GORDON WRAY: Thank you, Mr. Chairman. Does it work the other way around, too then? Could a sitting Member of this Legislature run for the Parliament of Canada?

HON. MICHAEL BALLANTYNE: No, Lynda had to resign.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I understand that under the Canada Elections Act, a Member of this Legislature could not run for election in the House of Commons without resigning his or her seat. Apparently it has been recommended, however, that that provision should be changed to make it in line with the provision that is in the bill before us. But it is not, as yet, changed. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Wray.

HON. GORDON WRAY: Thank you. Just one final question, then. We particularly pick out the Parliament of Canada and the Yukon Territory. Does that mean, then, that other MLAs from other jurisdictions or other legislatures can also run?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Yes, Mr. Chairman. This would apply, clearly, to members of any legislature in Canada, province or territory. I would point out again that a member who seeks to run in the Northwest Territories would have to meet the other requirements of a candidate, including residency. So it may be somewhat of an academic question. Thank you.

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

HON. GORDON WRAY: Thank you. Is this legislation then reciprocal? Are we allowed under provincial elections acts to do the same thing, then?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I am afraid that we do not know the answer to that question at the moment. But I did say that at present, with regard to the federal elections, a sitting Member of our Legislature would not be permitted to run under federal elections laws, although that apparently may well change. But we do not know about the provinces. Thank you.

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

Not Acceptable For Members Of Other Legislatures To Run In Territories

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. I think that it is not a good situation to have a person who could be a sitting Member of this House eligible to run federally or vice versa, a sitting member of the federal Parliament eligible to run territorially. I know that in the Quebec election, I think it was two elections ago, a federal member was elected leader of the Union Nationale Party, for the provincial election, and he held onto his Member of Parliament seat up until the last day when he had to file his papers as an official candidate, but he could not become an official candidate in the Quebec election and remain a Member of Parliament. I do not think that it is proper that a sitting member of another legislative assembly should be eligible as a candidate in our Legislature, whether it is the House of Commons or another legislature of another province. I think the person should have to have resigned his seat in that other legislature or House of Commons before he is officially accepted as a candidate. In other words, he would have to resign the day before he files his papers.

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

HON. MICHAEL BALLANTYNE: I totally agree with Mr. McLaughlin.

SOME HON. MEMBERS: (Inaudible comments)

HON. MICHAEL BALLANTYNE: Exactly. Yes, but it is going to mean that. I move a motion that members from other legislatures do indeed have to resign before they can run here. I think it should be consistent. If it works one way, it should work the other way. I do not think that it is really fair, at this point in time, so I am moving a motion to that effect.

CHAIRMAN (Mr. Gargan): Thank you. What is your motion, Mr. Ballantyne?

HON. MICHAEL BALLANTYNE: I will have to get the actual legal terminology of the motion. The intent of the motion would be, though, that a sitting member from a legislature other than the Northwest Territories would have to resign his or her seat before they could run in an election in the Northwest Territories. Our legal counsel could probably put that into appropriate legal terminology.

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

Sitting Member Of Another House Should Be Made Ineligible To Run In NWT Election

HON. DENNIS PATTERSON: Mr. Chairman, I would just like to explain, in response to the Member's comments, that this Legislature would not be able to impose rules on members of another legislature -- that is, they have to resign their seat if they take a certain action. However, if the wish of the committee is to go in this direction and not permit sitting members of another legislature to run in our elections, then the way to do that would be to make a sitting member of another legislature ineligible to run in our elections. It is a fine point but the Member's suggested motion was not worded the way we would recommend. In other words, the disqualification should be as a result of our eligibility criteria and not rules imposed on another legislature. If this is the wish of the committee, then the appropriate amendment could be drafted in fairly short order.

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

HON. TAGAK CURLEY: ...and it seems to be the practice of the provinces, you know, I think most of them allow MPs to take part in the provincial elections -- definitely in terms of a leadership convention and that sort of thing. Eventually, if the Territories evolve, we would probably be the only Legislature that prevents that kind of activity. For instance, in BC during the last leadership convention, there was a federal MP that did...

HON. MICHAEL BALLANTYNE: ...would have had to resign to run as a candidate. This is not about a leader of a party. It is a totally different thing.

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I think...

HON. TAGAK CURLEY: What did you cut me off for?

HON. MICHAEL BALLANTYNE: Oh, I am sorry, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Curley.

HON. TAGAK CURLEY: I wanted to ask the question of the Members. Have we some research or knowledge of how many provinces do allow that kind of practice -- the way in which this clause is written? Or are there examples where provinces do not allow federal MPs to engage in provincial politics unless they resign?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

Member Of House Of Commons May Not Run Elsewhere

HON. DENNIS PATTERSON: Mr. Chairman, as I explained earlier, I believe the current federal legislation does not permit a sitting member of the House of Commons to run in another election. We are not aware of what the practice is in other provinces. But the question before the committee, I would suggest, is should we permit such a person who is sitting in another legislature to run in the Northwest Territories? Thank you.

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

HON. GORDON WRAY: Thank you, Mr. Chairman. I wonder, in section 52(3) it says, "Every person who accepts or holds any office, commission or employment, permanent or temporary, in the service of the Government of Canada or of the Government of the Northwest Territories" shall not be eligible as a candidate at an election. Would that extend to MPs?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. To answer the Member's question, I am informed that this section, which would not permit certain persons to be eligible as candidates in our elections, is designed primarily to refer to public servants in the federal or territorial public service -- judges and holders of other similar offices. It would not specifically refer to include Members of Parliament unless we were to state so specifically. I am informed that if the House wishes to not permit sitting members of another legislature to run, then there should be a specific reference to sitting members of other legislatures put into the section of the bill that covers "eligibility", saying that they would not be eligible. That will be a disqualification.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Mr. Ballantyne, do you still have a motion on the floor?

HON. MICHAEL BALLANTYNE: Yes, I have a motion and, as I explained, I would leave the wording of the motion to our legal counsel. But that intent that I had put forward in my motion I still want to put forward. How it is handled technically by the legal counsel, I will leave that in their capable hands.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, if that is the wish of the committee, then might I suggest that we go on to our consideration of the bill, and there will be an amendment prepared to reflect that intention of the committee which we can likely present before the bill is concluded, for the committee's consideration. We will allow Mr. Ballantyne to present the amendment.

CHAIRMAN (Mr. Gargan): Thank you. Does the committee agree then that we defer clause 185 and carry on with the rest of the bill? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): We are on clause 188, validity of an election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 189, practice and procedure. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 190, security for costs. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 191, service of petition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 192, intervention by chief electoral officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 193, application to set aside petition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 194, trial. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 195, declaration that election void. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 196, where election set aside and appeal entered. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 197, appeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 198, costs. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 199, disqualifications for election officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 200, manner of giving notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 201, time difference. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 202, telegraph communications. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 203, persons to administer oaths. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 204, definition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 205, interpreters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 206, superseding of writ for by-election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 207, executory contracts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 208, amendments to act or electoral district boundaries. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 209, agreements. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 210, offences. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 211, corrupt inducement of voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 212, liquor offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 213, personation and voting if not qualified. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 214, undue influence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 215, liability of election officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 216, inquiry by chief electoral officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 217, public meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 218, printed documents' requirements. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 219, removal of advertisements, etc. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 220, inducement to make false oath. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 221, publishing false statements. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 222, removal of notices. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 223, broadcasts on polling or preceding day. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 224, prohibition of certain pledges. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 225, general offence and punishment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 226, voting disqualification. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 227, additional punishment for corrupt or illegal practices. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 228, defence to charge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 229, validity of election in certain cases. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 230, effect of non-compliance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 231, disqualification procured by perjury. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 232, denial of privilege. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 233, production of writ. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 234, costs. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 235, evidence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 236, summons to court. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 237, limitation periods. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 238, fees and expenses. Mr. MacQuarrie.

Procedure For Setting Tariff Of Fees

MR. MacQUARRIE: One of the recommendations had been that the act be amended to include the procedure for setting the tariff of fees for NWT election officers, and that is reflected in 238 and 239. This House had further recommended that an equitable system reflecting the amount of work required be developed for the tariff of fees regarding the payment of returning officers and election clerks. That recommendation will be kept in mind when the actual procedure gets under way.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 238, fees and expenses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 239, payment of fees and expenses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 240, regulations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 241, agreement continued. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 242, repeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 243, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 244, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 245. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 246. Mr. Wray.

Time Limit For By-Election

HON. GORDON WRAY: Thank you, Mr. Chairman. A question of clarification. Clause 246 refers to a by-election essentially, where a seat becomes vacant. I am just wondering and I do not remember it being in here, is there any time limit on when a by-election has to be called or when it should be called? For example, if a sitting Member resigned two or four months before an election was due anyway, would the Commissioner still go to the trouble of calling a by-election? Was there any qualification in there? I cannot remember.

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I understand that there is no time limit in the bill before us, that in fact the decision on an election date would be at the discretion of the Commissioner as soon as official notification of the vacancy is obtained.

CHAIRMAN (Mr. Gargan): Mr. Wray.

HON. GORDON WRAY: Thank you. The way clause 246 reads, it says, "The Commissioner, on being informed of the vacancy, shall issue a warrant to the chief electoral officer, as defined in the Elections Act". If it were up to his discretion, should that not read "may issue" as opposed to "shall issue"?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I apologize. I really should not have said that it is a matter within the discretion of the Commissioner. The Member is correct, the section referred to, which actually simply repeats the section in the present Legislative Assembly and Executive Council Act, requires the Commissioner to call an election once he has received the resignation. So it would simply require an election to be held immediately after the resignation, subject to the usual time limits. Thank you.

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

HON. GORDON WRAY: I am just wondering in terms of practicalities. Because of the way our House operates, we always know when we can no longer sit. We have a finite time put on us in terms of an election. Usually this Legislature has run up to almost its limit. If a Member resigns one or two months before an election or even three months before an election was to be called, would it be practical to have a by-election called for somebody to be elected who may never take their seat in this House, who may only be an MLA for a month before a formal election was going to be called anyway? I am just looking at the practicalities of it, because it does not seem to me that there is much discretion in here. If there was a year left in the Legislature's term, then I think that is acceptable. But if there are only one or two months left -- really, do we have to go to the expense of a by-election and then another election two months after that as well?

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would like Ms Bentivegna to answer the Member's comments.

CHAIRMAN (Mr. Gargan): Ms Bentivegna.

MS BENTIVEGNA: Mr. Chairman, to answer the Member's comment, there is nothing in the act that says when the Commissioner is going to issue the writ. Under the Legislative Assembly and Executive Council Act it says that he "shall" issue a warrant telling the chief electoral officer that he must issue a writ, and that presumably is done as speedily as possible. The Commissioner is the one, under section 10 of the Elections Act, who sets the polling day and the date he fixes for the writ is the date that all of the elections procedures are going to start. So he tells the chief electoral officer what the date of the issue of the writ is going to be and when polling day is going to be. Polling day cannot be sooner than the 45th day after the issue of the writ. But if the Commissioner does not give that order, as with a general election, then the procedures do not start.

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

HON. DENNIS PATTERSON: Mr. Chairman, further to that I should mention that under the Legislative Assembly and Executive Council Act, which of course will continue in force, section 10, subsection (2), which I think directly answers the Member's question, states where a Member's seat becomes vacant for any reason "No warrant shall be issued under subsection (1) where the vacancy in the Legislative Assembly occurs within a period of six months prior to the day upon which the Legislative Assembly is to expire." So I trust that answers the Member's concern.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Clause 246, warrant for issue of writ. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 247, court procedure.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie.

Reporting Of Election Results By Media

MR. MacQUARRIE: Just to note generally, particularly for the benefit of the media, the existing legislation contains a provision that prohibits the premature publication of election results. In other words, on election day the media were prohibited from publishing the results in the Baffin ridings before the polls had closed over here in the western part of the territory. The House had recommended that that provision should be deleted and that provision has been deleted. It does not appear in this act. So at the next general election it will be permissible for the media to begin reporting results as soon as they are determined in Baffin. The reason was that it was felt that so long as there is not party politics operational, the results in one constituency have no impact on the results in any other constituency, and therefore the media ought to be able to publish the results.

It is obvious, though, that if there begins to be a serious move to party politics, that at some point that kind of provision...

MR. RICHARD: When it occurs.

MR. MacQUARRIE: ...then there might have to be a reintroduction of that kind of provision in the act; that is, if we are still a united territory. Perhaps if we are divided it will not have to be introduced. I do not know. Anyway I just thought I should bring that to the attention of the public.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. We are on page 114. Form 1, writ of election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Form 2, proclamation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Form 3, form of ballot paper. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Mr. Chairman, legal counsel has kindly provided me with a technical wording for the motion that I intended. Is it the Chair's decision that I deal with that motion?

CHAIRMAN (Mr. Gargan): We are now back to clause 185, disqualification from sitting. Page 88. Mr. Ballantyne.

Motion To Amend Clauses 52 And 185, Bill 2-86(2)

HON. MICHAEL BALLANTYNE: Thank you. I have very good advisers across the floor so I am told this is the appropriate time to make my motion. The motion will read as follows:

I move that subsection 52(3) be amended by deleting line 30 and substituting the following: "employment"; I further move that subsection 52(3) be amended by deleting line 33 and substituting the following: "is not qualified to vote or"; I further move that subsection 52(3) be amended by adding immediately after paragraph 52(3)(b), the following paragraph: "(c) is a Member of the Parliament of Canada or of a legislature of any province or the Yukon Territory during the time that he is such a Member" -- and I assume that he means he or she, that is covered, right? I further move that subsection 185(2) be deleted and subsection 185(3) be renumbered as 185(2). Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Ballantyne, just exactly what are you trying to say here? Your motion is in order.

AN HON. MEMBER: Are you sure?

---Laughter

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Yes, I agree with Mr. MacQuarrie and that is why I had asked that it be put in the proper language. But the intention of it is quite simple. It is to prevent a sitting member from another legislature to run in an election in the Northwest Territories without first resigning his or her seat. I, too, assume that the wording provided to me accomplishes that end.

HON. TAGAK CURLEY: With all those MPs from Ottawa, eh?

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. Your motion is in order. To the motion. Do you need copies of the motion? Mr. Richard. Mr. MacQuarrie.

MR. MACQUARRIE: Yes, we would appreciate receiving a copy before we vote, Mr. Chairman.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Gargan): We will take a two minute coffee break.

---SHORT RECESS

Mr. Ballantyne, your motion is in order.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I said the intent of this to me is an important principle, that if somebody runs as an MLA or an MP their constituents have taken for granted that person would carry out his or her term. If they decide in mid-term to try to run for a different legislature, they should not be able to hedge their bets. I think they have to make a decision to do it and then they should have to resign, so they cannot have it both ways. I think the way it is worded now, somebody could have it both ways. You could decide that you want to try to run in another legislature, and if you fail, you fall back to your existing position. I do not think that is right. I think the principle there is wrong. So I am strongly supporting this motion. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. McCallum.

MR. MCCALLUM: Mr. Chairman, I do not think there is any difficulty in it but I am wondering. It says, "I move that subsection 52(3) on page 25 be amended by deleting line 30 and substituting the following: 'employment'". Where is that to be found? It is not on page 25.

HON. MICHAEL BALLANTYNE: Page 26, I did not mention any page numbers in my motion.

MR. MCCALLUM: So it is section 52(5) that we are talking about?

AN HON. MEMBER: No, section 52(3).

MR. RICHARD: But that is not line 30.

MR. MCCALLUM: Do you have the same music sheet as I have?

HON. DENNIS PATTERSON: Mr. Chairman, I would just like to make it clear that the line referred to and the page referred to may not be quite correct. It was taken from a previous draft in error in the rush to get the amendment together, but it deals with section 52(3)(a) to take out the word "or" and then to put "or" into subsection (b) and add a paragraph 3(c); (c) which reads "is a Member of the Parliament of Canada or of a legislature of any province or the Yukon Territory, during the time that he is such a Member".

MR. MCCALLUM: That makes sense now, okay.

MR. MacQUARRIE: Starting to make sense now.

CHAIRMAN (Mr. Gargan): Thank you.

SOME HON. MEMBERS: Question.

Motion To Amend Clauses 52 And 185, Bill 2-86(2), Carried

CHAIRMAN (Mr. Gargan): Question being called. All those in favour? Opposed, if any? This motion is carried.

---Carried

This motion is carried. Mr. Patterson.

Motion To Amend Forms 2 And 3, Bill 2-86(2), Carried

HON. DENNIS PATTERSON: Yes, Mr. Chairman. There is just one minor matter. I have been informed that on the forms the sections referred on the top right hand corner should be changed there. They are incorrect. So I would therefore move that the section reference in Form 2 on page 115 be amended by substituting the following section reference: "Section 27"; and further, I move that the section reference in Form 3 on page 117 be amended by substituting the following section reference: "Section 75". Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Mr. Patterson, your motion is in order.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Gargan): Question has been called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Section 185 now on page 88. Clause 185, disqualification from sitting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 2-86(2), An Act Respecting Elections, is concluded as amended? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I guess I am a bit late for this but I just got a note saying, "Could you try to slip in the following amendment at the end? 'Notwithstanding the Elections Act, those Members of the Legislative Assembly who have been chosen to the Executive

Council, pursuant to the Legislative Assembly and Executive Council Act, shall not be required to seek re-election and such Members shall continue as Executive Council Members for an indeterminate period.'"

MR. McCALLUM: Okay, good.

CHAIRMAN (Mr. Gargan): This act is concluded.

---Laughter

Forget it. It is 12:00 o'clock now so we will break until 1:30 p.m.

---SHORT RECESS

Third Report Of The Special Committee On Rules, Procedures And Privileges.

We were on Item 17, the Third Report of the Special Committee on Rules, Procedures and Privileges, with Ted Richard.

Comments From Chairman Of Special Committee On Rules, Procedures And Privileges.

MR. RICHARD: Thank you, Mr. Chairman. Mr. Chairman, the third report of the special committee was filed earlier this week and all Members have a copy. I wanted to first mention, Mr. Chairman, that this red bound copy that was filed has the Inuktitut translation of the report in it but unfortunately page 16 in the Inuktitut version is missing. It is only one paragraph but, Mr. Chairman, the research assistant, Mr. Montagano, has extra copies which he is going to pass around, particularly to the Inuit Members. It is just that one page is missing in the Inuktitut version.

Mr. Chairman, the special committee on rules, procedures and privileges was formed by this Assembly at the time of the sixth session in October of 1985. The purpose of the committee being established was to examine the powers, the rules, the procedures, the practices and the organization of the Assembly and its committees and to recommend changes where appropriate.

In the course of its work, the committee has examined and reviewed the existing rules, has considered referrals to the special committee from caucus, from the Speaker, from the Clerk and from MLAs. The many changes that resulted from our consideration were included in the first and second reports which were adopted by the Assembly, with amendments, in June of this year.

In preparation for this third, and which we had hoped to be our final report, the special committee reviewed a number of specific items including the topic of conflict of interest; the question of motions of non-confidence; the establishment of two additional standing committees of the Legislature, one to deal with rules and procedures on an ongoing basis and the other to deal with a review of agencies, boards and commissions. Also in this third report, Mr. Chairman, are other procedural matters.

The work of the special committee is virtually complete. The only matter which the special committee considers requires further deliberations is the substance of matters raised in Professor Eglinton's paper which, as Members are aware, is attached as Appendix A to this report. Once that one matter is completed, Mr. Chairman, presumably at the next session, the committee's work will be done. But the committee feels that there is a need for an ongoing permanent or standing committee of this House to review the rules and procedures, to make recommendations from time to time, to take referrals from caucus or from the Assembly, as was done, for instance, last week, when an isolated matter was referred to the special committee. With that in mind, as Members who have read the report will be aware, Mr. Chairman, the committee is recommending that there be a standing committee on rules, procedures and privileges.

Prior to concluding my general introductory remarks on the report, Mr. Chairman, I, on behalf of the committee, want to acknowledge the contribution of a number of people to this report. First of all I personally want to thank my committee Members, Mr. McCallum, Mr. Angottitauruq, Mr. Erklou and the Hon. Tom Butters for working on this committee. I also want to thank the Speaker and the

Clerk for their assistance and the staff who worked with us, particularly Mr. Schauerte prior to his departure for university, and in recent months, Mr. Montagano. With that, Mr. Chairman, those are my introductory remarks and perhaps before we go into the individual items you could invite general comments. Thank you.

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

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. First of all I would like to compliment the chairman and the committee for this, I think very interesting and very useful document. I think Professor Eglington's report is very interesting and I see it as potentially a very valuable resource document as we move into and continue to deal with the area of constitutional development. I think that many of the ideas and the concepts contained in the report should be debated and discussed and some of them could be incorporated in a comprehensive policy and process on the Legislative Assembly in government constitutional development.

Report Comprehensive And Detailed

The report is very comprehensive and detailed. I feel that it needs thoughtful analysis, thorough analysis before this Assembly responds to recommendations that come from it. Talking for myself and I am sure other Members, I agree with some of the concepts; I disagree with some of the concepts; and I would like more time to consider other of the concepts. The specific recommendations from the special committee deal with only a selected few issues dealt with in the report. I feel the decisions made on these selected few issues could possibly preclude or complicate other constitutional development approaches currently being undertaken by this government and by other groups, such as the Constitutional Alliance. I believe that a comprehensive and thoughtful approach to constitutional development is imperative. I think the roles and responsibilities of the Executive Council, the Legislature and other parties should be clearly outlined. I think it is all-important that proper timing and an implementation strategy be developed.

As I said I am impressed with the work and fresh ideas put forward by the committee -- and special recognition to the chairman, Mr. Richard -- but I feel we have to be very careful. An analysis of the rules of this House by the committee have quite naturally led the committee to the much broader issues of constitutional and political development. I think the government and the Legislative Assembly have major responsibilities in this area and I feel that we have to ensure that a special committee of this House does not unintentionally complicate those responsibilities. I would be very happy to see the total report discussed in this House at the next session. I am sure the government would like time to prepare responses to the report. I think individual Members need time to analyse the report and perhaps receive at least a summary translation of the report. It seems logical to me that any recommendations that flow from the report should come after that full debate.

I also have a concern of another recommendation of the standing committee dealing with agencies, boards and commissions. I am not necessarily against the creation of such a committee but, as the House knows, of the appointments to these boards, agencies and commissions, some of the appointments at present are direct ministerial appointments. Some of them are Executive Council appointments. Some of them are Legislative Assembly appointments. I think we would have to have a total look at the legislation to see what the actual impact of this particular recommendation is. So that, too, I think is something that is very important and very critical. We are all aware of the importance of the boards, agencies and commissions in the Territories. I think we as a government, and again I would assume other Members should take some time to think of the implications of the recommendation.

Issues Should Have Full Debate At Next Session

I, for one, would feel much more comfortable having a full debate on these very interesting issues that are brought forward by the committee, at the next session. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. General comments. Mr. Richard, how do you wish to proceed with this?

MR. RICHARD: Mr. Chairman, if there are no further general comments, I would propose dealing with the items in turn, starting at page three. I would like to take each one in turn and make a motion and then have the committee comment on each motion as we go through. I would propose that that be the way we proceed, sir.

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

HON. DENNIS PATTERSON: Mr. Chairman, I would also like to say, I guess more as an MLA than as a Minister in the government, that I, too, found the committee's report very interesting and very significant. I think there are some very weighty matters addressed in this report. I note that a critical appendix to the report of some 139 pages has really just been given to us during this session. I have had one opportunity to read it. I think there is a lot in there and I would like to have more than one opportunity to study it. I would also like to have the opportunity to discuss some of the implications of Professor Eglinton's work, which have been reflected in some of the proposed rule changes, with my constituents. Because, I think, the mandate of the special committee on rules, procedures and privileges has apparently included matters such as confidence, motions of confidence, by association the very notions of responsible government, the committee has in effect become a committee on which major issues of political and constitutional development are being recommended.

Member Not Prepared To Deal With Major Recommendations

So, Mr. Chairman, in my view, although some of the recommendations are more of the kind of routine recommendations that one might expect from a committee tinkering with the rules of the House -- and I do not say that lightly, but improving and refining and fine tuning the rules of the House -- there are also some major issues raised in the appendix and raised in some of the recommendations later on in the committee report. I am looking forward to debating it, but with greatest respect to Mr. Richard, usually committees of this Assembly give Members more time to consider such weighty matters. So I am not in favour of proceeding clause by clause today. I do not feel prepared to deal with many of the recommendations because I think they require more thought and on some of the points I would very much welcome some input from my constituents.

So I would suggest we have general discussion and not be stampeded into making...

HON. TAGAK CURLEY: Agreed.

HON. DENNIS PATTERSON: ...into making major constitutional changes on the floor of the committee of the whole.

HON. TAGAK CURLEY: In one day.

HON. DENNIS PATTERSON: ...especially with very little notice, very little opportunity to read an extensive document. I have had a chance to read it, I am not sure if all Members have, and I cannot speak for the Members whose first language is not English. But I would say, out of courtesy to them, that since the major appendix has not been translated that some courtesy should be extended to them, either through the form of a summary or perhaps translation of the full document. Thank you, Mr. Chairman.

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

HON. GORDON WRAY: Thank you, Mr. Chairman. I guess I also want to say that I would not be in favour of going clause by clause through this report for the very simple reason that in addition to the amendments to existing rules which this report contains, things like the language of the Prayer and the dress of the Sergeant-at-Arms, there is contained in here, on pages six, seven and eight, as well as page 11, some issues that go far, far beyond the rules of this House. We are talking, in some of these cases, of major constitutional changes and not only to the rules of this House but to the way the entire government and legislative structure is set up in the North. Now, while I have no problems discussing constitutional evolution or development of the Legislature, I think it should be in its proper place at the proper time. Many of these recommendations, or at least all of the recommendations on pages six, seven and eight, are based on a very substantive report which I believe has not yet been translated, and which was only given to Members at the beginning of this session. This report has not been debated in this House. The conclusions of the report have not been debated in this House. In fact, this Legislature has not yet determined whether it has accepted this report as an authoritative one or not. There has been no decision made as to whether or not this report is in fact, something that we, as MLAs accept.

Discussion By Legislature Of Professor Eglinton's Report.

It is a very fascinating report. I have read it once. I think there are many issues contained in the report, the Eglinton report, that are worthy of debate but I think to present us with a report and then bring in recommendations, major recommendations, based on a report that has not even yet been debated, will be somewhat premature for us as MLAs. In fact I think, like my colleagues, I can accept some of Professor Eglinton's conclusions while I may want to reject others. But I think until the Legislature itself debates this report, then I would be very hesitant to discuss recommendations based on that report. I think that if you read some of the recommendations based on that report, if you give it some thought, if you look at the implications and what might be behind some of those recommendations, whether intentionally or unintentionally, then we are talking about much, much more than just simple rule changes to the way in which this House operates. I think that it is not something that we, as MLAs, should rush into. I think it is something that we should take our time on and it is something that I think MLAs should have an opportunity to think about. Much has been made in this House, in this session and the last session, about requiring advance notice to be given. We, as a government, have been told that we must give legislation to the legislation committee, six weeks prior.

HON. TAGAK CURLEY: That's a convention.

HON. GORDON WRAY: We have been told now that we cannot make Ministers' statements unless we first have them translated and make them available at the time we are making them. This House is going the route of giving as much warning and as much time as possible to Members of this House to consider weighty issues. Yet here we have an extremely major issue and we are not being given that same courtesy, as MLAs. And this report, Mr. Chairman, is not being given to the government. The report on rules and procedures is to this House for us to consider as MLAs, not for us to consider as Members of the Executive Council. When we make rule changes to this House, I do not vote on them as a Member of the Executive Council, I vote on them as a Member of the Legislative Assembly. Therefore, Mr. Chairman, I would suggest that we do not deal clause by clause, we deal with the general comments, but we at least give Members time until the winter session to look at these issues. Thank you.

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

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I also have a concern about the report. I do not feel good about dealing with this clause by clause because I have not had a chance to read the whole report because I had other things to do. There are 139 pages here that we have to deal with. I am not saying that they did not go through the proper procedure. I am really happy about this report. It is very informative. Some of the rules will have to be amended. For these reasons I would like to really be able to look into the report first and comprehend it. As MLAs we should deal with this thoroughly.

Motion To Defer Consideration Of Third Report Of The Special Committee On Rules, Procedures And Privileges Until Winter Session

I would like to move that the Third Report of the Special Committee on Rules, Procedures and Privileges be deferred to the winter session.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Pudluk. Your motion is in order. This motion is debatable on why it should be deferred. Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. I listen to the Members with a great deal of interest...

HON. MICHAEL BALLANTYNE: Ordinary Members.

MR. McCALLUM: Ordinary Members from the other side.

MR. RICHARD: Don't say they are ordinary.

MR. McCALLUM: I am amazed that there are committees formed by this House to do their work.

HON. TAGAK CURLEY: Point of order.

CHAIRMAN (Mr. Gargan): Mr. Curley, your point of order.

HON. TAGAK CURLEY: Point of order, Mr. Chairman. I understood the rules to indicate that the motion to defer is not debatable.

CHAIRMAN (Mr. Gargan): This motion is debatable. Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. Maybe that just points out the need for us to discuss what we are doing in rules, so that Members will know what is going on.

MR. RICHARD: Agreed.

MR. McCALLUM: As I was saying, committees are formed by this House to pursue certain matters. The committees do their work and bring back a report for the House to look at. I hear all the talk so far about this great piece of paper that is put in here as an appendix, when in reality what this committee has done is to fulfil its mandate, given by the House, to look at the rules. We were to look at the question of confidence. That we did, and if anyone were to look through it, on page six of this report it deals with what we said about confidence. If you are talking about changes to the other rules, that is what we have done, on procedural concerns that were there.

If the concern is about the recommendations dealing with what we came up with, in the course of our look at confidence itself, I do not understand how anybody can sit there and say we are not sure whether we should ask to have the NWT Act opened up so that this Assembly could have the power of dissolution. I do not understand how Members can look at the recommendations that were quoted, on page seven, and say that we recommend to the Assembly that the Parliament of Canada open the NWT Act to amend it to give this Assembly the power to legislate on matters of executive government and the power to legislate for the privileges, immunities, and powers of our own Legislative Assembly. Now if that is where the difficulty is, I wish somebody would tell me what we are doing here. I thought we were trying to come to grips with, and look after, trying to run our own show. Whether we are going to change it or how we are going to change it, that will come along. What we are making as recommendations is to take over what we were trying to do, at your request. That is where it came from.

AN HON. MEMBER: Don't panic.

MR. McCALLUM: Nobody is panicking at all. All I am saying is that I cannot understand why you people are saying here that you are reluctant to look at the recommendations, to help yourselves. God knows some of you need it.

MR. RICHARD: Agreed.

MR. McCALLUM: And if these kinds of things are the hang-ups, then I do not know why you want these particular committees and why the House refers things to various committees. I have heard Members say that this is a very boring session with nothing to do.

AN HON. MEMBER: (Inaudible comment)

MR. McCALLUM: Same way. In fact there are times when I am not only bored with the session, I am bored with...

AN HON. MEMBER: (Inaudible comment)

---Laughter

Report Is Work Of Ordinary MLAs

MR. McCALLUM: That's good, Nick. Thanks. The point I am making, Mr. Chairman, is that if there is nothing to do in the House, then we should not be calling sessions. We are not able as ordinary MLAs to place any business before this House other than to talk or comment on the business of the government. But when we are given a responsibility as a group of ordinary MLAs to come in to do work for the House, when we do the work and bring it in we are told, "You are rushing things too much. You have to hold back. We have to look at these things. We do not want to rush into something." It is absolutely asinine that the Members who mostly were talking about not wanting to deal with this are Members on the government side, whether they are hitting it now as ordinary MLAs or not.

The other thing is that we have had about two or three days at the most, where this House has sat during its regular times because there is nothing to do. In fact, uniquely by this time we have had the government House Leader report progress. We, as ordinary MLAs, come in to do the work we are supposed to do. It is too bad it is not so on the other side. I, for one, Mr. Chairman, would not want to see deferral of these particular recommendations.

If Members want to digest what is being said in the report by the research person we had look at "confidence", that is fine. But here are particular recommendations made to conduct the rules of this House that I think should be looked at now. I for one will vote against the move to defer.

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

MR. ERKLOO: (Translation) Thank you, Mr. Chairman. I cannot understand why the third report has to be deferred because there are no recommendations that are just brought up by the committee themselves. For instance, we made recommendations after hearing from the other MLAs. Somebody mentioned that we should bring it home and read it over. I do not see any point in taking this home and showing it to the constituents because it does not have anything to do with them.

I would like to say that when I first came to this meeting, when I first got elected, I could not understand the rules and procedures of the House. Some of them were written and I could not understand the written part of it. It seemed as though they adopted the rules from southern jurisdictions. And then they changed the rules for dressing in the House, such as not wearing a tie or using clothes of the culture. I know this has been an improvement, that we are trying to use the culture of the Northwest Territories. We brought this report to better the rules and procedures of the House and we were appointed to look at the rules and procedures to use the customs of the Northwest Territories.

For instance, we approved a bill for the elections and when we were dealing with this bill yesterday and today, I did not hear anybody say that they wanted to have time to read this bill. We dealt with it clause by clause and we would approve most of the clauses. This is what we are going to do with this third report. We will be approving some of the recommendations and make changes to some that need change. For this reason I will not support the motion. Thank you.

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

HON. DENNIS PATTERSON: Mr. Chairman, if I may, I would just like to make it quite clear to the hardworking Members of the committee that I certainly agree that they have discharged their responsibility admirably. I would also like to make it clear that in speaking in support of this motion I am not condemning the recommendations...

AN HON. MEMBER: Hear, hear!

HON. DENNIS PATTERSON: ...or saying they are inappropriate. Not at all. I advocated some of these changes when I was a Member of the Ninth Assembly. Mr. Chairman, quite frankly, I do not think the rules of the House are so terribly deficient that we need to amend them today and probably the last day of this session. Let us give these weighty matters the dignity of some decent consideration.

I note, Mr. Chairman, that recommendation 10 of this committee suggests that the 139-page report of Professor Eglinton, which I think is very significant, should be reviewed by the special committee on rules, procedures and privileges, with a view to making long-term recommendations to this House at the next session, in the winter of 1987. Now it seems to me, Mr. Chairman, that the chairman of this committee, while on the one hand recommending that in effect there needs to be more time taken to consider this weighty report and that his own committee will review it and make a fourth report at our next session, is telling Members that we should go ahead and consider some recommendations flowing from this report today. So I would suggest the committee perhaps is unfair in wanting to have it both ways.

Professor Eglinton's Point Of View Not Entirely Shared

What I want to do, Mr. Chairman, is simply get some more time to think about these matters, discuss them with my constituents. I do not happen to entirely share Professor Eglinton's point of view. In my view he has a particular point of view and perhaps a certain prejudice which requires careful reading and rereading of his report and the recommendations that have followed from that report.

Let me say again, Mr. Chairman, I support the motion, not because I do not think we should consider these issues, not because I do not think the report is worth while, but simply because I think we should give it decent consideration, which will require more time and study, at least on my part. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Patterson. Mr. Wray.

HON. GORDON WRAY: Thank you, Mr. Chairman. I will support the motion to defer and I will support it on the basis of the committee's own words, who themselves in their own report would seem to concur that we should defer the report. I will read the pertinent section out. It says: "A copy of Professor Eglinton's paper is included with this report as Appendix A. Members are encouraged to read the report in conjunction with this section of the committee report. All Members of the committee were of the view that there is significant value in the advice and observations provided in this paper and that this paper will become an invaluable document for consideration by Members of future Assemblies." They should have also added, "However, we will be making recommendations on this report and if you cannot read English and you are not a fast reader, then tough luck." Because that is essentially what they are asking us to do. There are at least five Members of this Legislature who have not had the opportunity yet to read Professor Eglinton's report simply because it has not been translated and therefore they are not capable of reading the report. The report was also presented to us at the beginning of this session and many of us simply have not had the time to read this report. So I am unwilling to discuss recommendations based on something that a lot of us have not had time to read. It is not whether we agree or disagree with the recommendations in the report. All we are saying is, give people time to read it. And if the committee itself is saying that Eglinton's paper is very significant and should be read in conjunction with the committee's report and the section dealing with it, then they are also saying that this is a significant paper and the recommendations are tied into that paper. Yet they are not giving a lot of the MLAs time to read the paper.

MR. RICHARD: The paper has nothing to do with most of the report.

HON. MICHAEL BALLANTYNE: Ten of them.

HON. GORDON WRAY: Thank you, Mr. Chairman.

HON. MICHAEL BALLANTYNE: Ten recommendations...

CHAIRMAN (Mr. Gargan): Thank you, Mr. Wray. Mr. MacQuarrie. To the motion.

MR. MacQUARRIE: Thank you, Mr. Chairman. I am in a very vulnerable position here. I am in danger of being elbowed to death in coffin corner but at any rate, I choose to speak. I will support the motion to defer.

SOME HON. MEMBERS: Hear, hear!

---Applause

Question Not Whether To Debate Report But When

MR. MacQUARRIE: It is obvious from Members' comments that it is not really a question as to whether the report should be debated. It seems that everybody is willing to debate the report, discuss it thoroughly and deal with it. The real question is not whether, as I say, but when. If there were some element of urgency that it be done right now, then all of us should feel that pressure to deal with it right now. But, in fact, there is not that element of urgency. We do have to commend the committee and appreciate the fact that it has come with its work done and believes that it is ready to support its findings. But it is also evident that many other Members would concede that while that is true of committee Members, for many reasons it is not true of many of the rest of us. Since there is no element of urgency it should be rather a simple matter to defer it until the winter session. In one way I would have no objection to dealing with some of the recommendations that have no element of the constitutional matter associated with them, but perhaps there is no point in dealing with the report piecemeal since there is not really an urgent element attached to those other recommendations, as well.

Having spoken this way, I certainly sympathize with the chairman of the rules committee. I cannot help but think of Frobisher Bay, October, 1980 and the unity committee report. I know what it feels like to come prepared for something and find something else. So I am sympathetic, but there is not urgency and I will vote to support the deferral.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Mr. Angottitauruq. To the motion.

MR. ANGOTTITAUURUQ: Thank you, Mr. Chairman. I guess I will be opposing the motion that Ludy has made.

MR. PUDLUK: (Inaudible comment)

MR. ANGOTTITAUURUQ: I am in the wrong position, in the wrong seat at this time. I should have been over there and you should have been with the rest of the crew here.

---Laughter

---Applause

AN HON. MEMBER: Go for it.

AN HON. MEMBER: You could trade with MacQuarrie.

MR. ANGOTTITAUURUQ: That may be a good idea. But I am speaking to the motion and I really do not want any disturbance because to speak and to have people disturb you, sometimes if you are not a loudmouth, you can get into some difficulty. But then again, as a Member of the Assembly, I disagree with a lot of those that said to defer this document, especially on the rules and procedures report. If there were a motion stating to defer Professor Eglington's report for the next session, I would agree, because that report touches the people of the Northwest Territories more, and I believe that we are trying to make some changes for this House, and most of the recommendations are to the House. I am not saying that people of the Territories should not be involved, but then again, I believe, that in a way, in more than 75 per cent of the way, when there is something changed in the House, it should come from the present MLAs in order to help the future MLAs. I agree, in a way, that we should go back to our home communities and talk to them but then again I really do not find any real, hard evidence that the communities should really be involved with all the recommendations that were made to the rules to the House. But then again I still agree that they should know. The professor's report touches the NWT more. I do not have any difficulty deferring that, if the ordinary MLAs want to look at it, if that is what they are saying at this time. But then again, I do not know for what reason those who say they are ordinary MLAs but have another position as Executive are opposing the recommendation. I do not know for what reason.

HON. GORDON WRAY: Point of order.

CHAIRMAN (Mr. Gargan): Mr. Wray, your point of order.

HON. GORDON WRAY: Thank you, Mr. Chairman, I thought we made it quite clear that we are speaking to this as MLAs and not Members of the Executive Council. It is not the Executive Council which is opposing this, it is individual Members in their roles as ordinary MLAs. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Wray. Mr. Angottitauruq, could you confine your address to ordinary MLAs in this House? Thank you. Go ahead.

MR. ANGOTTITAUURUQ: Thank you, Mr. Chairman. Okay, I will try that. That is what happens sometimes. But anyway, I will not be voting on the motion to defer the whole committee report. But, if I may try to make a motion to deal with the special committee on rules and procedures report, to deal with it at this session and defer the professor's report, I think that would make some of the Members more comfortable. I will not be voting on the motion that was made to defer the whole thing. That seems to make it clear now.

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

Much In Report Not Related To Eglinton Paper

MR. RICHARD: Thank you, Mr. Chairman. The third report of the special committee contains some 15 pages of recommendations arising from the committee's work since its second report. There are two and a half pages of the report that deal with the Eglinton paper. So there is much, Mr. Chairman, there is much in the report that has nothing to do with the Eglinton paper. On page six, as has been pointed out, the special committee sets out its view on the Eglinton paper. The committee agrees with some of the statements by the ordinary Members opposite, that there are very weighty matters contained in the Eglinton paper.

SOME HON. MEMBERS: Hear, hear!

MR. RICHARD: Matters that need further reflection and on page six it is clear the special committee wants these weighty matters considered at a subsequent date during the winter session. Yes, the paper, or a summary of the Eglinton paper should be translated into Inuktitut. Pages six, seven and eight that deal with the Eglinton report have been translated and provided to Members.

Bulk Of Report Could Be Considered Now

Mr. Chairman, I do not see the problem with the bulk of this report being considered at this time. It is my hope that we will discuss, at some length, and debate the meaty parts of the Eglinton paper. Initially, Mr. Chairman, in our own committee, I was in the minority. I felt it was beyond our mandate to go further. But I was convinced otherwise, that we have an opportunity as a 10th Assembly, before we finish in a year, to look at these heavy matters. The special committee is now, as of a few days ago, in agreement that the substance of that paper be debated at length in February, March or April. However, at the risk of repeating myself, the bulk of the third report does not deal with the Eglinton paper.

HON. GORDON WRAY: (Inaudible comment)

Other Matters In Report Not Controversial

MR. RICHARD: How many times is Mr. Wray allowed to speak to this motion, Mr. Chairman? Even the recommendations on pages six, seven and eight, I say, are uncontroversial. They do not touch the real substance of the Eglinton report. In any event, my primary concern is the other matters in the report. They are not controversial. They result from meetings of the special committee since June, including a special meeting last month, when Mr. Angottitauruq, for example, travelled from his home community to meet with Members of the special committee in Yellowknife. We discussed, for example, the first item of page three. A prominent Member of this Assembly asked our committee to consider changing the Prayer. That job was given to us and we did it last month and are coming today with the result of our deliberations. What is controversial about the first two paragraphs on page three? As we go through these, Mr. Chairman, I promise to speak slowly. Members can watch my lips, and if we need a few more hours then let us adjourn and come back tomorrow.

AN HON. MEMBER: Question.

MR. RICHARD: I am not finished. In seriousness, the recommendations are not that difficult to understand and in seriousness, if there are any of the recommendations or matters that Members find difficult, we will just try to explain why the committee is making the recommendations it is. In the same context as my colleague, Mr. Wray, indicated, I am, quite frankly, offended that there is any rush here. Being a Member of the Assembly, not on the Executive Council, I am faced time and time again with having to absorb documents sprung on us by the Executive Council, like the Elections Act that I got Monday of this week. It was 100 pages. The final copy of the Elections Act was available on Monday of this week. There are many other examples.

HON. TAGAK CURLEY: (Inaudible comment)

MR. RICHARD: Virtually anything that comes from your office, Mr. Curley.

---Laughter

Mr. Chairman, maybe Mr. Wray is conceding that the shoe is on the other foot. I hope it is hurting his foot. But, Mr. Chairman, most of the report is not that difficult to absorb and I will vote against Mr. Pudluk's motion to defer. Thank you.

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

Rules And Procedures Committee Not Charged With Major Constitutional Development Changes

HON. TAGAK CURLEY: Thank you, Mr. Chairman. I do want to comment on the rules and procedures committee as I understand it. The committee, in my mind, is a committee set up to deal with the current Legislature and to serve the current Legislature in looking at the way in which it operates during its term. I do not believe the rules and procedures committee is ever charged with major constitutional development changes. Mr. Chairman, therefore, in my mind, the rules and procedures committee went beyond its mandate and dealt with the major constitutional development of the NWT. In order to be fair to our Members and our constituents which we serve, we normally, in practice, separate the two issues of constitutional development and the rules and procedures responsibilities. These are two very distinct responsibilities. We did not create, as I understand it, a special committee on constitutional development, which the document accompanied by the report entails. So I have very many concerns with the report.

I think if we are going to have the benefit of a fair debate on this document, we should establish a special committee on the NWT Act and constitutional development, so you can have a fair discussion and debate and completely separate the rules and procedures of the current Legislature and refer them to the rules and procedures committee, not to the constitutional development committee. I think this is where they went wrong. They could not figure out which came first -- the chicken or the egg.

---Laughter

CHAIRMAN (Mr. Gargan): Order, order! Please! Mr. Curley.

HON. TAGAK CURLEY: Therefore, on that basis, I definitely need a lot more time. I think the Members should consider seriously whether or not the rules and procedures group is really the appropriate place to deal with these very heavy, weighty matters. If we are going to deal with the future of the NWT, I do not think the place to deal with it is through the special committee on rules and procedures...

MR. McCALLUM: And privileges.

Special Committee On Rules, Procedures And Privileges Should Stick To Terms Of Reference

HON. TAGAK CURLEY: ...and privileges. They should stick to their terms of reference, not engage in the major constitutional changes. That is why Mr. Erkloo is confused, because we are dealing with two very complex issues and I think in deferring it, we are not delaying the recommendations that you have presented before us. We do want to do a fair job. We do want to have a chance to have a fair review of your document and not be so hasty in trying to make a quick political gain out of it.

HON. DENNIS PATTERSON: Hear, hear!

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

Motion To Amend Motion To Defer Consideration Of Third Report Of The Special Committee On Rules, Procedures And Privileges Until Winter Session

MR. ANGOTTITAUURUQ: I would like to attempt to amend the motion that has been made by Ludy. If we are going to defer it, we might as well defer it until tomorrow morning, because we want to deal with it at this session.

HON. BRUCE McLAUGHLIN: That changes the whole motion.

MR. ANGOTTITAUURUQ: I am just trying to make my point. I am not pointing at the Executive directly with the motion. We are here to do some work and the special committee did some work. We want our work to be examined clause by clause so that we could have some more work in the future, so we do not have to overload ourselves for the next session. That is why I want to amend the motion to defer this. If the Members do not want to deal with it today, we could deal with it tomorrow.

CHAIRMAN (Mr. Gargan): Mr. Angottitauruq, are you making a motion to amend the motion to defer this until tomorrow morning instead of the winter session? Your motion is in order.

HON. BRUCE McLAUGHLIN: Point of order.

CHAIRMAN (Mr. Gargan): Mr. McLaughlin.

Rules Do Not Allow Basic Intent Of Motion To Be Changed By Amendment

HON. BRUCE McLAUGHLIN: I think that you should reconsider the judgment you just made. I do not think the amendment is in order. The intent of the original mover was to move it from one session to another, not to defer it to another time in the session. So the intent is to move it from one session to another. I do not think the rules allow for the basic intent of the motion to be changed by an amendment. So I think the amendment is out of order.

CHAIRMAN (Mr. Gargan): Mr. McLaughlin, the motion was to defer the item to the winter session. It has been amended now to defer it to tomorrow morning.

MR. MacQUARRIE: Point of order.

CHAIRMAN (Mr. Gargan): The motion is still in order. To the amendment, Mr. MacQuarrie.

MR. MacQUARRIE: It is to the point of order, if I may?

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie, to your point of order.

Substantive Element In Motion Of Deferral

MR. MacQUARRIE: If I may, Mr. Chairman, in all motions of deferral, deferral is a common element. You cannot have a motion of deferral unless the idea of deferral is inherent in it. So when you have a specific motion of deferral, the only substantive element is the time.

---Applause

And a motion was made that it be deferred to the next session. Therefore, Mr. Chairman, I do not see how you can have an amendment to that motion that changes the time because that was the substantive element of the initial motion. That would mean that you would be allowing an amendment to change the substance of the motion. Ordinarily, in parliamentary procedure that is not allowed, Mr. Chairman. So I would ask you to reconsider.

---Applause

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie, the main amendment is for deferral. The time is subsequently. Mr. Nerysoo, to the motion as amended.

MR. NERYSOO: Thank you, Mr. Chairman. Just with regard to a point of order. Was the statement from the last speaker a challenge to your ruling?

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie, was that a challenge to my ruling? Mr. MacQuarrie.

MR. RICHARD: We could have finished the discussion by now.

MR. MacQUARRIE: I think not. I say let us vote on the amendment then, if that is your ruling, and we will find out what is going to happen to it anyway, Mr. Chairman.

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

HON. TAGAK CURLEY: My point of order is this. There is no such amendment to the motion, that should be granted by the chairman, unless the amendment has been voted on. There has been no vote on the amendment so therefore there is no motion and therefore...

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Curley. I have already made a ruling on the motion and the amendment is in order. To the amendment.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Gargan): Question has been called on the amendment to the motion. To the amendment. We are voting on Mr. Angottitauruq's amendment.

SOME HON. MEMBERS: Question.

Motion To Amend Motion To Defer Consideration Of Third Report Of The Special Committee On Rules, Procedures And Privileges Until Winter Session, Defeated

CHAIRMAN (Mr. Gargan): Question has been called. All those in favour of the amendment? Opposed, if any? This motion to amend is defeated.

---Defeated

To the motion. We are back to Mr. Pudluk's motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Gargan): Question has been called. All those in favour? Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. I am speaking on the motion to defer. One of the recommendations that would be in here I think is of primary importance so that we should not defer it. That is recommendation 3. I have all confidence in the Commissioner and how he can handle things, but we now have a rule in the Legislative Assembly and Executive Council Act that allows any person to act as a Minister of the government. We worked hard to get elected people in.

HON. MICHAEL BALLANTYNE: The federal government does, too.

MR. McCALLUM: And if we are going to have appointees from outside this House to sit on the Executive Council, I have enough problems with those that are on now. I do not want anybody else -- since once we get away from the appointed people from this Legislature, any Tom, Dick and Harry around the place can come in -- or Suzy, Jane and Joan -- not to be sexist. I do not want the Commissioner to be able to take anybody off the street and appoint him into the Executive Council.

AN HON. MEMBER: We've done it already.

MR. McCALLUM: I do not want him to make the same mistake I did. Look what I did, look at the people I voted on.

---Laughter

It is bad enough there. In all seriousness, Mr. Chairman, I think that that is something that should be looked at in this particular report. I think that we, as Members, should be able to select the people who go on the Executive Council. I do not think that we should be able to change, but the present rules say that the Commissioner can appoint any person to the Executive Council. It does not have to be a Member of this House. And if they feel confident in that, I do not. So, I think, Mr. Chairman, that I do not want to vote for a deferral. I would like to rectify that particular rule at this time, now.

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

SOME HON. MEMBERS: Question.

Motion To Defer Consideration Of Third Report Of The Special Committee On Rules, Procedures And Privileges Until Winter Session, Carried

CHAIRMAN (Mr. Gargan): Question has been called. All those in favour of the motion? All those opposed? This motion is passed to defer this item to the winter session.

---Carried

---Applause

Mr. Richard.

MR. RICHARD: Don't threaten me. Mr. Chairman, I appreciate that the Members opposite have their way now, but during the course of the debate on that important matter some of the Members...

CHAIRMAN (Mr. Gargan): Mr. Richard, the matter with regard to this issue is concluded. We are dealing with...

MR. RICHARD: Point of order.

CHAIRMAN (Mr. Gargan): Your point of order, Mr. Richard.

MR. RICHARD: I am just going to call it a point of order. It is actually a point of clarification. Some of the people who spoke in favour of deferring these heavy matters like the Prayer, until the winter session, did agree to discuss the general comments of this third report today but wanted to put off motions and recommendations until the winter session, when we are going to have nothing to do but this report. Are we not going to provide general comments on the report at all?

CHAIRMAN (Mr. Gargan): Mr. Richard, the motion was to defer the whole report to the winter session. We are dealing with Tabled Document 37-86(2), Summary of Cotterill Report, prepared for the Executive Council. The Cotterill report is in your binders, tab seven. Mr. Sibbeston, would you like to give opening remarks?

Tabled Document 37-86(2), Summary Of Cotterill Report

HON. NICK SIBBESTON: Not really. I am not responsible for getting the report into committee of the whole. We stand by the summary and will be prepared to deal with it and answer questions or respond to any questions by the Members. It should be recognized that it is Mr. McCallum who wanted this report dealt with in this committee of the whole and I defer to him to make his comments. As I said, I will be pleased to respond in any way I can.

CHAIRMAN (Mr. Gargan): Thank you. General comments. Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. The reason I wanted to get something in, to talk about this particular venture of the Executive Council, is, the only information we have about what the government is doing, was the reply to a question asked by Mr. Nerysoo, an oral question which was responded to by the Government Leader. Like so many other government initiatives, we have not been made aware of what the government is trying to do, and in whatever direction they are going, whether the government has developed any policy on it. They have reports made that are circulated to other people, to groups -- I refer to the Department of Education with their report. But we as MLAs have not had any copies of that. I recognize that this particular venture was instigated by the Government Leader who in the terms of reference to the firm that he hired to carry this out, wanted the report made in typed format to him. There is nothing that is coming to this House so that people can sit down and talk about it. And I guess at the rate we are going nobody really wants to anyway.

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

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: There is no quorum.

CHAIRMAN (Mr. Gargan): Would the Sergeant-at-Arms ring the buzzer?

---SHORT RECESS

The committee will come to order. I recognize a quorum. Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. I was indicating that, as with a number of initiatives which the government embarks upon and has reports done on, these reports are not made available to Members. We have been told by the Government Leader that it is not necessary for them even to develop policies on what they are doing. I have no idea what is contained in the report in this

particular instance. I have some inkling as to what likely is there, but we cannot get at the report. Instead we get a summary of what is supposedly -- a summary of the historical background of it. We have a summary of the current organization, the organizational needs, there is one paragraph about so-called costs and what the recommended organization is, and the impact. But we do not know what this report is to do, what are the end results of it. We cannot talk in substance, we cannot discuss the policy of the government in going off in a particular direction, because there is no policy.

Initiatives Started Without Policies Or Funding Authority

I have some difficulty, as I am sure other Members do, as we noted when we were dealing with supplementary estimates, that government moves along in the expenditure of moneys and then comes back to us for the authority. I have the concern that government does embark in directions without a policy and that it spends money without the authority, without telling the House the rationale for such a direction.

It would seem to me that when government embarks upon a particular direction, that at the very least, if there is an expenditure involved, at the very least we would be told what the policy is, and the costs of a particular venture or direction. I hope that they at least are developing a policy themselves on what they are going to do. As I said it is very difficult to talk about the substance of the report. We do not know anything of the substance of the report. I would ask questions in the House about the costs of this particular direction of the government in reorganizing the Fort Smith Region, and I was told it cost three million dollars to set up the new infrastructure and \$700,000 saved annually on O and M. When I asked where the figures came from I was told that they were contained in the report. Well, we have no idea. I asked a further question on what the costs were in other particular moves along the same line, in Kitikmeot and as well Keewatin. I was told then that the government does not know how much it costs to do that kind of movement. A movement had already taken place where positions have been transferred, but the government is trying to get the costs together. Here is an instance where they are going to try something new and they know exactly what it is going to cost.

It seems to me that we, as MLAs, if we are going to have to respond to particular directions of the government in voting appropriations of money for the government to spend, we at least should be told the policy under which this expenditure is going to be made. As I say it is very difficult to talk on the substance of the report, Mr. Chairman, because we only have this brief summary. I know some of the things that are there, I have a good idea what is there.

MR. RICHARD: Tell us, I don't know.

MR. McCALLUM: My understanding is that there are 24 positions of the government in Fort Smith that have been declared redundant -- not including the regional director, the assistant regional director and their staff which approximates 27 or 28 people. It is my understanding that in one of the government departments -- there are five program and four service departments -- in one of the government program departments, that of Municipal and Community Affairs, four positions have been declared redundant. From those four positions in Municipal and Community Affairs, they pulled the old fish and bread trick, another miracle, and they are going to send four Municipal and Community Affairs positions to Rae-Edzo and five Municipal and Community Affairs positions to Fort Simpson. They started with four and they did that bread and fish trick and came up with nine. These are the positions I know that have been identified but I have been told in questioning of the Leader that that is not so; that nothing has been settled in those positions yet; that the recommendations that are being made in the report may not be the kind of things that will occur, because Mr. Black, the regional director, has been given the task to look and try to determine and recommend and plan to implement these changes. And that plan is to be ready sometime in March. That is to implement the changes, the decisions that the Executive Council are going to make on it.

At least that is what we have been told in this House. That Mr. Black is developing implementation plans for Executive Council review by March 31st, on the distribution of communities among area centres; on the two-centre concept for service departments and the recommended locations; for the relocation of personnel as recommended; for detailed financial implications; and any policy considerations, such as the review of staff housing policy to safeguard employees who own their own homes. The government has not decided what they are going to do because they are not sure, according to the Government Leader, whether these positions that are there, that have been identified, whether they in fact are going to be the ones that they are going to settle on. It may

be of the four Municipal and Community Affairs positions that have been identified that maybe they are going to move those four out. However, they get the other five. Whether they are already vacant in other particular areas or not, I do not know.

No Policy And Cost Unknown

It seems to me as I say, Mr. Chairman, that if the government is going to embark upon a policy of review or movement of personnel -- a direction, I should not say a policy -- they should at least have a policy developed for it and if it is going to work here then obviously they could possibly, with minor adjustments to the policy, do whatever they want in other areas. But I suggest, Mr. Chairman, that that is not being done here. I suggest that the government is embarking upon something which they have no policy for and they are not sure what it is going to cost.

I have concerns obviously, Mr. Chairman, about my particular constituency wherein the regional centre is. Other MLAs, including the Government Leader, have concerns because of what is in his constituency or not in his constituency and that is fair ball. He is as much concerned, if not maybe more concerned about his constituency than I am about mine. I do not have any difficulty with that. My concern is with the direction in which I think this government is going now without, first a policy, secondly without knowing what it is going to cost and then without looking at existing policies that the government has in place now and has had, without having those policies well thought out.

Employee Home-Ownership Plan

Let me give you an example, Mr. Chairman. With the plan for employee purchase of homes, I think it is safe to say, and I have not heard anybody tell me different, that in the town of Fort Smith on a proportionate basis, more government employees own their own homes than in any other community. When the policy came out to encourage people to purchase their own homes or build their own homes or acquire their own accommodation, it was done in Fort Smith with the least amount of difficulty. And the government because it wanted to get out of the business of being a large landlord...

CHAIRMAN (Mr. Gargan): Mr. McCallum, your time limit of 10 minutes is up. Does the committee agree that Mr. McCallum continue?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Gargan): Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman and committee Members. With the government in the stated policy of trying to ensure that employees were to be home-owners in their own right, the government initiated this particular plan. The employee housing purchasing -- I forget the terminology or whatever acronym is used, but it means the same thing -- the plan for government employees in particular communities to acquire their own housing was, as I say, done in Fort Smith. Now, I do not believe any government employee should benefit unduly because of that particular plan. I am not suggesting for one minute that the government should protect just those people because other people in the community who are not government employees who have seen this program come in, have themselves then decided they should get their own homes too. And there has been a corresponding build-up of services in retail outlets because of that. It has that kind of ripple effect.

I am afraid now, with 24 positions going, some of which or many of which are occupied by home-owners, that for those homes the government is now going to have to utilize the second part of the employee purchase plan, that is the buy-back provision. As Members in the finance subcommittee know, when we were looking at the supplementaries, the government has already bought two houses in Fort Smith and is contemplating purchasing three more. That is in addition to the 24 or 27 or whatever number of positions are finally declared redundant and however many of these people own their own homes.

Socio-Economic Impact Of Plan

My concern, Mr. Chairman, in all of this is the socio-economic impact on the town. Not, as I state again, not so much that you are going to go overboard in giving something to the employees. The employees have a choice if their positions are redundant -- whether they are going to move or not. That choice may not be a very good choice but that is the only choice. I do not think that they

should gain unduly because of this. That is not the concern that I have. The concern I have is the effect it will have on those people who own their own homes and who are not involved with government, who have made a commitment to the town and, of course, have become home-owners and taxpayers in the community. I grant you that if the government does repurchase these units, the government then, of course, will pay grant in lieu of taxes and there may not be much suffering on the part of the municipality. But if there is any corresponding move in by further decentralization of other government departments or personnel into the community, it will take some time for these people to be able to purchase their homes. And if they are long-time government personnel, as they come into Smith to replace the positions that are gone in whatever department, they will be able to purchase these homes at a reduced rate. So in both instances, it seems to me, the government is losing. Maybe not much, but it is a loss. So I have a concern there.

Obviously, as I say, I have a concern for the community in which I have resided for some years with the people who are there. I have a concern that at a time when the government is embarking upon an affirmative action program, hiring native people, that there are going to be a number of people who were maybe not born there but who certainly have been raised there, have had all their education there and their families and everything else, who will be among the number of redundancies. And, if one becomes redundant, I guess you can look at it callously and say, "All right, too bad, we do not need you. We will offer you something else if something comes up but you have to make a decision whether you want to go or not." I say to you, that it is not a very easy decision for anybody if you own your own home for eight to 10 or more years and have worked with the government in that particular community, have your family there all the time. I have a concern, as I say, with the affirmative action aspect because I know that there are going to be long-time residents or native people of the community who will be among those who are now occupying these so-called identified redundant positions. I have the concern with what the government is doing. My concern, Mr. Chairman, may be the only one. If that is it, so be it. I am not, Mr. Chairman and, to the Government Leader, I am not raising this to make any kind of hay on it. I raise it because it is a real concern to me. I think that before the government does embark upon and identifies, finally, those positions that will be moved away from the Fort Smith Region to areas which very well may need some of these services, I would hope that the government would come into this House with a policy detailing just exactly what is going on and with some idea of what the costs are -- not just the cost of infrastructure that will be required to be built in other communities but the costs in terms of the socio-economic impact of these transfers.

Decentralization Resulting In More Positions For Yellowknife

And, Mr. Chairman, one final thing that I have to say. I alluded to it when I made a brief Member's statement yesterday or the day before. I have heard, without reservation, and at times even from the Member for Yellowknife North who is on the Executive Council, even from him at times, that it is not the intention of the government in decentralizing or placing particular positions and declaring them redundant and moving them other places, it is not the intention to put any more people in Yellowknife. Without reserve, I have heard all eight people, and I say including the Yellowknife Member at times who has said the same thing. But, Mr. Chairman, in this particular exercise that the government has going now, the same people who were saying that, the same people have approved a policy whereby there are at least, at least identified in the Cotterill and Associates report, seven or eight positions coming from the Fort Smith Region to Yellowknife.

Now, if that is decentralization and giving the smaller communities in that region more government, and the possibility of receiving better government goods and services, I do not understand how people can think that way. To a person, every particular person on that Executive Council has said that Yellowknife does not need it -- and just lately, not the past few years but just lately, publicly in the House, in replies to the Commissioner's Opening Address. Yellowknife does not have to have it all. I am not downgrading the city of Yellowknife in any way.

MR. RICHARD: I should hope not.

MR. MacQUARRIE: Can you say something nice about it?

MR. McCALLUM: I do not agree with this. If you are going through an activity where you say you are going to improve the goods and services of the people in the region by putting people out into those regions from the regional centre and at the same time, in conjunction with it, you take eight of those positions and you move them to Yellowknife -- I guess it makes sense to somebody but to me, it does not. And as I say, I may be the only one concerned with it, Mr. Chairman, but I make

no apology. I told you, it is a real concern to me as a person, not just as an MLA, but as a person who lives and whose home is in Fort Smith and who cares about what is going on in the town and cares about the direction that this government is going because I think they are going in a particular direction now without any planned policy, at least that we know of, as MLAs, and without paying proper attention to an existing policy that the government has.

---Applause

CHAIRMAN (Mr. Gargan): Thank you, Mr. McCallum. General comments. Mr. Sibbeston.

HON. NICK SIBBESTON: Mr. Chairman, I want to tell the Member and the Assembly that this issue has been one of the most difficult issues for me to deal with. It is an issue that has caused me a fair amount of worry, to be sure that in taking the actions that we have, that we are doing the right thing. After all things are considered, I consider that, in my view, it is part of being responsible. In the North we are evolving to responsible government and part of the task is dealing with things such as this. Things such as the Fort Smith regional administration. It is very difficult because it is easy to simply leave things the way they are. It is easy to just continue the status quo. Governments of the past have left things as they are, you know, so I feel generally that it is a very difficult matter but in all consciousness, if we are to be responsible, if we are to provide good government to the people of the North, we occasionally have to make some hard decisions and I think this is one that we have embarked upon.

Long History As Administrative Centre

Fort Smith has a long history of being an administrative centre in terms of any community in the North. Its history goes back to the 1920s and it was the administrative centre for the western part of the NWT in the late 1920s and early 30s. Fort Smith was the location of the first mining recorder for the western part of the NWT as early as 1935. It served as a centre for government activity and such things as land administration, mining recorder and even the RCMP when they came into the North. When the government's activities in the North were stepped up in the 1950s, the Department of Northern Affairs and Natural Resources set up Fort Smith as an administrative centre for all of the Mackenzie district and it was the centre out of which all of the NWT west of the Repulse Bay/Baker Lake area, was governed. So it has a long history and it is recognized and eventually it lost the capital in 1966 as a result of the Carrothers report.

In 1967, Yellowknife was named the capital of the Northwest Territories but still, with the decision to place the capital in Yellowknife, Fort Smith remained as a large administrative centre for all of the Mackenzie district and that included all of the area west and what is now the Kitikmeot Region. Eventually, in 1968 or thereabouts it began as a centre for the adult education training centre. In the early 1970s, the federal government increased its activities in the areas of forestry, fire-fighting and land use matters. In the early 1970s the Wood Buffalo Park was also expanded there. It has a long history and I guess it has always been recognized that Fort Smith being so far south to be almost in Alberta, in terms of an administrative purpose, was not necessarily the best place to administer government for the area. At one time it was governing areas right along the Arctic Coast. Even today in the other parts of the region, the Fort Simpson area, in Rae-Edzo, Smith is seen as not a very appropriate spot for administration. It is far from these areas and over the course of years too, the number of civil servants has continued to increase. Over the last three years there has been a 20 per cent increase in the number of civil servants in the Fort Smith Region. Last year there was 6.9 increase. So the centre has continued to grow.

Attempt To Improve Services To The People

I guess the primary motive for dealing with the matter is because of the experience in the more remote parts of the region. I come from an area that has experienced great difficulty in getting good service from government. Over the course of years of regional administration from Smith, little area centres have been built up in Fort Simpson and Rae-Edzo, and even in Hay River. But inasmuch as there has been an attempt to bring government closer to the people, it, for the most part, has failed because these area centres have limited personnel. Most of the government civil servants are in Fort Smith. The decision-making powers of the area centres are very limited. There is a number of civil servants in the area centres like Simpson and Rae-Edzo but their ability to make decisions is very much restricted. They very much depend on Fort Smith for final decisions. So it is a very cumbersome and slow process to get things done and decisions made, for the area centres and the communities surrounding them.

In Fort Simpson, and I speak of Simpson because that is the area that I am most familiar with and I can talk with some authority with respect to that, in Simpson the area office is very limited and it does not have any financial capability to deal with the financial business of the government. It does not have any computer, there are no link-ups with the regional centre or even headquarters. And in very day-to-day type things like ordering supplies and so forth, it is a very slow and cumbersome process. You know, many stories can be told about parts needed in the community. The request goes to Fort Simpson and goes from there to Fort Smith and eventually all the way back. It is just a very slow and time-consuming type of process. So generally government services to the more remote parts from Fort Smith has suffered greatly. That is the prime motive in dealing with the Fort Smith administration -- to improve government services to the people.

Also it has always occurred to me that regional systems of administration seem appropriate for the remoter parts of the North, but in this part of the North where we have capital headquarters and all the communities surrounding there, it has always seemed that a regional administration, particularly one that is not even located centrally to the region but very far south, on the border of it, does not seem appropriate. So I know in terms of administration that it just is not the most efficient system that we can have.

Large Number Of Management Level Personnel

One of the key findings in the Cotterill report is the finding that the Fort Smith Region, which is in close proximity to headquarters, with the most highly developed municipal government and best transportation and communications facilities, and so forth, has the highest number of intermediate organizational levels. Basically what that is saying is that this regional administration, close as it is to the capital with all its good roads and municipal bodies and so forth, is found to have the highest number of management level people. In fact the Cotterill report found that 37 per cent of the personnel in the Fort Smith Region, are involved in some sort of management role. When compared to the Baffin Region, which is similar in the number of persons, Baffin has 26 per cent of its people involved in management decisions. So obviously over the course of years, there has been an accumulation of managers in Fort Smith. It is a case of too many chiefs and not enough Indians.

---Laughter

The other fact too, and this is pointed out in the Cotterill report, is that the Fort Smith Region has seven MLAs, two of whom are Ministers. And if you count the Yellowknife MLAs, the Fort Smith Region has 10 MLAs which is almost half of all the MLAs in the North. It is to make the point that we have evolved politically, you know, with ministerial government, responsible government, and MLAs and Ministers have become significant in the scheme of things, in terms of government. But we still have a regional administration in Smith and that is to be pointed out.

CHAIRMAN (Mr. Gargan): Mr. Sibbeston, your 10 minutes are up. Does the committee agree that the Minister continue?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Mr. Sibbeston. Please continue.

HON. NICK SIBBESTON: Mr. Chairman, the Member for Fort Smith has indicated that the government seems to act without any policies and so forth.

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

CHAIRMAN (Mr. Gargan): Point of order, Mr. Richard.

MR. RICHARD: There is no quorum.

CHAIRMAN (Mr. Gargan): We will take a 10 minute coffee break.

---SHORT RECESS

CHAIRMAN (Mr. Gargan): I will call the committee back to order. General comments. Mr. Sibbeston.

Fort Smith Region, A Unique Situation

HON. NICK SIBBESTON: Thank you for letting me continue. Mr. McCallum in his opening remarks on the subject was being unduly critical of the government, saying that we are doing all of this without any policy, that we should first of all have a policy. I have said something about this at one point. I said generally government acts by policy, but then it does not mean that government absolutely has to have a policy every time it acts. Our government deals with matters that apply to all people in the North, it deals with subjects that are likely to apply to all parts of the North. I agree there ought to be a policy. But this matter of the Fort Smith Region I say is a unique situation and it is not the start of an ongoing deployment of regional centres in the North.

In regard to what has been happening in other regions, Members are aware of the decentralization that is going on in some of the regions. We have begun that process with a view to spreading government around in some of the regions. We have started that on an experimental basis in the Baffin and also in the Keewatin. That is strictly a decentralization process that is ongoing and there is no intention there of doing away with the regional centre or that regional level of government. These remote regions of the North would fall apart without a regional administration. So that is a separate matter. What we are doing here with respect to the Fort Smith Region is the deployment of regional headquarters in this part of the North. We are saying that this part of the North, because of the fact that headquarters, the capital, is here, all of the immediate area can deal directly with headquarters. We do not have to have another level of government, a regional level of government in this particular area. And that is what we are saying.

Present System Outdated And Inefficient

The system of Fort Smith as an administration region is archaic, outdated, it is no longer the most efficient way of dealing with providing services and programs to the people. I am saying to you that we are into the year of responsible government. You want us to be responsible government, and we will be. We will take actions and steps that are necessary to improve government to the people of the North. These decisions are sometimes very hard but they must be taken. This is what I believe we are embarked upon and I hope that when all is said and done that Members will support the actions of our government.

In dealing with matters, oftentimes not with policy, we do not just do it by ourselves, we are very conscious of knowing that eventually the decision we make has to be supported by the Assembly. So in this matter I am very sensitive to the fact that this action that I am taking will be supported by most of the MLAs as being commonsensical, practical, and the right thing to do.

What we are attempting to do in all of this is to eliminate one level of government and I do believe that I think people of the North are going to be happy that we are going to eliminate one level of government. I have always heard people say that we have too much government in the North, and where one level is not necessary, let's do away with it. We do not need it. I think sometimes people feel that just because things have been that way for so long, does not mean that it is rational, does not mean that it is right for the times. It may have been necessary at one time and it is part of the old Northern Affairs type of administration. But as I said, we are into a new area of responsible government. The headquarters, the capital of the government of the North has expanded over the course of the years and clearly what has happened is there has been a large grouping of managers and administrators that have accumulated in Fort Smith and in that process the areas outside, the areas it is supposed to serve, are not getting the best type of service.

People in my area, and I know people in Rae-Edzo, want better services. It will mean, with the changes, that the people of Rae-Edzo, when they want to deal with government can simply come 60 miles here to deal with headquarters. They will not have to come here and then go on to Fort Smith to deal with the regional administrators, the people who make decisions on their behalf. It means that they simply come to Yellowknife. Likewise people in the Deh Cho, Fort Simpson, area, when dealing with government, only have to come to Yellowknife. They do not have to overnight here in Yellowknife and the next day go to Smith, spend a few days there and come all the way back. It is a very cumbersome and frustrating system that we have in place at the moment.

On the issue of more civil servants going to Yellowknife, Mr. McCallum raised a very legitimate point about the fear that in our deployment of the Fort Smith Region, we will have some civil servants moved to Yellowknife. I can tell the Member and assure the Member that we will resist that process of having civil servants move to Yellowknife here from the Fort Smith Region. The Cotterill report says only four positions ought to be moved here to Yellowknife. I can tell you in frankness and in some confidence that we have had an initial report done of the Cotterill report by the civil service and already there has been a reaction that more than four must necessarily move here to Yellowknife. The civil servants here in Yellowknife are saying that if you are going to make these changes then we have to have more civil servants here in Yellowknife. We have to deal with that. So in the whole examination of the regional administration, we will be very sensitive to be sure that if there are any positions that must be moved to Yellowknife that they absolutely have to be.

Program And Service Centres

In the announcement we made, we indicated that decisions have been made to agree with the Cotterill report to set up three area centres and we have decided to leave Fort Smith as an area centre, the other ones being Fort Simpson and Rae-Edzo. There is still the other matter of service department centres. The report recommends that Fort Smith remain as a service centre also and that the other service centre be Yellowknife, to service all the area, to service the Rae-Edzo and Fort Simpson areas because it is closer. And that is something that has to be dealt with too.

The report is not complete in terms of all the detail. It is not a blueprint that is giving us all the details or telling us all the things that we ought to do. So we are very concerned to do it right. So we got what we think is our best person to do the job. In terms of the implementation plan for the deployment, we have hired or assigned Gary Black, who we think is an excellent person for the job. He has served in the Kitikmeot Region, he has served in the Baffin and he has a great deal of experience and he has a regional orientation. At the moment he is the regional director in Fort Smith, so in his job he will have a regional orientation. So I think that will stand the areas in good stead. As opposed to that, you know, it would have been very easy to get someone from headquarters who could have a completely different bias perhaps. But we believed in hiring Gary Black to do the job, that he is the best person to do the job.

In terms of costs, all we have going at the moment is what Mr. Cotterill states in his report, that there will be a savings of \$700,000 a year because of the fact that in travel costs -- I suppose that is one of the main costs -- there will be savings. It is hard to say whether those figures are accurate. He does indicate that to build new facilities, offices and so forth associated with the move, there is going to be a three million dollar cost likely, to Rae-Edzo and Fort Simpson. So, we are at the moment analysing this and in due course we will know for sure what it will be.

Interim Report For Winter Session

We would be very pleased and ready to file an interim report to the Assembly in the winter session, all of the report that Mr. Black will have done up to then. We would be pleased to make that available to the Assembly Members. I know that I have been pressed to make available the Cotterill report but I am loath to make it available because I think it is going to make Mr. Black's job more difficult because we do not agree with everything in the report. It has information in there that we do not, as a government, agree with and I think his task would be a lot easier if he had access to it but basically did his work based on his own experience and being on the spot in Smith and seeing what is the best way to do things.

I can tell Mr. McCallum, as I said earlier, that this whole matter is a very big matter. It is one of the issues that I have had to deal with as Government Leader that has been one of the most weighty and of great concern to me. I must say that in receiving the report I was very relieved to see that Mr. Cotterill recommended a change of only 24 people from Fort Smith. I had envisaged at one point that if we were going to deploy the Fort Smith Region it may have been a lot more than that. But I am relieved frankly that he is recommending a move of only 24 people. So that is our position and that is the basis on which we are dealing with this matter. It is a very difficult matter and I think we are doing the best we can and I hope that we get your support.

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

MR. RICHARD: Thank you, Mr. Chairman. I appreciate the Government Leader filing with the committee at least this document summary. I also would have liked to have seen more or all of the actual report. I think there is some good analysis in here and I guess, to look at it from the positive side, the report or the analysis that we have in front of us is a positive thing. I relate it to the questions earlier this year in the Assembly on the decentralization issues which were discussed for the Kitikmeot and Keewatin areas. I have yet, Mr. Chairman, to see any rational explanation of what is going on in terms of decentralization in those regions. There is some rationalization in this document in front of us. It is clear that in the context of the difficulties which Mr. Sibbeston has outlined historically in this region, Fort Smith is just not a region like the others. I, myself admit that I have always found it to be an anomaly that Yellowknife is reportable to Fort Smith as regional headquarters. It just did not make sense. But although I know little about government administration, I know enough in fact, that the channels of communication were never followed the way they are written on paper, in this region.

Estimate Of Annual Cost Saving Challenged

I have, Mr. Chairman, a number of questions that come to mind as result of this document. Clearly the financial implications -- there is no reference in this document to the two figures which Mr. Sibbeston announced the other day in the Assembly. The one-time cost of three million dollars approximately, which is capital moneys, I guess I can envisage why there is such a cost because if you are going to move some government officials and program delivery centres into places like Rae-Edzo and Fort Simpson, I understand that you need capital moneys to build a physical structure to house these offices. But the other figure I do not understand at all -- the savings of \$700,000 annually. Again this afternoon, the only item specifically that Mr. Sibbeston mentions on that is travel costs. Well, quite frankly, Mr. Chairman, that is not credible. I suppose it could be proven otherwise but I do not accept that civil servants in the Fort Smith Region are spending \$700,000 a year in travel costs, let alone that that is the amount by which travel costs will be cut back.

So this is just an example of why it would be appropriate, I say, to see the Cotterill report in its entirety. The Minister frankly acknowledges that the figure of \$700,000 comes from Mr. Cotterill. I would like to know how he arrived at it.

The only hard concrete items that were given -- there is an emphasis on 24 people being deployed from Fort Smith to other areas. Well, although there has been some reference to redundant positions, I do not...

HON. TAGAK CURLEY: (Inaudible comment)

MR. RICHARD: Oh, I am speaking to Mr. Sibbeston now, Mr. Curley. I do not quite understand, Mr. Chairman, why we are talking about redundant positions because there is nothing in this document that says that there are any redundant positions. We are talking about moving 24 positions from one place, Fort Smith, to three other places. Those people are all going to be paid, presumably, the same salary. So there are no savings by moving people to a different area. So one question I would like addressed with a little more detail is the \$700,000 figure. Where does it come from?

Stability Is The Only Benefit For Fort Smith

On the socio-economic impact, at the bottom of page five, the consultant points out, as Mr. Sibbeston has, that 24 positions out of Fort Smith are not a large number in the context of the entire civil service staff there. The second paragraph I think is, from its context, for Mr. McCallum and the other residents of Fort Smith, who I think are legitimately concerned with this. I do not think Mr. McCallum is being overly critical. He is the MLA from that town and it should come as no surprise to anybody that he expresses some grave concerns about this. The second paragraph, I take it, is small comfort to that community because although the consultant clearly says that the Fort Simpson or Rae-Edzo communities are going to notice a positive impact, what Fort Smith is going to get out of it is stability. I guess that stability means the clear certainty that government is not going to go in Fort Smith...

HON. NICK SIBBESTON: ...rationality in the organization...

MR. RICHARD: In any event, Mr. Chairman, that was just a comment on the smoothing or soothing words of the consultant under the socio-economic impact considerations.

Over on the last page, page six, there are a couple of questions I would have there of the Government Leader. Early in the document it is explained that the consultant is recommending program centres at Fort Smith, Fort Simpson and Rae-Edzo and the government is accepting that recommendation, it appears. On the other type of centres, called service centres, the consultant is recommending Fort Smith and Yellowknife but yet on the final page six of this document, it appears the government is not as yet, accepting that recommendation. They are accepting the recommendation on program centres but not on service centres. I would ask for some statement from the Government Leader on that point. In other words, in paragraph two, the last paragraph of the document, it is pointed out that Mr. Black is to develop implementation plans on a number of items including the two-centre concept for service departments and the recommended locations. My question is: Is it contemplated that the service centres would be other than Fort Smith and Yellowknife, in the context of the Minister's earlier remarks about efficient delivery?

Program Department Centre For Yellowknife

Finally, my final question, Mr. Chairman, and it may be actually a simplistic question, but as I see these program centres that you are accepting, Rae-Edzo being one, and if there is to be no region, where does Yellowknife fit in? I do not know what example of a program department it is, but for a program that is being delivered to the residents of Yellowknife who are currently in the Fort Smith Region, will Yellowknife be in the Rae-Edzo area or will Yellowknife be in an area itself, as it virtually is now under the regional system? That is not clear to me in this document and I do appreciate that the Executive Council is giving Mr. Black the time to, under 2(a), make a list of which communities are in which areas. But has the government not come to any decision on Yellowknife? Is it to be a program area by itself or is it to be in the Rae-Edzo area?

I guess, one more question, Mr. Chairman, before I give up the microphone, that comes to mind is that if we abolish the notion of a Fort Smith Region, we are then left with the other regions and we are left with the areas in what used to be the Fort Smith Region. When those areas and the other regions come to the table, if you will, is there some equality between regions and areas? Currently, for instance, our budget documents are spread out, detailed by region. Will we see now, henceforth, in government documents, like budget documents, regions one, two, three, four and then areas five, six and seven? I guess, Mr. Chairman, that is a conceptual question that I have on this paper. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mr. Minister, would you like to respond? Mr. McLaughlin.

Communities Tend To By-Pass Regional Office Already

HON. BRUCE McLAUGHLIN: While my colleagues are waiting to answer that I would like to make a few comments since I represent a community that is in the Fort Smith Region. From my experience as a town councillor in Pine Point, previous to being an MLA, at various times the Fort Smith office was very important to the communities in that area and it seemed to go up and down. And when it went up and down, it was usually according to whoever the regional director was. Some of them seemed to have more energy and interest in making the communities in that area work with the Fort Smith office but whenever there was not someone like that, the larger communities, like Pine Point and Hay River, went directly to headquarters to get something done. But then, the former director for the region, Mike Stilwell, was very energetic and got out to the communities an awful lot and showed that the office could be responsible so then some of the communities started going back to Fort Smith and through the system again.

My experience is that it varied with whoever the regional director happened to be, whether you paid any attention to the office or not. But now that we have a fully elected Assembly and we have full ministerial government, communities tend to go to their MLAs rather than the regional office in the Fort Smith Region and MLAs tend to go directly to the Minister. I know that I did that myself before I was put in the cabinet. I know several MLAs do that now. So basically, when my community runs into a snag at the area office which is presently in Hay River, they do not bother following it through to Fort Smith very often, they come directly to me and then I go to whichever Minister is responsible.

Area Office Reporting To Assistant Deputy Minister

So, I think that it is a unique situation where you have the capital in the same region as the regional headquarters and I think that delivery will be better for the communities if they just have to go to an area office and then to headquarters. Because that in reality is what most of the

larger communities tend to do anyway when they get frustrated with the area office. The other thing is that what they are usually frustrated with is an existing policy and the only way an existing policy is going to get changed is through headquarters initiation in most cases.

Speaking as a Minister, and my own department is a program department, at first blush what I have told my officials is that I feel that the reporting relationship I would like to see established -- and this has yet to be approved by the Executive -- is that my assistant deputy minister would have area offices reporting to him. We do have an area office for Social Services in Yellowknife, and you could have each area office with a superintendent or each with a supervisor, you can make the title whatever you want it to be, reporting directly to my assistant deputy minister. That is how we would see the relationship to these offices. So, thank you, Mr. Chairman.

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

HON. NICK SIBBESTON: Mr. Chairman, I will try to respond to the questions Mr. Richard has sent my way. With respect to the financial costs, the report does not provide a great deal of detail in this area but it is shown that there would be a certain amount of savings from travel and also from the elimination of the regional Executive budget, the costs involved in paying them and also the budgets that are associated with that function. That is what is indicated in the report as the major source for the \$700,000 saving per year. I guess the main reason why we have someone like Gary Black involved is that the report does not provide a great deal of detail, it does not provide a precise blueprint as to what we ought to do. So we have Mr. Black working now to begin examination and see how correct the report is, also using his own experience in that regard.

Location Of Service Centres

On the second question with respect to the service centres. From the report we had enough information and we were persuaded enough to make the decision of agreeing with the recommendation to set up three program centres. But with respect to the service ones, that seemed a little more complicated. So we did not make a decision but actually we left that matter for Mr. Black to examine, not necessarily with the view to finding any alternative to that but leaving it to him to find out for sure that this is what we ought to do. Just generally it proposes that Smith remain as a service centre. It has all the facilities; it has all the computer facilities. There is essentially a personnel function and also things like a financial function for the centre. Smith would serve Snowdrift, Hay River and Pine Point -- the communities close to it.

With respect to the other two areas, Simpson and Rae-Edzo. It is recommended that they be serviced out of Yellowknife. The argument is made that things are in place, the person years and the facilities are here in Yellowknife and in close proximity to these areas, and personnel and financial areas can be dealt with and serviced out of Yellowknife. So that is the rationale. We will have to examine it to see if we can do it without a great increase in the number of person years here in Yellowknife, whether the people here can take on these additional tasks. That is the sort of thing that is being examined.

With respect to the other matter of where does Yellowknife fit in, Yellowknife being the centre of government, I guess, does not need any intermediate kind of entity to service the people here. Government is right here and so residents and good citizens of Yellowknife have access to the Laing building and all the government that is here in Yellowknife. So I would presume that that would continue.

I am aware that there are little offices in area centres, that is, established beyond the headquarters, that already provide service to people -- in the area of wildlife and social services for example. So those would continue.

With respect to how the financial details or aspects of these areas are to be dealt with, I think they would come under Yellowknife as the headquarters region. I do not think they would come as separate little entities that are fighting with the regions for their own right, as it were. They would come under the headquarters, Yellowknife, entity. Does that give you most of the answers you want?

CHAIRMAN (Mr. Wah-Shee): Thank you. We will go to Mr. Nerysoo and then to Mr. Richard.

MR. NERYSOO: Thank you, Mr. Chairman. I just wanted to make Mr. Sibbeston aware that he made a suggestion that no changes to the Fort Smith Region had occurred. I just wanted to remind Mr. Sibbeston that when Mr. McCallum was on the Executive Council he made a significant decision, in fact, in creating the Kitikmeot Region. He was a part of that particular Executive Council. So I think that there are decisions that have been made that included Mr. McCallum. So the reality is the decisions have been made with regard to the Fort Smith Region and those decisions have been made only within the last five years.

I just wanted also to raise the question of the policy because it is crucial in how government is going to respond to other regions. We talk about the idea of creating regional governments, regional structures and regional headquarters. But when you talk about creating responsibilities within area offices, that they become very independent, then you have to become aware that those same decisions can affect other regions. I can give you an example. Inuvik is one where there is a possibility that, in the future, the government may decide to create maybe two or three other area offices. But the question I have is, what are the criteria that communities and regions use to approach the regional headquarters and, in fact, government, to make those kinds of decisions? If there are no criteria, no guidelines, then it becomes very difficult for any other region, or for that matter the present situation and the present direction you have taken, to be appreciated and to be understood by those people who are being affected.

Structured Plan And Long-Term Strategy In Creation of Region

I also want to say that even in the creation of the Kitikmeot Region there was a structured plan as to the positions that would be created, positions that would have to be moved, and a long-term strategy in those positions that would be created and, further, the amount of dollars that would be required to institute the regional structures, or, for that matter, the positions that would be implemented in that region.

So I think that those are the kinds of questions that any particular area or community would like to have addressed. I think that in the absence of that type of information, there has been a lot of confusion and a lot of criticism because no one knows what to judge the decision on. There is no doubt, with those communities, including Fort Simpson and Rae-Edzo, that they have requested that they take on more responsibility in the program areas. But at the same time there is a point that you noted quite clearly in the summary and that is there is still uncertainty about the responsibility for services and those services that are going to be provided by the Fort Smith regional office. So in that sense, even in that item, there is still some uncertainty.

Uncertainty Leads To Questioning Decision To Decentralize Fort Smith Region

I will say this to Mr. Sibbeston, the Leader: I am not opposed to the direction you have taken. But as I said, with the absence of any kind of certainty, I think that a lot of people question the decision. There is also a need to be clear about the costs, because I do not believe that the costs of moving positions are limited to this particular year. There are ongoing costs that result from positions being moved from one regional office to an area office. What are the consequences of that? What are the other positions that an area office is going to look at? There might be an increase in personnel. So in the long term, what are the consequences on the financial situation of government? But those are the kinds of questions that we all have to address. And Mr. Sibbeston, as Leader, and the government in its delivery programs to the region, are going to have to make sure that they are prepared to respond to the needs and the requests of the communities once they have access to these people.

But with respect, the idea of reduction of travel costs -- Mr. Sibbeston knows well that even when he was in his constituency, the amount of travel that was required of Mr. Sibbeston in his region was far more extensive than he thought it would be. I think the same situation arises when you move the public service into the region, that they are requested to attend more meetings, to go to more communities. So in the short term I think you will save money but my opinion is that in the long term you will find that the requirements for meetings with individuals to deal with program concerns or service concerns is going to be much greater and the requests more extensive.

I just wanted to say one other thing, Mr. Chairman, and it is with regard to Yellowknife. Mr. Sibbeston mentioned the fact that Snowdrift would continue to report to Fort Smith. I cannot speak on behalf of my colleague, Mrs. Lawrence, but it might be something that the Government Leader reviews, not to reduce the responsibility of Fort Smith but maybe review the type of services being offered and the relationship that particular community has to the Fort Smith office. I think it is crucial that you review that.

Fort Smith's Responsibilities Must Be Clearly Indicated

The other thing that is important to note also and indicate clearly is what responsibilities Fort Smith will have in the future. I know you mentioned that is what you are going to do, but there has to be a clear indication of the relationship of the Fort Smith office to the other area offices. I do not think there should be an undermining of the responsibility of that regional office if there is a possibility of improving the service and delivery of service. Even though you have a situation where you want the area office to have access to headquarters, I think it is still crucial that you recognize that it may not be the best route to go in some areas and some programs and services that the government offers, and that it may be best that you retain those responsibilities in the regional office. But those are just things that I -- it is not a matter of being critical or seriously critical but, in particular, I am concerned about the policy direction and the guidelines to be used in future decisions. I also wanted to raise a point that there is a need for some guidelines in the whole question of decentralization, generally.

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

Wait-And-See Approach Before Setting Policies

HON. NICK SIBBESTON: I certainly appreciate the comments and advice of Mr. Nerysoo. Our response to the request for having guidelines or policies with respect to the decentralization that is occurring in other regions, I think, is fair. Our response is that we are doing it on an experimental basis to see how it is going to work. We do not have any set policies but we are trying it. Once we do make the changes and gain experience, then we will know much better just whether the government should continue that process. I think that could still remain the best response, because I think, in truthfulness, that is the reality, that is the case, that we have done decentralization -- those are clear instances of decentralization, taking away from the regional centres -- not in any way taking away or changing regional centres as regional centres but just spreading government around, and so forth.

That is a case where I think the best approach is likely to just wait and see how things go. We have not made monstrous or enormous transfers or moves. They are entities, little program groups that have been changed, that have been decentralized, and in terms of what approach we should have, what guidelines or whether we are right in our assumption and are doing the right thing, or whether they work and so forth. So, I do believe and I do agree that we are operating without guidelines or certain criteria but with the decentralization maybe it is still best to wait a year or two to see what happens there. With respect to the deployment in the Fort Smith Region, it is so unique that there is not likely to ever be another deployment of a region for the next 10 years or so. Anyway, I wonder if it is worth making policies, and so forth, after the fact.

Success Of Area Centres Will Be Watched

On the matter of establishing area centres, in part, with our decentralization process, we are setting up area centres and as I said, in a year or two, I think, we will be in a better position to develop policy and guidelines with respect to them. Particularly, if they succeed. If they have not succeeded, then obviously a decision will be made to just abandon that process. So I am sympathetic with Mr. Nerysoo's request for us to develop some paper, develop some policy that we could show you -- I guess in nice living colours -- but I really do not know if it is practical or whether it is useful, at this stage, to do that. With respect to the costs, I do agree we do need to know the costs and that will come out in time, I suppose, and what the costs involved were. I am afraid that in some respects we have only the benefit of the Cotterill report with respect to the costs but in time, even a number of months, when Mr. Gary Black is well on the way with his implementation plans, we will know much better what the real costs are likely to be.

Snowdrift To Remain With Fort Smith Area

With respect to Snowdrift, there was some discussion as to whether Snowdrift should have a reporting relationship to Yellowknife instead of still being part of the Fort Smith area. We are sensitive to not taking everything out of the house in Smith and so it was left as part of the Smith area centre and, I think, should likely remain so, for the foreseeable future, anyway. But, unless I am pressed really hard on that, I guess, I am content or I would like to just say that we would like to see Snowdrift remain under the Smith area office and be serviced from there.

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

No Consensus Regarding Regional Councils

MR. RICHARD: Mr. Chairman, two other items that I neglected to refer to earlier. Part of the rationale at the bottom of page two, top of page three, in which it is explained that the traditional function of the regional concept for the Fort Smith Region has been eroding, is the growth of municipalities and the growth of regional councils. Now, Mr. Chairman, I think it is clear that within the membership of the Assembly at the current time there is not a consensus on regional councils. The Executive Council, themselves -- I recall someone announcing recently that there is a committee, I forget who is chairing it now -- to review the whole notion of regional councils and where do we go from here. I clearly, for one, am of the view that the whole notion of regional councils is still up in the air. The jury is still out on that one and it is not a given that these regional councils are necessarily going to grow. Because it is in the document, Mr. Chairman, I would simply ask the Government Leader to confirm that. That the jury is still out on the notion of regional councils. That is one item that I would ask him to comment on.

Anti-Yellowknife Feeling Should Not Prevent Decisions That Make Sense

The other item, Mr. Chairman, that I wish to provide a comment on is not particularly dealing with this document, but it arises out of some of the references, and perhaps the language used by the Government Leader, and perhaps also my colleague from Slave River, about resisting moving people to Yellowknife. There are, Mr. Chairman, too many -- most of the time it is jocular but there are too many anti-Yellowknife references in this Assembly.

---Applause

I can give and take the humour with anyone. But in the Minister's dialogue, in responding to some of Mr. McCallum's concerns, are stated things like, we will resist, if possible, moving people to Yellowknife. Now I do not accept that. In fact, I find it offensive. The whole notion of what the Government Leader, and I will give him credit for it, is trying to do with this document is to try to do things that make sense, to try for better program delivery in places like his own community. I accept the rationale that he gave this afternoon. Also I accept his statement that this particular problem is one that he has had a great deal of concern about -- the possibility of asking civil servants to move from their homes in Fort Smith in numbers, and 24 is still a large number. But he is saying on the one hand we are going to do it -- because it is a tough decision -- we are going to do it because it makes sense in order to deliver government programs and services to the residents of places like Fort Simpson, Fort Liard, Rae-Edzo, etc. If, Mr. Chairman, in that exercise of doing things that make sense, it makes sense to move three or four or more positions to Yellowknife, then he should do so. He should not resist doing so just because it is Yellowknife. That is not a rational reason.

SOME HON. MEMBERS: Agreed.

MR. RICHARD: I hope, Mr. Chairman, it just slipped into his dialogue, because it is not consistent with everything else that he said. I think the Government Leader knows what I mean when I say that people in this city, certainly in recent years, are offended by a lot of the anti-Yellowknife dialogue. Most of it, I accept, is done in a jocular fashion. I know when you fellows are joking. In that context this afternoon, I do not accept that the Executive Council should resist such a move for that reason alone. Thank you.

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

Co-ordination Needed With Regional And Tribal Councils

MR. WAH-SHEE: Thank you. I wanted to commend the Minister for the direction in terms of implementing the decentralization process. I support moves that allow more local autonomy within the regions. For some time I have felt that we have a tendency to centralize authority, and when it comes down to program delivery and services, we talk about bringing government closer to the people. I think that in trying to interpret the objectives, in order to achieve that, we need to make some changes. I know that there are pros and cons associated with any change that does come about whether you are talking in financial terms or whether it is the best arrangement. I feel that we should make more use of area centres that we have created. You have the existence of regional and tribal councils. I would like to see these area offices somehow incorporated with these regional organizations, instead of just having these organizations basically report directly either to Yellowknife or whatever. My feeling is that you have these various officers -- if you

are talking about Department of Economic Development, for example, you have an area economic development officer who is not really part of the team of the tribal and regional council system. I think that somehow there has to be a co-ordinated effort with these various people that go to the area office. In other words, I would like to see these area offices, perhaps, become a part of the overall operation of these regional councils, because you are talking about more responsibility. The way these area offices are established, at the moment, is that they are completely separate. It is a separate area office of the administrative centre and it does not in actual fact really have anything to do with the regional and tribal council, even though those responsibilities affect the people who are elected in leadership positions in those areas.

Also, I think that when some of the departments appoint these individuals, whether you are talking about an area economic development officer or someone dealing with social services, that some thought should be given that those individuals are basically working on behalf of and for the people within a given region, whether you are talking about three or four or five communities. So in that sense the paper that has been put together does not really go far enough. I think it should look at the relationship that the area offices should have with the tribal and regional councils. After all, if we are going to set up an elected regional organization, we have to give it some responsibility.

MR. MacQUARRIE: Or not set it up.

MR. WAH-SHEE: Right. And I am very happy that they did set up those regional bodies and there is a recognition...

MR. RICHARD: Just an experiment.

MR. WAH-SHEE: ...in legislation in setting up these regional tribal councils. So if you are going to be talking about decentralization in terms of personnel and program delivery, then why not have that as part of the overall responsibility under these regional organizations instead of having separate little satellite personnel who are sent into the field with their reporting relationship directly to the various departments? That does not make any sense to me. I would prefer to have the feeling in the region that, yes, we do have people here who work under the administration of the regional organization and are part of that group and that team. So if you want team effort and participation, then obviously you have to decentralize responsibility as well as personnel. Also, the finance has to be a part of the package. It makes no sense to me to give responsibility and not turn over the financial resources along with it. It may have negative implications in regard to some of the other communities but, speaking for myself, I welcome the initiative.

Yellowknife A Multicultural Centre

I sympathize with my colleague from the city of Yellowknife. I always felt that we were working together and after all I did say before that the city of Yellowknife is part of the Dogrib nation and it is not really a separate community as such. It is part of a larger group of communities.

AN HON. MEMBER: Subchief MacQuarrie.

MR. WAH-SHEE: Yellowknife is really a multicultural centre if you look at it that way. So really, Yellowknife does belong to all of us and it is home.

---Applause

It is the capital. Being a capital it does require that it should reflect the cultural mosaic of the North, if you want to look at it that way. So it really is home to the Inuit people, the Dene, the Metis. I think Yellowknife as a city really has to recognize that it is a centre for all of us. So in that sense, you cannot really look at it as a typical community; it has to be something a little more than that.

MR. RICHARD: Special.

MR. WAH-SHEE: It has to be special. Yes. Thank you, Mr. Chairman.

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

Committee To Review Regional Councils

HON. NICK SIBBESTON: Mr. Chairman, I do appreciate the comments by Mr. Wah-Shee. With respect to the co-ordination and some relationship between the area office and regional council, I like to think that the Dogrib people will have an excellent opportunity to deal with that because Chief Joe Rabesca is on the committee that is reviewing regional councils. I know Mr. Rabesca will make that case and he now has an excellent opportunity to make that case and perhaps have regional councils much more in tune with the area offices.

I can just say from my own experience that the growth of regional councils has been one of the most positive things in the North in terms of making civil servants accountable to the people. Since a time five or 10 years ago when civil servants acted unaccountably and with a bit of arrogance in terms of the people in the community, the regional councils have served to build up the local leadership and have a process of civil servants coming before them -- much as civil servants come before this Assembly, occasionally. The regional councils are bodies before whom the government servants come and give account to the people. That process is in place and has done a great deal to make our government more credible and more acceptable in the last few years. So I am sure that with the growth of area centres this process will continue so that there is a good working relationship and so the civil servants really do know that they are working for the people and are accountable to the people and will be judged on the work that they do on behalf of the people in the community. I think that is what we are all striving for. So I really do appreciate Mr. Wah-Shee's comments and his support in our endeavours in this regard.

CHAIRMAN (Mr. Pudluk): Mr. Angottitauruq.

Cotterill Report Brings Government Closer To The People

MR. ANGOTTITAUURUQ: Thank you, Mr. Chairman. I may not be looking for an answer and I may not be questioning. But I would like, first of all, to speak and say that I support the idea of decentralization and the report. Sometimes in the NWT a lot of us may not agree and some will agree and that is how it seems in the House today on the matter of this report, Tabled Document 37-86(2). I have always thought that the NWT government should bring the government closer to the people and this report is where I seem to see that this is happening. We may have good, healthy working people in the regional offices and we may have regional directors, but a lot of time, in our view, they cannot work for all the region. This is one way to minimize the criticism that "I am not being represented by the regional office." That is what I believe. Also, I believe that it is to create jobs at the community level and to have the communities more involved.

The amount of employment and the total cost of the whole thing is concerning some people. I believe that the only way to bring the government closer to the people is to spend a few dollars for a certain time at a certain date and maybe if the government carries out its mandate, it will be much better in the future, because once you develop something that has never been developed before and it is going well, you continue to increase the staff. That is how I view it. When it happens the first time, it seems so small and we cannot seem to agree with it. I am just trying to say I support the intent of the government and I fully support the whole decentralization, because my constituency has never had the opportunity and will benefit from decentralization. I am also thinking that in the future we will hold these meetings every year within the region and it is not always right to go to one community. The regional office and a lot of people in those regions do not really like going to one community, and when the decentralization happens, they could have more places to visit and be more excited to meet the staff that are working for the government. That is how I see decentralization and it is for that reason -- I may be wrong and we are not always right. All the speakers this afternoon may not always be right, either. So, the question remains and I just hope to see it happen and see what happens and if it does not work out right, we can always oppose it. It seems to be good for the future. Thank you, Mr. Chairman.

---Applause

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Nerysoo.

MR. NERYSOO: Thank you. I had not completed my comments earlier but with regard to the policy, I think that there is always the impression that policies are very restrictive in their approach. But the reality is that on page four of the tabled document, there is the basis for a policy, policy as to the approach one has and how one perceives decentralization as occurring.

Regional Location Preferred For Some Headquarters Positions And Programs

I also want to mention one other issue and I raised it yesterday in my statement. When the government, at any time, is talking about decentralization and whether or not they should improve the delivery of programs and services to the communities and the residents in the smaller communities, they should also consider the positions and the program delivery mechanisms that are in headquarters. Because in reality, maybe some of the concerns that the regions have are not necessarily within the regional headquarters themselves, but could, in fact, be in headquarters. In reviewing the idea of decentralization that should be considered. I do not suggest or mean to suggest that there should be a demise of the capital nor the positions here, but I do know that there are positions that are better located at the regions, positions that are necessary to deliver programs efficiently and are necessary to respond to the needs of people. I just wanted to point that out because we are under the impression that one talks about decentralization in the context of taking apart a regional headquarters but in reality we could be talking about other areas of responsibility that do not exist out there but do, in fact, exist here in Yellowknife.

MR. RICHARD: Like what?

MR. NERYSOO: Well, I could give you one good example, recreation. That is a good example. Social services is another. Better health program is another. Highways and public services, public works. Those are some of the issues that I think could be better used to service the people in the region. Within program areas, I think that in some cases those are areas that can be best placed in the regions.

AN HON. MEMBER: Agreed.

MR. NERYSOO: And I think that has to be considered in the idea of decentralization. Thank you very much.

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

Position Of Regional Director

MR. GARGAN: Thank you, Mr. Chairman. I would like to first of all, lend my support to the Government Leader on decentralization. However, I find some difficulty in the rationale behind transferring the regional director to Yellowknife. During the last session and the previous session, the Minister, the Government Leader, has taken some of the responsibilities that the regional directors assume and has given those responsibilities to the deputy ministers here in headquarters. I could imagine what it would be like, you know, to have now a regional director placed here because it could cause some confusion. Perhaps it would be more appropriate, I would go further and say, Mr. Chairman, I would support the Government Leader even further if that particular position was put in a centralized location like Fort Simpson, too, because it would serve the regions better there than having it here in Yellowknife. I just wanted to say that because I know that the Government Leader did take that direction and has taken some of those responsibilities that the regional director has. So I just do not see any reason why it should not be in a centralized location. That is all I wanted to say, Mr. Chairman. Thank you.

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

HON. NICK SIBBESTON: Mr. Chairman, I just want to assure the Member that there is no intention to transfer the regional director as a position here to Yellowknife. The proposal is that we eliminate the regional director in that level of administration. So that is the plan with the three areas. There will not be a regional director for those areas. We are dealing with the matter of co-ordination. We are very concerned as to the tasks of co-ordinating the civil servants that are working in each of the area centres but that is a matter that again, Mr. Black will deal with. No, people that are presently in positions of regional director, assistant regional directors and so forth, their jobs will become redundant and they will likely be offered other positions in the government, either in the areas or likely here in Yellowknife.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Curley.

Maintain Local Economy And Improve Quality Of Services

HON. TAGAK CURLEY: Thank you, Mr. Chairman. Only a very brief comment on the idea of realigning the regional operations. I think so far as the way in which the discussions have been going on for a while, particularly through the public view, through the press, the issue has been known mainly as a number of positions versus, you know, larger headquarters like Yellowknife possibly acquiring a few more civil servants and so on. To me the substance of reporting seems to have been the fact that this is an economic project and therefore one community is attempting to try and hold on to this number of positions in order to survive economically and to keep the economic base in that community. So, in a sense, I think, what we have been talking about is local economy based on government. Government economy. I think rightfully so, I think we should address it that way, we are concerned about the impact on the local economy.

I have a little bit of concern here because although it is important to make positions and person years in the government as an economic project to try and boost up the wealth in that community by creating these positions and transferring them, I think we have to be careful as to how far we want to treat it in that fashion because what we are really talking about is the quality of service and the level of service provided by the public, supported by the public, to the people throughout the Territories. That is what we are faced with today and I think that is why this government has taken a political decision not so much based on programs outlined -- you know, some of the regional structures cannot necessarily be addressed through establishing of a criterion and all that sort of thing. The way in which the regions are structured today and the way in which the transportation services are structured today in the region do reflect the way in which the government provides that service to that particular community and distance is obviously the biggest factor in all of this. So in my view, what I think we ought to be talking about is, will the level of service that the government is presently responsible for in terms of health, economic development, education, improve as a result of realigning these positions...

AN HON. MEMBER: Hear, hear!

HON. TAGAK CURLEY: ...to other areas? I say they will. I think they will improve. I think the accessibility of these programs to the ordinary Joe, Harry, Dick and Jane and all these people will improve. No question about it. I think eventually we are going to have to face the fact that in the year 2000 we are going to see a very different structure of the regional operation.

I look at another big region which is not mine, the Baffin Region, and each time I travel up to High Arctic, to Arctic Bay, I am advised by one of the local men continually that I should establish an office up there, that is, in Nanisivik, so that I can have a little more immediate impact and response and be able to respond to the needs of the people up there in an orderly fashion.

Mr. Chairman, I just wanted to indicate my views because we are not only talking about trying to hold on to the local economy but also we want to provide the best service, so that the quality of service provided to the communities is the best that this government can provide. Thank you.

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

MR. McCALLUM: Thank you, Mr. Chairman. I do not want to prolong a great number of things here with discussion on the reply the Minister gave to a question. I do not think this is a time for me to pursue a lot of nitpicking questions about what the government is going to do. My concern in this is two-fold. First because I am an MLA representing Fort Smith which is where the regional set-up is. And it is not unique for people there to have some concern about the economic future of their town and if that means utilizing what is available for them to continue, then obviously people are going to do that. People group together in communities because hopefully there is some future for them in that particular community. That is the concern that I have as an MLA representing that town.

Government Moving Without Funding Approval

My other concern here with the direction the government is going is that I do not believe in ad hoc or hit-or-miss or after-the-fact policy when this government or any government moves in a direction. I think that if you need appropriation approval to carry out a particular program or

move in a particular direction, then you should have a policy because it is my understanding, according to the Financial Administration Act and everything else that is involved, you have to get it. You know, if things that you do are going to require additional funding, you have to get the approval to do so. And to say that we can do it after -- no, that is not good enough as far as I am concerned. If you want my approval to give you money, I want to know why you want it and what you are going to spend it on.

MR. RICHARD: I would say.

MR. McCALLUM: That is the concern that I have. I do not want to get into the business of how many people are going back and forth and when they are going. That would be more beneficial for me if it were during question period. Unfortunately, I am not going to get an opportunity as an MLA until the budget session, for more questions, and even then I am limited.

I know the Minister is loath to make the report available. I wish he had been loath at the time to make prereport comments about who is and who is not going. That is the kind of thing that raises a great deal of concern. Before the Executive Council even talked about it, to come to a meeting in the city of Yellowknife to talk to a group of people there and say, "Yeah, I am going to move the assistant regional director, the regional director and everybody else out" -- that is what causes the concern. I have a concern from that aspect as well, that he is embarking on something without his government going along with it. The government had not even looked at it.

With regard to my colleague, Mr. Richard's comments about Yellowknife, I am not talking about the city of Yellowknife; I am using the term "Yellowknife" in relation to a headquarters versus a field operation. And as other people have said, if that was the goal, to get better organization and administration in the field, I do not understand how you can do that by increasing the headquarters level. And if I, at times, say "Yellowknife" in front of them, I am not degrading the city of Yellowknife, I am concerned about what you are doing. On the one hand, you say one thing and on the other hand, you say the other. But it is not anything against the city of Yellowknife, it is against the business of area, region and headquarters.

Issue Will Not Be Resolved In This Session

It may be, as has been suggested, that you may require some people to carry out the regional or area function by putting more of them into the headquarters level. It very well may be. If that is the case, I would like to know because as far as I am concerned, it has been a hit or a miss now that you simply go. I do not think that this issue is going to be resolved here in this particular discussion. I have no motion to make to do anything about it. If I did, I would have as much hope of getting a motion passed as a snowball in Haiti. I am realistic enough to know that. I am not worried about that. I think that I have a right as an MLA to ask the government, especially when more money is requested: What are you going to spend it for and how do you expect to get it? Do you want me to approve it, or at least be part of the approval? I would like to know the policy. That is all I am concerned about.

If I get emotional in question period about the concerns of my constituents, that is no different from what anybody else does. But, I say to you, Mr. Minister, Mr. Chairman, those are the issues that are involved here. If you come back to this Assembly and ask for further money for the Executive to pay for the cost of moving personnel in this Fort Smith Region or in the other regions, then I say you have done it and spent the money without getting approval. We could have made quite a bit of that same thing when we were talking about another bill. We chose to do it in the committee meetings, not in public. And that was the principle involved here.

So, Mr. Chairman, I recognize that it is Thursday afternoon and we have been here for two or three weeks and everybody is not really concerned with it -- or not very many are. I said that in the beginning. But that is all right. As I say, I do not know if anybody else wants to talk about it, as I recall, or really wants any kind of reply from the Minister. I have said it and I think he understands what I am saying. So if people want to close 'er down, I am for that. But I want to indicate to the Minister and the government that the next time we come in, I will utilize my prerogative as an MLA in question period even though we can only get four questions, and when you come in with something I will ask you about the policy and I want to see it. That is what I am talking about.

Maybe, as has been said, I do not speak English well enough for that to come across. And if I am saying something that is coming the wrong way, then I apologize to Members. I am saying that I have these concerns on it. I will have them again and whether these concerns were raised in the past or not raised in the past by other Members, too bad. Had I not been on the Executive Council in the past, I would have raised the question then as well. I am not going to apologize for the inability of former Members to ask those questions. So all I am concerned with is that I have an opportunity to speak or to find out what you are doing. With that, I do not have anything further, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Any further general comments? Mr. Minister.

HON. NICK SIBBESTON: Mr. Chairman, just to say that I appreciate many of the things that the Member says and I have my respect for Mr. McCallum. I think he has been a gentleman and very good in all of the debate concerning this matter.

CHAIRMAN (Mr. Pudluk): Any more general comments? If not, does the committee agree that Tabled Document 37-86(2) is concluded? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

MR. SPEAKER: Will the House come to order, please? Mr. Pudluk.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 2-86(2), ELECTIONS ACT; THIRD REPORT OF THE SPECIAL COMMITTEE ON RULES, PROCEDURES AND PRIVILEGES; Tabled DOCUMENT 37-86(2), SUMMARY OF COTTERILL REPORT

MR. PUDLUK: Mr. Speaker, your committee has been considering Bill 2-86(2); Third Report of the Special Committee on Rules, Procedures and Privileges; and Tabled Document 37-86(2). Mr. Speaker, I wish to report that Bill 2-86(2) is ready for third reading as amended and that the Third Report of the Special Committee on Rules, Procedures and Privileges has been deferred. Also, Mr. Speaker, I wish to report that discussion on Tabled Document 37-86(2), Summary of Cotterill Report, is concluded.

Motion To Accept Report Of Committee Of The Whole, Carried

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

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

SOME HON. MEMBERS: Agreed.

---Carried

MR. SPEAKER: Item 19 on the orders of the day, third reading of bills. Mr. Patterson.

ITEM 19: THIRD READING OF BILLS

Third Reading Of Bill 2-86(2): Elections Act

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Nahendeh, that Bill 2-86(2), An Act Respecting Elections, be read for the third time. Thank you.

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

---Carried

Bill 2-86(2) has had third reading. Third reading of bills. Are there any announcements from the floor? Mr. Curley.

HON. TAGAK CURLEY: Mr. Speaker, I am pleased to announce the new president of the Travel Industry Association of the Northwest Territories, Mr. Jack Walker.

---Applause

First vice-president, Caroline Anawak.

---Applause

Second vice-president, Mr. Ted Grant, who is present here.

---Applause

Mr. Speaker, I would just like to wish good luck to the new executive of TIA for the challenge ahead of them and for very successful years ahead. I know that they will do a tremendous job with the challenge that is before them, particularly with respect to the successful events that we had this past year with Expo '86 and so on. I also would like to announce that Betty Palfrey, who is past president, has just concluded her three year term in office and I would like to wish her well.

---Applause

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

MR. McCALLUM: On a point of order, Mr. Speaker. It seems to me at this time before we close it is the usual time to report progress to the House on sessional awards. I just want to say on behalf of my co-chairman, we have resigned from that committee. The committee is kaput. There will be no awards even though there were some that were very definite winners. We found to our everlasting sorrow on reflection that every time we gave out major awards we normally jinxed the winners.

---Laughter

MR. SPEAKER: Any other announcements? Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, there is a committee that has been formed...

HON. MICHAEL BALLANTYNE: As usual.

HON. DENNIS PATTERSON: ...which calls itself the seers, pollsters and wags committee of the Assembly. On behalf of that committee I am pleased to announce the results of their study and predictions for the new era of post-party politics following the next election.

AN HON. MEMBER: Hear, hear!

HON. DENNIS PATTERSON: This is based on data including known and suspected, current and former political affiliations, along with a touch of speculation.

Mr. Speaker, the winners and the government of the 11th Assembly are firstly, liberal government leader and premier, Ted Richard.

---Applause

Second, deputy premier, minister of finance, sports and recreation, Richard Nerysoo.

---Applause

House leader and minister of culture and communications, Arnold McCallum.

---Applause

Minister of health and hospitals and government services, Tagak Curley.

---Applause

Oh yes, Mr. Speaker, the associate minister of government services, Arnold McCallum.

---Laughter

Minister of education, aboriginal rights and constitutional development, James Wah-Shee.

---Applause

And sixth, Mr. Speaker, Joe Arlooktoo, minister of public works, municipal and community affairs, housing and airports.

SOME HON. MEMBERS: Hear, hear!

HON. DENNIS PATTERSON: And to bring the total up to eight, Mr. Speaker, made ministers by the new liberal government in return for their support, two NDP candidates, Nick Sibbeston, minister of justice, personnel and status of women...

---Laughter

and Elijah Erkloo, minister of social services, minister of renewable resources, polar bears and skidoos.

---Laughter

Mr. Speaker, the new commissioner for the 11th Assembly, which will be a political appointment, will be Lynda Sorensen. And Members can guess who the opposition will be.

HON. TAGAK CURLEY: There will not be any.

HON. DENNIS PATTERSON: I ask, when you take a look at this new cabinet, are you sure you still want party politics? Thank you.

---Laughter

MR. SPEAKER: Many a true word spoken in jest.

---Laughter

Are there any further announcements? Would you ascertain if the Commissioner is available for assent to bills?

ITEM 20: ASSENT TO BILLS

COMMISSIONER PARKER: As Commissioner of the Northwest Territories, I assent to the following bills: Bill 1-86(2), Bill 2-86(2), Bill 3-86(2), Bill 4-86(2), Bill 5-86(2), Bill 6-86(2), Bill 7-86(2), Bill 8-86(2) and Bill 9-86(2).

The next session of the Legislative Assembly will be held on Wednesday, February 11, 1987 in Yellowknife in these premises.

---Applause

It is now my very distinct pleasure as Commissioner of the Northwest Territories to prorogue this eighth session of the 10th Assembly.

---PROROGATION

Available from the
Publications Clerk, Department of Culture and Communications
Government of the Northwest Territories, Yellowknife, N.W.T.
\$1.00 per day; \$30.00 for 1st session, \$20.00 for 2nd and 3rd session; or \$50.00 per year
Published under the Authority of the Speaker of the Legislative Assembly
of the Northwest Territories