



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

9th Session

10th Assembly

HANSARD
Official Report

DAY 2

THURSDAY, FEBRUARY 12, 1987

Pages 16 to 64

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

Cournoyey, 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 Centrai)

Patterson, The Hon. Dennis G., M.L.A.
P.O. Box 310
Iqaluit, N.W.T.
X0A 0H0
Office (819) 979-5993 (Iqaluit)
(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, FEBRUARY 12, 1987

| | <u>PAGE</u> |
|--|-------------|
| Prayer | 16 |
| Members' Statements | |
| - Mr. Arlooktoo on sentencing of criminals | 16 |
| Oral Questions | 16 |
| Written Questions | 26 |
| Petitions | 27 |
| Tabling of Documents | 27 |
| First Reading of Bills | |
| - Bill 13-87(1) Legislative Assembly and Executive Council Act | 28 |
| Second Reading of Bills | |
| - Bill 13-87(1) Legislative Assembly and Executive Council Act | 28 |
| Consideration in Committee of the Whole of: | |
| - Third Report of the Special Committee on Rules, Procedures and Privileges | 28 |
| Report of Committee of the Whole of: | |
| - Third Report of the Special Committee on Rules, Procedures and Privileges | 63 |
| Orders of the Day | 63 |

YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, FEBRUARY 12, 1987

MEMBERS PRESENT

Mr. Angottitauruq, Mr. Appaqaq, Mr. Arlooktoo, Hon. Tom Butters, Hon. Michael Ballantyne, Ms Cornoyea, Hon. Tagak Curley, Mr. Gargan, Mrs. Lawrence, Mr. MacQuarrie, Mr. McCallum, Mr. Nerysoo, Mr. Paniloo, Hon. Red Pedersen, Mr. Pudluk, Mr. Richard, Hon. Nick Sibbeston, Hon. Don Stewart, Mr. T'Seleie, Mr. Wah-Shee, Hon. Gordon Wray

ITEM 1: PRAYER

SPEAKER (Hon. Don Stewart): O God, if Your Spirit be in us; if our minds be ready; our hands strong; we will work together, leaving behind every small and selfish motive, to care for this good land and to build a just and peaceful society to Thy glory. Amen.

Orders of the day for Thursday, February 12th.

Item 2, Ministers' statements. Item 3, Members' statements. Mr. Arlooktoo.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Sentencing Of Criminals

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I would like to express my concerns. At the end of 1986 I had a concern; my mother's sister was murdered. I would like to see the people that commit murder dealt with. As I see it now, the people that commit murder usually get a lesser sentence than people that have committed less criminal offences. For this reason I have a concern about this in the Baffin area. There are a lot of murders. I would like to see something done about this and that the criminals are dealt with more harshly. We would like to see something done to these people. I wanted to express this as an MLA. Thank you.

MR. SPEAKER: Thank you. Item 3, Members' statements. That appears to conclude this item for today.

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

ITEM 5: ORAL QUESTIONS

Question 01-87(1): Employees' Day Off Work, January 2nd, 1987

MR. McCALLUM: Thank you, Mr. Speaker. I have a question to the Minister of Personnel. In a directive sent out from his department on December 30th, there was a decision made to grant territorial government employees a day off on January 2nd. In that particular memo, Mr. Speaker, it indicated that employees who are on various forms of leave on January 2nd, 1987 are not permitted to adjust their leave and in addition those employees who had operational duties to perform would only be receiving a normal rate of pay for the hours worked. I wonder if I may ask the Minister a question. Has the Minister made any change in that particular directive with regard to those people who had taken the day off through the normal channels and will he look at the possibility, if you like, of returning that one day's leave to the employees who had gone through the regular channels for it? And for employees who were doing particular work of necessity, such as passing out social welfare checks, on that particular day, will they be given the time and a half rate of pay?

MR. SPEAKER: Mr. Minister.

Return To Question 01-87(1): Employees' Day Off Work, January 2nd, 1987

HON. RED PEDERSEN: Thank you, Mr. Speaker. No, Mr. Speaker, I have not revisited this directive since the time it was issued. I will take a look at it again and I will take the question as notice and provide my answer once I have done that. Thank you.

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

MR. McCALLUM: Thank you, Mr. Speaker. I appreciate that the Minister will take a look at what he is doing. I have a supplementary to the question, notwithstanding that the Minister is taking it as notice. Does the Minister not believe that that would be the right thing to do for people who had already made application for leave on that particular day, to have the day reinstated to their accumulated leave authority -- what they were allowed to have? I wonder if I could as well, Mr. Speaker, ask the Minister when that decision was made. How was the decision arrived at? When was it reached?

MR. SPEAKER: Supplementary to a question that has been taken as notice is not in order -- they will be asked when the reply is made. You have a chance at that time to ask supplementaries to your question. Mr. Richard.

MR. McCALLUM: Point of order.

MR. SPEAKER: Point of order.

MR. McCALLUM: Mr. Speaker, my point of order is that the second question I made did not relate to whether the Minister would in fact review it. What I asked was, when the decision was made, how was the decision reached? It is a new question, in my particular view, Mr. Speaker, and I will do deference to your ruling. If I were to ask to continue to go on about the question as to whether he would reinstate it, that is a different thing, I submit to you, sir.

MR. SPEAKER: Thank you for your submission, but your first question, Mr. McCallum, was an opinion. You were asking an opinion of the Minister relative to a question that he has taken as notice. You followed it then with other things that may be acceptable, but your first question -- and you can read Hansard and find out that you did make such a statement. So, I am ruling your whole question out of order. Mr. Richard.

Question 02-87(1): Decision To Grant Holiday, January 2nd, 1987

MR. RICHARD: Mr. Speaker, my question is also for the Minister of Personnel. It is also related to the decision to call a holiday on January 2nd, and in the words of a colleague of mine, "When was this decision made?"

HON. TAGAK CURLEY: 1986.

MR. RICHARD: How was it arrived at, and can the Minister indicate what the cost to the government was of this particular gesture by the government to its employees? Mr. Speaker, I ask these questions in all seriousness because I myself at the time received a number of complaints and comments from constituents, a large majority of whom are employees of this government. But other complaints and comments were in the nature of complaints from members of the public who had planned on obtaining services from our government on the day in question and learned, of course, these offices were all closed. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 02-87(1): Decision To Grant Holiday, January 2nd, 1987

HON. RED PEDERSEN: Thank you, Mr. Speaker. The decision to give a day off at the time in question was a government decision. The Government Leader has asked if he could give you an answer to this as well. I defer to him.

MR. SPEAKER: Mr. Sibbeston.

Further Return To Question 02-87(1): Decision To Grant Holiday, January 2nd, 1987

HON. NICK SIBBESTON: Mr. Speaker, I can advise the Member that the government made the decision and I cannot go into detail as to the precise way in which the decision was made. I think suffice to say that the government did make a decision on December 30th and the decision was made with the view to giving the civil servants who would have worked Friday a day off. It was made after careful consideration, and we took into consideration that there were many employees who had already taken time off, so the government offices would not have been filled with ardent, hard-working civil servants that day. We estimate that only approximately 40 per cent of our civil servants would have worked that day.

We gave the holiday on the same basis that the government occasionally grants half days on Christmas Eve and New Year's Eve. It was on that basis, and it was made clear to the civil servants that they were not to claim overtime or any extra pay as a result of that day off. I can tell the Member that as the dates fall, it will not be until 1998, I believe, that January 2nd will fall on Friday, so whoever the government then is, I guess, will have to deal with that matter as to whether a similar decision would be made.

I can tell the Member that as a government we received very positive responses to the gesture on our part from all parts of the North and generally the reaction that we are receiving is that it was a very good decision. I am disappointed and somewhat surprised that some of our civil servants would complain about being given a day off. I can understand that some members of the public may have been inconvenienced by the fact that there would not have been any civil servants that day. For that I guess we are sorry but generally, looking at the whole, we consider that the positive effects have been much more than the few adverse comments or inconveniences that the decision may have caused.

MR. SPEAKER: Thank you. Mr. Richard.

Supplementary To Question 02-87(1): Decision To Grant Holiday, January 2nd, 1987

MR. RICHARD: Mr. Speaker, I quite frankly cannot understand the Government Leader's disappointment that this would be raised nor his surprise that there are civil servants working for our government who were concerned about this last minute, knee-jerk decision two days before a holiday, with no notice to staff, no notice to members of the public. The Government Leader did correspond with me when I wrote to him this last month, Mr. Speaker, and the same civil servants that the Government Leader indicates he did not think would raise this thing -- his comment in the letter is to the effect that there were already a number of territorial government employees on leave on that day, the cost therefore to the government was fairly minor and generally service disruptions were minimal. If there were only 40 per cent staff, has the government done a calculation of the salaries for that 40 per cent of the staff for that one day? The Government Leader in the letter indicated it was unlikely that much would have been accomplished if employees had been required to work. Mr. Speaker, with all respect to the Government Leader, that is not very much of a complimentary comment to those of our employees who were planning on working that day and I would ask, Mr. Speaker, that either the Minister of Personnel or the Government Leader answer my first question. What was the cost to this government of this last minute decision without notice to staff or to the members of the public? Thank you.

MR. SPEAKER: Mr. Sibbeston.

Further Return To Question 02-87(1): Decision To Grant Holiday, January 2nd, 1987

HON. NICK SIBBESTON: Mr. Speaker, I can tell the Member that there was no loss of revenue from our government for the good gesture that we made to our employees. What the Member maybe is talking about is the lost opportunity and some salaries being paid to employees who should have been working, but in terms of the general revenues of our government, of course there has not been any additional cost and therefore no cost to our government.

MR. SPEAKER: Final supplementary, Mr. Richard.

Supplementary To Question 02-87(1): Decision To Grant Holiday, January 2nd, 1987

MR. RICHARD: Mr. Speaker, with that response I am pleased that the Government Leader did not assign the Finance portfolio to himself, because to suggest for one moment that there was no cost to the government is ludicrous. Staff were paid; functions to provide a service to the public in these Territories were not performed.

Mr. Speaker, my final supplementary on this has to do with those public offices that are required by law to be open on days which are not statutory holidays, including Friday, January 2nd. The land titles office, for example. I am not sure about the legal requirements for the vehicles and companies registries -- those places that are required by law to be open unless it is a statutory holiday. This Executive Council may have many powers but they cannot declare a statutory holiday on their own. I would ask, Mr. Speaker, for the Minister of Personnel or the Government Leader or the Minister of Justice to explain why it is that this decision was made to close public offices that were required by law to be open.

MR. SPEAKER: Mr. Sibbeston.

HON. NICK SIBBESTON: To be conciliatory today, I will provide the information requested of the Member and in due course I will provide him with a response.

MR. SPEAKER: Taking the question as notice and will provide a response. Oral questions. Mr. MacQuarrie.

Question 03-87(1): Reason For Holiday, January 2nd, 1987

MR. MacQUARRIE: Thank you, Mr. Speaker. My question is for the Government Leader and it deals with the same matter that has been raised by other Members. My question is in response to the government's solutions to what appear to be problems. I would ask the Government Leader, is it an appropriate solution in the Government Leader's mind that if departments are being managed in such a way that it appears a department may not be able to function effectively on what should be a working day, that the government's approach to the solution is to dissolve the working day, rather than to take steps that will ensure that that kind of circumstance does not happen in the future? Could I ask the Minister what is the appropriate management decision in cases like that?

MR. SPEAKER: Mr. Minister.

Return To Question 03-87(1): Reason For Holiday, January 2nd, 1987

HON. NICK SIBBESTON: Mr. Speaker, the Member is adding a new element into this and is suggesting that we made a decision on the basis that there were so few employees or so few senior management people in the departments that the department could not function. This is not the case. I would not want the Member to think that we did it on the basis that there were not enough senior management civil servants in the departments, so that they could not function. That was not the reason for us granting the holiday.

It was simply this, Mr. Speaker, that January 2nd was on a day that would normally have been a work day. It was decided as a matter of good gesture to the civil servants and thanking them for the good work that they did this year, that we extend a good gesture and give them a holiday. That was the basis for the decision that was made. We took into consideration the fact that there were not that many civil servants on the job that day anyway and in the remoter parts of the North we were aware that the communities were having community celebrations. I do not know the Yellowknife situation as well as I know Simpson and the other remote parts of the North, but people, generally, in the remoter parts of the North were not going to do business on that day. The civil servants would not have accomplished a great deal on that day anyway. So rather than have them come to the office, we decided to give them a day off.

We are also cognizant of the fact that this year, in the next few weeks and months, we are going to begin negotiating with the Public Service Association a new contract for the next few years. So we were hopeful that this gesture would stand us in good stead and result in good attitudes, and so forth, and that negotiations would go very well. So that was part of the thinking. I would not want to have people think that the decision was one made without any great deal of thought and that we were greatly wrong in doing what we did.

MR. SPEAKER: Mr. MacQuarrie.

Supplementary To Question 03-87(1): Reason For Holiday, January 2nd, 1987

MR. MacQUARRIE: A supplementary, Mr. Speaker. The Government Leader has said that he would not want me to think that it was something that was done without a great deal of thought. I would ask the Government Leader, was it a surprise to the government that January 2nd was going to fall on a Friday, and they only learned that on December 30th? You know, if it appears to be a rational and good measure, can I ask the Government Leader why they did not address that around about September or October, so that planning for the public who want to deal with the government and receive government services which they are entitled to, could have been conducted in a much more orderly fashion?

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: Mr. Minister.

Further Return To Question 03-87(1): Reason For Holiday, January 2nd, 1987

HON. NICK SIBBESTON: I guess we were cognizant of the calendar just as much as the Member was, and I would not want the Member to think that all good decisions must be made well, and well in advance of the decision being made. The government was reacting to a situation. It occurred to us that the offices would be virtually empty that day. We decided to grant the day off. So I still believe that it was a good decision and most of the MLAs in the House support the decision we have made.

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: Mr. MacQuarrie.

Supplementary To Question 03-87(1): Reason For Holiday, January 2nd, 1987

MR. MacQUARRIE: Yes, a final supplementary, Mr. Speaker. The Government Leader indicated surprise and shock that employees should complain about getting an extra holiday. I would just have to say that I give credit to any employees...

MR. RICHARD: Hear, hear!

MR. MacQUARRIE: ...who express that, because they are expressing something on behalf of all people of the Northwest Territories. Is the Government Leader saying, and he appeared to be, that our public servants receive inadequate holidays at the present time in order to be refreshed and recreated and so this government shows that they have adequate time off in appreciation for the work days that they are doing? That is what the Government Leader seemed to be saying. And if he is, Mr. Speaker, I would ask him, will he reflect that in the negotiations that are coming up with public servants soon? Perhaps he is suggesting that there ought to be two or three more statutory holidays for public servants.

MR. SPEAKER: Mr. Minister.

Further Return To Question 03-87(1): Reason For Holiday, January 2nd, 1987

HON. NICK SIBBESTON: Mr. Speaker, I am not suggesting that public servants do not get enough holidays and that decision was not based on that point of view at all. And certainly we will not take that view when we commence our negotiations with the civil service.

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

Question 04-87(1): Recognition For Those Who Did Not Receive Holiday

MR. McCALLUM: Thank you, Mr. Speaker. I have a question of the Government Leader in regard to the topic. The Government Leader has indicated that he felt that the government itself should thank those people who were going to come into work, roughly 40 per cent, that he had indicated. I ask the Government Leader, if he is going to treat them and recognize the work that they did, then can

I ask the Government Leader how he intends to treat the other 60 per cent of the Public Service Association who had taken their holiday by the proper channel or who had to work? Is he prepared then to give them further time off or is he prepared to increase their salary?

MR. SPEAKER: Mr. Minister.

HON. NICK SIBBESTON: Mr. Speaker, the question was asked before of the Minister of Personnel and I leave it to him. He indicated that he would provide a response and I would say that that is the best way to treat the matter.

MR. SPEAKER: The question is being taken as notice. Oral questions. Mrs. Lawrence.

Question 05-87(1): Difficulties With Snowdrift Dealing Through Regional Office

MRS. LAWRENCE: Thank you, Mr. Speaker. I have a question for the Minister responsible for Economic Development. With all due respect to Fort Smith Region office, we are finding it very difficult to deal with the Fort Smith Region. Especially in the area of economic development, we are not able to meet deadlines because of the process taking so long going through Fort Smith, and many times we end up dealing with Yellowknife anyway. Can the Minister consider that the people of Snowdrift might deal directly with Yellowknife instead of Fort Smith, especially in the area of economic development? Mahsi cho.

MR. SPEAKER: Mr. Minister.

Return To Question 05-87(1): Difficulties With Snowdrift Dealing Through Regional Office

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I thank the Member for raising the question because I think it is appropriate to say that the government is at the moment considering the reorganization of the government with respect to the Fort Smith Region and other new areas that would be created as a result of our Leader's exercise with the regional office of Fort Smith. As a result of that, I have been discussing the matter with my department officials and that factor is obviously one that we are considering. As we devolve the area offices to other locations Snowdrift is obviously one of the concerns that we are raising. It is now before my deputy and it will be brought forward to me and to my colleagues shortly.

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

Question 06-87(1): Responsibility For Soapstone Distribution, Baffin South

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is to the Government Leader or to the Minister of Economic Development. In the Baffin Region, in my constituency, there is a lot of soapstone in my community. Anybody can come and get soapstone, especially the residents of Iqaluit and also there are some people coming into my community from Northern Quebec to pick up some soapstone. Cape Dorset and Lake Harbour co-ops have been requesting to be responsible for the soapstone. They would like to stop just anybody from picking up soapstone and would like to be responsible for giving out the soapstone. I would like to ask if they have the jurisdiction of closing the soapstone mine to other communities and not letting the other communities pick up any soapstone. Is this possible? The other communities would be able to buy the soapstone from the co-ops.

MR. SPEAKER: Mr. Minister.

Return To Question 06-87(1): Responsibility For Soapstone Distribution, Baffin South

HON. TAGAK CURLEY: Thank you, Mr. Speaker. We are aware of this and there are a lot of communities who think like this. There are some northern Quebecers who go up there to pick up some soapstone. However, if we are going to think of the Territories we have not really proceeded with the objectives. If they are to go ahead it would have to be approved by the federal government and they would have to approve the selling of the soapstone. I would like to stress to you that there are some communities that do not have much soapstone and some communities have an abundance of soapstone. That is why we did not let this go ahead. Perhaps the people from outside of the NWT maybe should have authorization in order to get soapstone. We are looking into this area at the present time. We are continuing to update this and we will bring you up to date sometime in the future on this.

MR. SPEAKER: Thank you, Mr. Minister.

Supplementary To Question 06-87(1): Responsibility For Soapstone Distribution, Baffin South

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I would like a further definition on this jurisdiction over natural resources. We are trying to put a petition before the government. Is it possible for our community to write a petition to have control over their resources in their area? In the area of my friend from Sanikiluaq they have closed down their soapstone quarries; they are under the jurisdiction of NWT government. People from other communities cannot get soapstone from their community. I want to know more about this because of the fact that Sanikiluaq people have not permitted other communities to get soapstone from their community.

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

Further Return To Question 06-87(1): Responsibility For Soapstone Distribution, Baffin South

HON. TAGAK CURLEY: (Translation) I understand what you are talking about. When we are going to have jurisdiction over your resources in the community, I think we should ask, does the soapstone belong to the community? But there is a lot of unemployment in other communities as well. We should be more concerned about whether there are employment and economic opportunities available to other communities. We are aware that the speaker knows that the Canadian government controls this resource in the Northwest Territories and will only allow permits to be issued to each different community. Is it possible for every community to have jurisdiction over permits and other companies can acquire permits from the federal government? That is what we are trying to work on at this time because, as well, land claims are not settled in that region. After the land claims are settled the question of resources in different regions will be settled and will be defined as to the soapstone quarries. It is a source of employment to people in the different communities. This is one of the reasons why we have not addressed that question. Thank you.

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

Question 07-87(1): Results Of Research On Polar Bear Management

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I would like to ask the Minister for Renewable Resources a question. I received a letter on December 15th, 1986 from the assistant deputy minister, David Brackett, regarding polar bear permits. There was going to be a research survey into polar bear management programs and regulations; they were going to do research into that for our region. Maybe you can answer me on this, Mr. Minister. Can you give us the time when the research results might be made public? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 07-87(1): Results Of Research On Polar Bear Management

HON. RED PEDERSEN: Thank you, Mr. Speaker. The research will be carried out through the spring. This definitely will be provided to you before the end of the life of this Legislature but the research will be carried on for the remainder of the spring as well.

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

Question 08-87(1): Board Member From Baffin Region For Special ARDA

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Economic Development and Tourism. Last summer, at the conference in Baffin Region, maybe the mayors' or economic development conference, someone said that regarding requests for Special ARDA the board members are from this region and they are very slow to answer to the private sector. Can you establish Special ARDA board members from Baffin Region, if it is at all possible? At that time they wanted Special ARDA to have a board member for that region. Is that at all possible to implement? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 08-87(1): Board Member From Baffin Region For Special ARDA

HON. TAGAK CURLEY: (Translation) Thank you, Mr. Speaker. The question that you placed is in regard to Special ARDA. This is aimed at private businesses and is acquired from Ottawa, from the federal government. It is geared to regional economic development in the Dene regions of the NWT as well. We have received a letter from the Minister responsible for Special ARDA, Mr. Valcourt. They will not change the procedure used in reviewing applications from private businesses. There are board members that have been appointed by the Inuit, the Dene, Indian Affairs, the Department of Regional Industrial Expansion and the NWT Department of Renewable Resources, regarding wildlife. They will not change the board members of Special ARDA and we will just go along with the decisions although we contribute a small amount of money from the NWT government. We know that they are very slow in assessing applications and their cheques are received from Saskatchewan. We are not in a position to tell them what to do. Although the review process has been improved maybe we will try to get them to improve their review board as well, for their applications from the NWT regions. Thank you.

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

Question 09-87(1): Assistance For Purchasing Community Radio Equipment

MR. WAH-SHEE: Thank you, Mr. Speaker. I have a question for the Minister of Communications and Culture. I wonder if the Minister could indicate whether he has any funds available to assist communities in purchasing community radio equipment. I am aware that the territorial government did assist other communities in the past and I wonder what is the situation now in terms of funds being made available for communities to purchase this equipment?

MR. SPEAKER: Mr. Minister.

Return To Question 09-87(1): Assistance For Purchasing Community Radio Equipment

HON. NICK SIBBESTON: Mr. Speaker, the government normally has funds available to assist communities to obtain radio equipment. The government, of course, contributes most of the money that goes into buying the equipment but the community is expected to raise some of it and I believe to the extent of \$2500. That is the policy that we have with respect to assisting communities to be provided with TV and radio communications equipment. I am not certain at this moment whether the department has any more funds for this fiscal year but I would be pleased to find the information and advise the Member as soon as I can.

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

Supplementary To Question 09-87(1): Assistance For Purchasing Community Radio Equipment

MR. WAH-SHEE: Thank you, Mr. Speaker. I wonder if the Minister could advise me as to whether they have an ongoing program in terms of making grants to communities to continue to operate their radio stations. As well, is the Minister aware that some of the communities in the Territories do not have radio equipment and radio stations? Some of the communities do not even have access to CBC and the normal services that are available in other communities.

MR. SPEAKER: Mr. Minister.

Further Return To Question 09-87(1): Assistance For Purchasing Community Radio Equipment

HON. NICK SIBBESTON: Mr. Speaker. Yes, I am aware that there are some communities in the North that presently do not have the radio and TV equipment to access CBC and other similar programs. I am aware of a community in the Member's constituency that is presently requesting financial assistance to have radio and I am dealing with it. It is a matter that has been on my desk. I also have been concerned about the amount of money that the community itself has to raise. I have asked the department to advise me whether each community must itself find and contribute \$2500 toward obtaining that equipment. I am conscious of the fact that there are different sizes of communities and some of the small communities may not be able to raise \$2500. So I am dealing with the matter and I will advise the Members as quickly as I can.

MR. SPEAKER: Oral questions. Mr. Gargan.

Question 010-87(1): Further Assistance To Complete HAP Houses, Fort Providence

MR. GARGAN: (Translation) Thank you, Mr. Speaker. I am directing my question to the Minister of Housing, Mr. Ballantyne. In 1984 Housing provided funding for three HAP houses for Fort Providence, but the money that was provided for these homes was used for gravel pads instead. In the last two years those houses have not been completed and they are still waiting for the electricity to be put in. My question is, would there be any further assistance for these three HAP homes? These homes have been left uninhabited for the last three years.

MR. SPEAKER: Mr. Ballantyne.

Return To Question 010-87(1): Further Assistance To Complete HAP Houses, Fort Providence

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. The issue of labour money for HAP units has been an ongoing problem with the government. I think the Member is aware that the Housing Corporation has not ever directly provided HAP labour funding for units. We are looking at the possibility this year of perhaps the corporation doing that. But there are, across the Territories right now, a number of units that have not been completed. One of the major elements of the HAP program was sweat equity, whereby the clients would get the materials and then would provide the labour themselves. But right now we do not have a mechanism; if a client was not able to access either STEP or human resources strategy money in the last two or three years, we do not have any retroactive mechanism now to provide funding for those houses.

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

Supplementary To Question 010-87(1): Further Assistance To Complete HAP Houses, Fort Providence

MR. GARGAN: (Translation) Thank you, Mr. Speaker. I am not talking about the money for the labour on the houses. In 1984 three units were sent to Providence. There was money available for gravel pads and electrical work, and what I am saying is that the money was all spent on the gravel pads. So these houses are still waiting for their electrical work to be completed. Would there be money available for the electrical? I did not mean for the labour on the houses themselves. Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 010-87(1): Further Assistance To Complete HAP Houses, Fort Providence

HON. MICHAEL BALLANTYNE: Mr. Speaker, my understanding is that at least one of the clients that the Member is talking about has requested some modification to the original design. The policy of the Housing Corporation is that if there are modifications to the design, the client will pick up those costs himself. If, in fact, the electrical funding was not provided, I will take the question under advisement and get back to the Member and see what we can do about it.

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

Supplementary To Question 010-87(1): Further Assistance To Complete HAP Houses, Fort Providence

MR. GARGAN: Thank you, Mr. Speaker. I think the translator is having a little difficulty in what I am trying to get at. In 1984 there were three HAP houses that were designated for Fort Providence. Within the moneys allocated, there were moneys allocated for the gravel pad and electrical. Unfortunately all the moneys were used up to build the gravel pads. Due to bad planning, I guess, some of the moneys that were used for the gravel pads in some areas were not appropriate because of the swampy area. So the moneys were depleted by building those gravel pads for those three HAP houses. There was also money designated for electrical for these houses but it was depleted by the building of the gravel pads. So the clients now have the difficulty of trying to complete their houses. These houses have been sitting empty for two years and the people are saying that because of mistakes made they would like to see Housing provide electrical for those houses, so they could finish them this year. That is my concern, that they do not have any money to complete their electrical work. As soon as that is done, then presumably they will be in a position to complete their houses this year, which have been idle for the last two years.

MR. SPEAKER: Mr. Minister.

Further Return To Question 010-87(1): Further Assistance To Complete HAP Houses, Fort Providence

HON MICHAEL BALLANTYNE: Thank you, Mr. Speaker. If the clients were eligible for assistance under our program and because of some mistakes we made, we will look into it and of course we will provide assistance to the clients. If there is something else involved that we do not know about, there is a possibility that in another program the clients could be assisted. So I will take the question under advisement and give a response back in the next couple of days.

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

Question 011-87(1): Housing Programs For Government Employees

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Finance. Government employees cannot be assisted by the Housing Corporation when they are applying for housing. Is the government considering implementing these kinds of programs for government employees? They are not eligible at the present time. Has the government considered having this kind of program for government employees? Thank you.

MR. SPEAKER: Mr. Minister.

HON. TOM BUTTERS: Mr. Speaker, this is a matter that does not come directly under my responsibility that I know of. I would like to take the question as notice and provide the Member with a reply.

MR. SPEAKER: Thank you, Mr. Minister. The question is being taken as notice. Oral questions. Mr. Nerysoo.

Question 012-87(1): Gulf Canada's Contribution To Northern Economy

MR. NERYSOO: Thank you, Mr. Speaker. Just a question to the Minister of Energy, Mines and Resources. I noted in the statement from the Commissioner yesterday that some bold and creative initiatives were being taken to improve the economy of the North. What, Mr. Speaker, is the Minister doing to ensure that bold and creative initiatives be undertaken on the part of Gulf to ensure that employment and business opportunities are available to northern businesses and residents of the Northwest Territories?

MR. SPEAKER: Mr. Minister.

Return To Question 012-87(1): Gulf Canada's Contribution To Northern Economy

HON. TOM BUTTERS: Mr. Speaker, this government is in frequent communication with Gulf Canada. Not only have Mr. Livingstone and his colleagues been to Yellowknife and advised Executive and staff of their planning with regard to their seasonal project, but we have also met with Mr. Bregazzie and other members of Gulf Canada with regard to the project they are contemplating for the current year. The financial aspects of the Gulf proposal have not been put on the table as yet. As recently as yesterday the package still had not been developed. This government, I am advised, will be consulted -- in fact, more than consulted. We will be partners with the federal government in examining the Gulf proposal. It is my anticipation and my expectation that Mr. McKnight will request the presence of this government, myself in this case, to sit with him when we examine the Gulf proposal. I am quite sure from discussions I have had with senior staff of the federal government that members of the Secretariat of Energy, Mines and Resources will similarly be consulted prior to that decision at the ministerial level.

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

Supplementary To Question 012-87(1): Gulf Canada's Contribution To Northern Economy

MR. NERYSOO: Thank you, Mr. Speaker. Supplementary. Has the government developed a formal position with regard to the requirements of any proposal that Gulf might propose, to carry out the development of the Amauligak structure?

MR. SPEAKER: Mr. Minister.

Further Return To Question 012-87(1): Gulf Canada's Contribution To Northern Economy

HON. TOM BUTTERS: No, Mr. Speaker, not a formal position, but in our meetings with Gulf Canada we have been extremely encouraging and complimentary to the initiative of that company on the bold steps that they are taking to continue development of the Beaufort offshore and to make early use of the reservoir that has been discovered there to date. When the package is available to us, I am quite sure that we will continue to be supportive of the company's proposal to the extent that our fiscal and administrative and human resources permit us.

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

Question 013-87(1): Housing Initiatives For Small Communities

MR. GARGAN: Thank you, Mr. Speaker. I would like to direct my question to the Minister of Housing. It is concerning the special committee on housing which the Minister was a part of. With regard to the small communities, I understand that there was some consideration by the department to look at some other initiatives for the smaller communities, for example Kakisa, Colville and Trout Lake, those types of communities. Are there any new initiatives toward those smaller communities like that? What is the department's position on that?

MR. SPEAKER: Mr. Minister.

Return To Question 013-87(1): Housing Initiatives For Small Communities

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. The chairman of the board, Mr. Jaeb, has brought forward one of the priorities of the board which is exactly that. One of the problems that we have had in the past is that most of the resources of the Housing Corporation were distributed to communities that had a lot of public housing. So a lot of the smaller communities with private home-ownership were left out of the equation. So right now the board of directors is looking at it, we are looking at ways that we can make more resources available to some of those smaller communities.

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

Supplementary To Question 013-87(1): Housing Initiatives For Small Communities

MR. GARGAN: Thank you, Mr. Speaker. I would like to ask the Minister then, will the recommendations come during the life of this session?

MR. SPEAKER: Mr. Minister.

Further Return To Question 013-87(1): Housing Initiatives For Small Communities

HON. MICHAEL BALLANTYNE: Depending on how long this session lasts, I cannot give a guarantee. During the life of this Legislature, we hope to have some policies in place that will provide assistance to the smaller communities but I cannot guarantee it during this specific session.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions? That appears to conclude oral questions for today. Item 6, written questions. Mr. T'Seleie.

ITEM 6: WRITTEN QUESTIONS

Question W1-87(1): Capital Projects In The Sahtu

MR. T'SELEIE: Thank you, Mr. Speaker. My written question is for the Minister of Municipal and Community Affairs. On September 4th, 1986 I wrote a letter to the Minister concerning the possibility of moving certain capital projects ahead in the five year capital plan for the communities of the Sahtu. In the letter I stated that it was important for the government to consider doing this in order to mitigate the negative impacts of the downturn in the oil and gas industry. At this time I still have not received the reply from the Minister to this letter. I would like to request of the Minister a reply to the contents of my letter providing me with reasons why none of the capital projects, which I itemized in my September 4th letter, were moved ahead as I requested.

I want to also request that the Minister indicate to me how he reconciles his decision to move none of these projects ahead with the fact that the Sahtu communities were some of the most heavily impacted by the downturn in the oil and gas industry.

MR. SPEAKER: Thank you, Mr. T'Seleie. Written questions? Mr. Arlooktoo.

Question W2-87(1): Contamination Tests Requested For Caribou

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. There has been a great deal of concern among our people over caribou, which is our popular meat in the North. We are worried that the meat might be contaminated with radiation and would like to know if it is safe to eat or not.

A concerned person in Lake Harbour sent out some lichen, which is common food for caribou, for analysis and the results indicated radiation contamination, each sample with a different level. The highest level is believed to be around 3020 Becquerels and the lowest level around 770 Becquerel rays, which are given off by radio-active substances.

I would like to ask the Minister for Health and Social Services if we can get our land and caribou tested to find out if they might be contaminated and if it is safe to eat the caribou. Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. Written questions. That appears to conclude written questions for today.

Item 7, returns to written questions.

Item 8, replies to Opening Address. Item 9, petitions. Mr. Arlooktoo.

ITEM 9: PETITIONS

MR. ARLOOKTOO: (Translation) Mr. Speaker, I have Petition 1-87(1), a petition from the alcohol education committee in Cape Dorset. The alcohol education committee would like to get an honorarium and this is their petition. There are signatures from the alcohol education committee. Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. Petitions. That appears to conclude this item for today.

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

ITEM 11: TABLING OF DOCUMENTS

HON. TOM BUTTERS: Mr. Speaker, I wish to table the following document: Tabled Document 3-87(1), Annual Report of Territorial Accounts for the Fiscal Year 1985-86.

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

HON. TAGAK CURLEY: Thank you, Mr. Speaker. I wish to table the following document: Tabled Document 4-87(1), Northwest Territories Liquor Commission, 32nd Annual Report, April 1, 1985 to March 31, 1986.

MR. SPEAKER: Thank you, Mr. Minister. Tabling of documents. That appears to conclude this item for today.

Item 12, notices of motion.

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

Item 14, motions. Item 15, first reading of bills. Mr. Butters.

ITEM 15: FIRST READING OF BILLS

HON. TOM BUTTERS: Mr. Speaker, might I have unanimous consent of the House to move first reading to Bill 13-87(1), An Act to Amend the Legislative Assembly and Executive Council Act?

MR. SPEAKER: Unanimous consent is being requested for first reading of Bill 13-87(1). Are there any nays? You have unanimous consent, Mr. Butters.

First Reading Of Bill 13-87(1): Legislative Assembly And Executive Council Act

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Nahendeh, that Bill 13-87(1), An Act to Amend the Legislative Assembly and Executive Council Act, be read for the first time.

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

---Carried

Bill 13-87(1) has had first reading. First reading of bills. Item 16, second reading of bills. Mr. Butters.

ITEM 16: SECOND READING OF BILLS

HON. TOM BUTTERS: Mr. Speaker, might I have unanimous consent to give second reading to Bill 13-87(1), An Act to Amend the Legislative Assembly and Executive Council Act?

MR. SPEAKER: Request is being made for unanimous consent to give second reading to Bill 13-87(1). Are there any nays? You have unanimous consent, Mr. Butters.

Second Reading Of Bill 13-87(1): Legislative Assembly And Executive Council Act

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Nahendeh, that Bill 13-87(1), An Act to Amend the Legislative Assembly and Executive Council Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Legislative Assembly and Executive Council Act to increase the Members' expenses and indemnities; and to amend provisions to provide for prorated expenses and indemnities in an election year.

MR. SPEAKER: Thank you. I have a motion on the floor. To the principle of the bill. Question being called. All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 13-87(1) has had second reading.

Mr. Clerk, would you add Bill 13-87(1) to the orders of the day for this date? Item 17, consideration in committee of the whole of bills and other matters: Third Report of the Special Committee on Rules, Procedures and Privileges and Bill 13-87(1).

I have had a request that Bill 13-87(1) be moved to position number one in consideration in committee of the whole. I require unanimous consent to do this. Do I have unanimous consent? Do I hear a nay? Unanimous consent has been refused. Consideration in committee of the whole, then, of bills and other matters: Third Report of the Special Committee on Rules, Procedures and Privileges, and the second item will be Bill 13-87(1), with Mr. Wah-Shee in the chair.

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

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER THIRD REPORT OF THE SPECIAL COMMITTEE ON RULES, PROCEDURES AND PRIVILEGES

CHAIRMAN (Mr. Wah-Shee): The committee will come to order. We are dealing with the 10th Assembly, special committee on rules, procedures and privileges, third report. Order, please. Would the Ministers please come to order? This committee is in session. Thank you.

I would like now to call on the chairman of the committee to introduce his report at this time. Mr. Richard.

Opening Remarks From Special Committee On Rules, Procedures and Privileges

MR. RICHARD: Thank you, Mr. Chairman. Mr. Chairman, the special committee on rules, procedures and privileges was formed during the sixth session of this Assembly in October, 1985. The mandate of the committee was to examine the powers and the rules, procedures, practices and the organization of this Assembly and to recommend changes where appropriate. The committee has examined and reviewed the existing rules of this Assembly, has considered referrals from caucus, from the Speaker's Office, from the Clerk of the Assembly and from individual MLAs. A number of the changes which resulted from that review process were included in the committee's first report which was tabled in this Assembly during the seventh session in March of 1986 and the recommendations of that report with some amendments, Mr. Chairman, were adopted in June of last year. The second report of the committee also had a number of recommendations. That report was adopted with some amendments in June of last year as well.

In preparing this third and, Mr. Chairman, what we believe will be the committee's final report, the committee has reviewed a number of items referred by caucus, some procedural concerns that the Clerk of the Assembly identified, a large question of confidence or non-confidence, the possible use of television within this Assembly, the question of conflict of interest, the whole matter of agencies, boards and commissions, and how this Assembly might deal with them; the question of privilege and the issue of a press gallery and other issues. Mr. Chairman, the report that was printed states that our consideration of these items is nearly complete and I believe, Mr. Chairman, from the committee's last meeting I can say that our deliberations are complete on these items.

Last fall when it was anticipated that this third report would be presented, we did indicate that there was one matter left for further review by the committee and that was the whole question of confidence, primarily arising out of the paper prepared by Professor Eglinton for our committee. That, we were suggesting last fall, would be left up in the air until this session. As Members know, the entire third report was left up in the air until this session.

Standing Committee On Rules, Procedures And Privileges Recommended

In any event, Mr. Chairman, we have completed the majority of our work and the committee is of the view that there is a need for an ongoing committee to review the rules and procedures of the Assembly from time to time, to make any recommendations requested by the Assembly on matters of privilege and also, Mr. Chairman, to handle any referrals to that rules committee as was done, you will recall, Mr. Chairman, in the last session last fall.

With that in mind, one of the recommendations that we will come to, Mr. Chairman, is a recommendation that there be a standing committee on rules, procedures and privileges.

In concluding these introductory remarks, Mr. Chairman, before going to the individual items, I want, on behalf of the committee, to acknowledge the contribution made by MLAs in this Assembly to this final report; by the Speaker; by the Clerk, Mr. Hamilton; by a number of individuals in other jurisdictions who assisted us in some mutual discussions on some of these issues. For the record, we should thank Professor Eglinton, and I also want to thank, on behalf of the committee, the staff and particularly Mr. Schuerte and Mr. Montagano, who helped in getting the information together and in preparing each of these three reports. Mr. Chairman, before I conclude I should, again for the record, indicate that I appreciate the assistance of the Members of the committee and those are Mr. McCallum, Mr. Angottitauruq, Mr. Erkloo, Mr. Butters. Mr. Chairman, those are all of the introductory or opening remarks I have.

I am prepared to go to the individual recommendations but I would, Mr. Chairman, ask that you invite whether other Members have any general comments before we go into the specific items. Thank you.

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

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I would like to also congratulate the committee and the chairman for taking on the very formidable task. The Executive Council has had the opportunity to review the recommendations and I hope that today we will have a fruitful dialogue. As we go through them, we have some concerns with some of the recommendations and I think we would be asking for some clarification of other recommendations. From our point of view, as we as a

Legislative Assembly and as we as a government go into our last year sitting as Members, I think the intent of Mr. Richard and his committee is to provide the new Assembly with the tools to improve on the job that we have been able to do. So bearing in mind the checks and balances that are necessary in our system of government between the Legislature and the Executive, I think there are some very interesting and very positive recommendations made here. But as I said, there are also recommendations that give us some concern. Hopefully during the course of our discussions we can clarify or come to some agreement on these recommendations and achieve the ends that we are all looking for. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. General comments. Are there any further general comments? If there are none, does the committee agree that we go into the report page by page? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Mr. Richard, do you wish to go through recommendation one and so on? Mr. Richard. Thank you.

Caucus Referrals

MR. RICHARD: Thank you, Mr. Chairman. If Members could refer to page three, I think, Mr. Chairman, I would like to take them in turn. Firstly, there were a number of referrals from caucus. The first one deals with the prayer that is used in the Assembly. There was a suggestion, Mr. Chairman, that the prayer currently used be reworded and that it be read in the aboriginal languages as well as English on a rotational basis. Our committee's view was that the Speaker of the day should have the discretion to amend the prayer or adopt any prayer that he felt was suitable. It was felt, though, that the prayer should be translated once the Speaker of the day establishes it. It should be translated into the official languages of this Assembly and the Speaker at his discretion could say the prayer in any of those languages or, indeed, call upon other Members of the Assembly or the Clerk to speak the prayer in any of the official languages. Mr. Chairman, we are not proposing any particular change to the wording of the existing prayer.

Motion To Amend Rule 19 Of The Rules Of The Legislative Assembly

I would move, Mr. Chairman, that Rule 19 of the rules of the Assembly be amended to read as follows: "A prayer shall be read in an official language every day at the meeting of the Assembly before any business is entered upon. The prayer will be read by the Speaker, or the Speaker may from time to time call upon the Clerk or a Member to read the prayer."

CHAIRMAN (Mr. Wah-Shee): Thank you. Your motion is in order. To the motion. Mr. MacQuarrie.

Motion To Amend Motion To Amend Rule 19 Of The Rules Of The Legislative Assembly

MR. MacQUARRIE: Thank you, Mr. Chairman. I would like to amend that motion by introducing the single word "willing" before the word "Member" in the last line. So it would read "from time to time call upon the Clerk or a willing Member to read the prayer."

MR. RICHARD: What about a willing Clerk?

---Laughter

CHAIRMAN (Mr. Wah-Shee): Mr. MacQuarrie, your amendment is in order. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Some of us, with respect, do not believe in the efficacy of prayer and find our position supported sometimes by conduct in the House after hearing the prayer that is read at the opening each day.

---Laughter

But nevertheless we also absolutely respect the right of those who do believe in it and wish to pray each day. So my amendment is only intended so that if a Member should respectfully decline, that he be accorded that right.

CHAIRMAN (Mr. Wah-Shee): Thank you, to the amendment. Mr. Pudluk.

MR. PUDLUK: (Translation) Just clarification from the chairman. I thought rule number one was going to be "Push your button."

Motion To Amend Motion To Amend Rule 19 Of The Rules Of The Legislative Assembly, Carried

CHAIRMAN (Mr. Wah-Shee): To the amendment. Question has been called. All those in favour? Opposed, if any? The amendment is carried.

---Carried

Motion To Amend Rule 19 Of The Rules Of The Legislative Assembly, Carried As Amended

To the motion as amended. Question has been called. All those in favour? Opposed, if any? The motion as amended is carried.

---Carried

Mr. Richard.

MR. RICHARD: Mr. Chairman, the next item that was referred from caucus deals with the position of the Sergeant-at-Arms and his conduct and procedure. It was suggested that an alternative to the use of the word "order" by the Sergeant-at-Arms when first entering the chamber each day be found. It was the committee's view that that particular word was used to bring immediate recognition to the attention and respect that is due at that particular time of the proceedings when the Mace enters or leaves the House. It was the opinion of the committee that the Sergeant-at-Arms of the day should be free to use any equivalent word from an official language of his choice. We did not identify any specific word, certainly not in the English language, so we are not making any particular recommendations as a committee on that score.

Next, the dress of the Sergeant-at-Arms and the actual term "Sergeant-at-Arms", the committee felt should be left to the discretion of the Speaker, as was done with the prayer. The committee did deliberate on what else might be used and could not identify a suitable alternate term. The committee in any event feels that "Sergeant-at-Arms" in English is the appropriate title but would welcome any suggestions from aboriginal MLAs for any suitable term in an aboriginal language. So again, Mr. Chairman, there are no particular recommendations coming from the committee on that item.

Further on page three, you will see that there was a request that there be more explanation given about the significance in our Assembly of the Mace. We were informed at the direction of Mr. Speaker that there is a brochure being developed on the history of the Mace and its importance to the Assembly. Again, no specific recommendations are being made, Mr. Chairman, so if I could go on to page four, unless Members have any comments on the items I have just gone through.

CHAIRMAN (Mr. Wah-Shee): Any comments? Mr. Richard, carry on.

Procedural Concerns Of The Clerk

MR. RICHARD: Next the report deals with certain procedural concerns that the Clerk and our committee identified during our various reviews of the rules. One that came up was whether or not the rules for motions and notices of motion apply to the first reading of bills. The current rule requires that 48 hours notice is required and if the motion is called but not proceeded with, it is dropped from the order paper. Apparently the practice in the past has been to proceed with first reading and although there was not first reading on the date mentioned, it was left on the order paper. The committee felt that that should not happen, that the rule should be enforced as written and that if the government does not proceed with first reading on the date that they plan to, that it should be dropped from the order paper and they should be required by notice to put it on again.

Motion To Ensure Procedures In Rules 37, 38(g) And 48 Respecting Motions Be Applied To Bills,
Carried

So, Mr. Chairman, I would move that the Speaker ensure that all bills are proceeded with in the manner prescribed for motions in Rules 37, 38(g) and 48.

CHAIRMAN (Mr. Wah-Shee): Thank you, your motion is in order. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. During the committee's discussions with our counterparts in other jurisdictions, we noted that some of the other assemblies have rules that provide for a deadline or a last date on which the government could introduce bills before the end of the session, to ensure that all MLAs have sufficient time to examine bills and discuss them prior to the close of the session. We deliberated as to whether or not we should recommend such a rule for our Assembly. We did note, however, that Rule 37, as I just mentioned, requires 48 hours notice of introduction of a bill, as with any motion, and that only with unanimous consent under Rule 29 can that requirement of 48 hours notice be waived. Committee felt that that was sufficient protection that Members might need to ensure that they have sufficient time to examine proposed legislation. So because of that, although this matter came up, we are not making any specific recommendations.

Next, if I could refer to the matter of the composition of our standing committees. We noted that Rule 86 actually specifies only seven MLAs on each standing committee even though Members are aware that currently on our three standing committees we have 10 MLAs on each committee. The special committee was of the opinion that -- although we are not suggesting that the current groups of 10 disband -- we feel that this rule should be enforced when standing committees are formed at the start of the next Assembly.

In addition we feel that it would be appropriate to have alternate Members of standing committees, particularly if you are going to enforce the current rules and have only seven regular Members of the committee. The alternate committee Members could be called upon to participate in committee work when it is known that a regular committee Member is unable to attend. On this item it should be noted that further along in this report we are recommending two more standing committees of this Assembly, beginning with the next Assembly. So if those recommendations are carried, there would be then five standing committees of the Assembly and I think that makes it more important that we keep the size of each standing committee down to seven as called for in the rules. But we do wish to make provision for the alternates, Mr. Chairman, so it would require change to the current Rule 86.

Motion To Amend Rule 86 Of The Rules Of The Legislative Assembly, Carried

I would move, Mr. Chairman, that the current Rule 86 become Rule 86(a), and that the following new Rule 86(b) be adopted: "Each standing committee shall have in addition three alternates any one of whom may be called upon to take the place of a Member who is absent from any proceeding of the committee. When participating in committee business the alternate shall be entitled to vote on any matter." Thank you.

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

---Carried

Mr. Richard.

MR. RICHARD: Mr. Chairman, it was brought to the committee's attention that not all committee meetings are open to the public. The media in fact brought this to our attention at one point and we discussed this at some length; the advantages and disadvantages of having one rule that would

require all standing committee meetings be open to the public. It was the considered view of the special committee that that decision should rest with each individual standing committee and it should be clearly stated in the committee's terms of reference. No recommendation is being made on this item, Mr. Chairman.

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

MR. MacQUARRIE: Thanks, Mr. Chairman. In relation to this item I should perhaps note for other Members and for the public generally that the standing committee on legislation in fact intends to deal with this very matter at its upcoming meetings, with a view perhaps if the position has a concurrence of Members, to having in the 11th Assembly open standing committee on legislation meetings. So it is something that is in the works.

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

MR. RICHARD: Thank you, Mr. Chairman. The next recommendation deals with the establishment of a new standing committee on rules, procedures and privileges. As I indicated, Mr. Chairman, at the outset one of the things that clearly came out in the last year or so of the special committee's deliberations is that there should be an ongoing committee of this House to consider from time to time rule changes and to take referrals from the Assembly or from caucus. I do not think that the standing committee would be terribly busy in a given year, but the committee feels it should be there to do some work when called upon by the Assembly. The committee felt that there were sufficient matters that could come up on an ongoing basis or as a one-time matter, such as matters of privilege or a serious matter dealing with the rules that would warrant the establishment of such a standing committee.

Motion To Establish A Standing Committee On Rules, Procedures And Privileges

Therefore, Mr. Chairman, I would move: a) There be a new permanent committee to be named the standing committee on rules, procedures and privileges and, b) that Rule 84 be amended to include this committee. Rule 84 would then read: "...to compose the standing committees of the Assembly, for the following purposes: On legislation, on finance, on public accounts, on rules, procedures and privileges..." Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Your motion is in order. To the motion. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. The government generally supports the creation of a committee. There are a couple of suggestions that perhaps the chairman would consider. It is our feeling that perhaps seven is a little bit unwieldy for the sort of work that this committee would be doing. It seems to me it is going to be a working group and perhaps five Members might make it not quite as unwieldy. Because of the time constraints on the Government Leader, perhaps an addition could be made: "the Government Leader or his or her designate". Well, I think you had suggested "Government Leader", and what we are suggesting...

AN HON. MEMBER: Government House Leader.

HON. MICHAEL BALLANTYNE: Oh, it is government House Leader -- or his or her designate. The same thing. I think Mr. Butters has had some problems because of time constraints under existing committees. So I wonder if the chairman would consider those two changes.

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

MR. RICHARD: Mr. Chairman, I do not believe the special committee has difficulty with either suggestion. I note that currently Rule 86 states that standing committees established under Rule 84 shall consist of not more than seven Members. So, five would be permissible within Rule 86.

At the moment, Mr. Chairman, my motion only goes two thirds of the way down on page five there. When we come to my second motion which will be the terms of reference, I would be agreeable to a motion to amend paragraph three at the bottom on those two items. But I believe it will come up on the next motion, Mr. Chairman. Thank you.

Motion To Establish A Standing Committee On Rules, Procedures And Privileges, Carried

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Question has been called. All those in favour? Opposed, if any? Motion is carried.

---Carried

Mr. Richard.

MR. RICHARD: Mr. Chairman, following that, the committee wishes to recommend some of the items that we feel should be in the terms of reference of the committee. Appreciating that when the 11th Assembly establishes the standing committee on rules, that it will be for that committee at that time to adopt some terms of reference, but because we have given some thought to it, we wanted to recommend at this time, for the record, some terms of reference for that standing committee in the next Assembly.

Motion Of Recommendation Of Terms Of Reference For Standing Committee On Rules, Procedures And Privileges

I would therefore move, Mr. Chairman, that among the terms of reference of the standing committee on rules, procedures and privileges be the following: 1) That requests for amendments or revisions to rules be referred to the committee by the Speaker, the House or by caucus. 2) That matters of privilege and conflict of interest, as they arise, be referred to the committee for its review and recommendation. 3) That the committee be comprised of seven Members, one of whom shall be the government House Leader. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. Your motion is in order. To the motion. Mr. Ballantyne.

Motion To Amend Motion Of Recommendation Of Terms Of Reference For Standing Committee On Rules, Procedures And Privileges, Carried

HON. MICHAEL BALLANTYNE: Mr. Chairman, I would like to propose an amendment to the motion, that in paragraph (iii) at the bottom of the page "seven" is changed to "five" so it will read "that the committee be comprised of five members, one of whom shall be the government House Leader," and add the words "or his or her designate".

CHAIRMAN (Mr. Wah-Shee): Thank you. The amendment is in order. To the amendment.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Wah-Shee): Question has been called. All those in favour? Thank you. Opposed, if any? The amendment is carried.

---Carried

To the motion as amended.

SOME HON. MEMBERS: Question.

Motion Of Recommendation Of Terms Of Reference For Standing Committee On Rules, Procedures And Privileges, Carried As Amended

CHAIRMAN (Mr. Wah-Shee): Question has been called. All those in favour? Thank you. Opposed, if any? The motion as amended is carried.

---Carried

Mr. Richard.

MR. RICHARD: Mr. Chairman, the committee's terms of reference included an item called, "an examination of the accountability of the Executive Council to the Legislative Assembly". A very interesting topic. The committee, knowing of the interest in this topic, felt it should have some professional advice on this important matter and we noted that there had been a major research

paper prepared just a few years ago, in 1984, authored by former Senator Eugene Forsey who was well-known in this country as a constitutional expert. He and Professor Graham Eglinton had co-authored a paper for the federal MacGrath committee which at that time was studying a revision on the rules and procedures of the federal House of Commons. The paper dealt with matters of confidence and it is a very lengthy learned paper. When we examined that paper we felt, you know, this work has already been done, we will not have to reinvent the wheel. But when we went and examined the lengthy paper prepared by Forsey and Eglinton, we learned that there was an underlying assumption carrying right through the entire paper and that was the existence of party politics and that we, therefore, should not jump to using some of the discussions and conclusions in that paper because that, of course, is not true in our Assembly. Party politics do not exist.

MR. MacQUARRIE: Yet.

MR. RICHARD: And we then, Mr. Chairman, felt that it was still an important issue, one of the more important issues that our committee took on at the request of this Assembly. We then contacted Professor Eglinton and asked if he would write a paper for us using the opposite assumption, that for the foreseeable future there will not be party politics in this Assembly. The paper that Members see attached as an appendix to our committee's third report is a result of that request to Professor Eglinton and his deliberations. I believe, Mr. Chairman, that the special committee Members agree that that document is going to be a useful document, not just for our special committee in this Assembly, but to students of the political process in this jurisdiction in the future.

We did, in our report filed last October, encourage all MLAs to read that report or paper of Professor Eglinton in conjunction with this particular section of our report dealing with matters of confidence. Last September and October, when the special committee had assumed it would be presenting its third report and knowing that we still had some energy and time left as a special committee, we felt that perhaps we should do more study of the larger issues in the Eglinton paper. You will note a little later on in the report that we had contemplated getting this Assembly's permission to continue with our study of some of the larger issues in the Eglinton report. That, Mr. Chairman, is not the case today. The committee has since met and feels that we have concluded our work.

Ongoing Study Of Paper By New Standing Committee Of 11th Assembly

The committee now feels that if there is to be an ongoing study of the Eglinton paper it will probably have to be done by the new standing committee on rules in the 11th Assembly, sometime later this year or next year. Notwithstanding that, the committee was of the view that there are several matters that Professor Eglinton brought to our attention and that the special committee wishes to bring to the attention of this Assembly.

A number of recommendations follow, Mr. Chairman, and Members who have read the Eglinton report will realize that a number of these recommendations come directly out of observations made by Professor Eglinton. Now, Mr. Chairman, with that introduction to this part of the committee's report, perhaps this covers pages six, seven and eight. Before I go into the specific recommendations, perhaps I should pause and ask, Mr. Chairman, if other Members have any comments at this point in time.

CHAIRMAN (Mr. Pudluk): Are there any comments? Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Just a point of clarification from Mr. Richard. Mr. Richard stated that the work of his committee has essentially finished. Some of these issues are not simplistic and originally the committee had planned to do further study. Is the chairman suggesting that we implement these recommendations without further study and if so, how would the chairman think they should be acted on? I am a little bit confused right now. Without number 10 of your recommendations, I am not quite sure exactly how we are going to proceed if these recommendations are passed.

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

MR. RICHARD: Yes, Mr. Chairman. I will attempt to clarify that. Perhaps firstly, I can refer the Minister to page 16 and the last recommendation on timing. The special committee is recommending that these changes, throughout this final report, not come into effect until the beginning of the 11th Assembly. So we say that for starters.

Explanation Of Time Frame Of Recommendations

Next, going back to pages 6, 7 and 8 and putting it in the time frame of last October when we planned to bring this report to this Assembly for acceptance, we gleaned out of the Eglinton paper a number of issues. There were a number that were straightforward and we felt that we could, last October, make a decision on them as a special committee and also ask the Assembly to make a decision on them. Those are on these three pages, numbered one through nine.

But we felt, Mr. Chairman, there were more than those nine specific matters in the Eglinton report that deserved consideration. There are some larger issues beyond those nine that, in the words of some Members who spoke last fall, may well be beyond the mandate of our special committee. That is fair enough; in fact, we are probably agreeing with you because we did not include them as specific recommendations. But we felt that whether our special committee considers them or not, there is merit in looking in some further detail at the Eglinton report. So last October the special committee wanted to recommend to the Assembly, for its approval, the specific recommendations one through nine, and to seek your permission to continue our study of the Eglinton paper -- which is essentially recommendation 10 -- between October 1986 and February 1987. Now, we never got that far, as you will recall. There was a motion, Mr. Chairman, you will recall, to defer that and that motion carried and the committee is here in the frame of mind it was in, in October 1986. We are asking today, Mr. Chairman, that the Assembly consider for approval specific recommendations one through nine and when I get to it the special committee will not be putting forward number 10, so, Mr. Chairman, I hope that that clarifies things for the attorney general.

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

HON. TAGAK CURLEY: Thank you, Mr. Chairman. I can appreciate that the Member seems to be urging this Assembly to establish a legislature of a fully provincial type but given the current situation of the political reality in the Northwest Territories, I am not at all sure whether they want to move this quickly, in view of the certain things that are happening. If we attempt to ask the federal government to amend the Northwest Territories Act, this would have to take place before the next Assembly, the 11th Assembly. In order for a number of these recommendations to come into force, then obviously the NWT Act would have to be amended, except for a few of them. There are a number of recommendations that deal with the NWT Act. Let us not kid ourselves. I do not believe you need to amend the NWT Act to carry on the convention of confidence. I am not at all sure that this is what you really want to do, that we ought to have the NWT Act amended; or to even question whether or not the Executive Council concept, as it is today, without reference to it in the NWT Act, is legal. I think that is just academic. I think that by convention no parliamentary system of government can function without the cabinet concept. It is too bad that the NWT Act has not caught up with us, in view of other political evolution in the NWT.

Concerns On Release Of Information

I have some concerns here that by pushing these recommendations, except number 10, we are really moving toward a provincial party politics type of system in this Legislature and I think it will force the cabinet to close some of the doors. The way in which we are operating right now, for instance, we open doors to give standing committees access prior to the Assembly opening. We are now being accused by the press of certain expenditures being overspent and so on. With the present rules we are not allowed to release information on the budget and we certainly have not as a government, so someone has released privileged information. If we are going to start dealing with the legality of the Executive Council and the procedures within this system I think we ought to do the whole slate. Let us not release any financial information, for instance, to the standing committee on finance and ask for their review until we have got the whole matter legally sorted out. That is one example I am giving. There is more than one issue that we should be dealing with and that is why I think in the fall session we were saying the rules committee has gone somewhat too far. Obviously we are all anxious to finally find an appropriate way of running our Legislature but I think there are some implications all round. That is all I want to say. Thank you.

CHAIRMAN (Mr. Pudluk): Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. If there are no other general comments on this section, I would like to proceed to the first two of the recommendations. Mr. Chairman, maybe the General would like another general comment.

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. Just again if I could clarify; as I understand it, then, the committee chairman is suggesting that the committee will be dealing with nine recommendations now and the 10th recommendation will not be put forward. My understanding is then, if each one of these recommendations is passed then it automatically becomes a rule of the House at the beginning of next session. Is that correct?

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, I do not purport to speak for the Clerk or the Law Clerk, but it is my understanding -- let us look at the first two, for example. We are recommending that two rules be developed. If these recommendations had been adopted last October, our committee was recommending that we as a special committee would work on the wording of such a rule and subsequently that draft rule would have been put to the 11th Assembly early in its life for approval. Only if adopted by the 11th Assembly would such a rule come into existence. Now, because of the passage of time, our special committee feels that its work is concluded. On these recommendations one and two, which are recommending that rules be added to the current rules, I would expect, Mr. Chairman, that the standing committee on rules that is established at the beginning of the 11th Assembly, will develop these rules as its first order of business and, as the Minister knows, we cannot bind the 11th Assembly. They may never develop such a rule but I believe, Mr. Chairman, we owe, certainly the committee that I am a Member of, the special committee, because we have spent time and hours on this stuff, owes it at a minimum, to the 11th Assembly to make a recommendation to them, one way or the other. The special committee is of the view that -- and if you read through the Eglington paper there are very valid reasons why these two rules should be added, on motions of censure and motions of non-confidence in the Executive Council as a whole. In this very Assembly in the last 12 months there was this uncertainty, can a Member move a motion of censure against...

MR. MacQUARRIE: Who was uncertain?

MR. RICHARD: ...against an individual Minister? Would the motion that was at one time given notice of in this Assembly a year ago, if it had carried, would the Minister have been obliged to resign? The point is, Mr. Chairman, that before we get an instance like that again or in the 11th Assembly, let us establish what the ground rules are, so that everybody knows ahead of time on issues of censure of Ministers and non-confidence in the group as a whole. In response, Mr. Chairman, I am trying to answer Mr. Ballantyne's question; this would, as I understand it, be simply, if adopted, this Assembly's recommendation to the 11th Assembly.

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

HON. MICHAEL BALLANTYNE: I do not have a problem. I think that approach is quite reasonable. My concern was that if these recommendations automatically became the rules of the next Assembly, then we would have a recommendation that said there will be a vote of censure without all the details of what that means and it could potentially cause more confusion. I am not disagreeing with the merits of whether or not there should be one because I think obviously there should be accountability of the Executive. If these recommendations are in the way of recommendations to the new Legislative Assembly and the rules committee which will be set up, then I have no problem with that process whatsoever, but I would imagine that they would have to work out the details and bring those details forward for the Legislative Assembly to consider.

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

HON. TAGAK CURLEY: Mr. Chairman, for clarification only, could the chairman of the committee explain to us what does "vote of censure" mean? Does it mean a vote of confidence in the Leader of the government for mishandling of the public trust by his Minister or individual? Does that reflect on the Government Leader or the cabinet as a whole? These are the kinds of things that we ought to be made to understand.

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

MR. RICHARD: Mr. Chairman, if we are going to discuss number one, I wonder if I could make the motion now in this recommendation and we can discuss it and then vote on it.

Motion To Add Rule To Provide For Vote Of Censure Of A Minister

I would move that a rule be added to the Rules of the Assembly to provide for a vote of censure of an individual Minister. Thank you.

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

MR. MacQUARRIE: I certainly will support the motion, not because I believe in fact that it is absolutely necessary but rather that I believe for certain reasons that it is desirable. In my opinion, with respect to both recommendations one and two, whether those rules appear in our rules or not, I maintain that they are rules of the Assembly based on both British parliamentary tradition and on the rule of our House that says, where we do not have rules we refer to Beauchesne and to other parliamentary authorities and therefore whether these are written in or not, I would claim, as a Member, a right at any time to move a motion of censure against an individual Minister or to move a motion of non-confidence in the Executive as a whole. But there may be some reason in our House, which is consensus, and wherein we are trying to operate in some ways that are different from other jurisdictions, that it may indeed be desirable to have specific rules which address these matters and that should be examined by the standing committee on rules, procedures and privileges. At any rate because I think that, I certainly have no problem supporting number one.

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

HON. TOM BUTTERS: Thank you, Mr. Chairman. Page 136 of the Eglinton report indicates that motions of non-confidence in or censure of individual Ministers should be provided. Now I am assuming that they are interchangeable. A motion of non-confidence or a motion of censure is one and the same thing and are interchangeable. Is that correct?

CHAIRMAN (Mr. Gargan): Mr. Richard.

Explanation Of Terminology

MR. RICHARD: Mr. Chairman, the special committee, in its use of these terms, restricted a motion of censure to an individual Minister. Quite apart from Professor Eglinton's many, many references to motions of non-confidence, our special committee wants to restrict that term to votes of non-confidence in the Executive Council as a whole, which is a much more serious matter in terms of the history of responsible government than is a motion of censure of an individual Minister.

I would say that if things were otherwise, if we had party politics or the provincial models, we may not need the motions of censure of individual Ministers because there is very much more of the collectivity principle in provincial legislatures. That one finds, and one does not have to look far back in history. One can look at the current federal House of Commons. There has been a number of resignations in recent history and you will find that the process is that the First Minister plays the key role and he calls upon one of his Ministers who is in difficulty to resign. You often see in the published debates of the House of Commons, it being done in that fashion by opposition people saying, "Is the Prime Minister going to demand the resignation of so-and-so?" So the collectivity there is very apparent and usually the term is "non-confidence" and it is against the group.

We have heard this government and previous governments of this Assembly talk about the advent of ministerial government and that is very much the case now; that has changed in recent years. The committee feels that for the time being there should be both types of motion available in the rules.

HON. TAGAK CURLEY: That is available now.

MR. RICHARD: That is the whole point. Maybe it is clear to Mr. Curley, it is clear to Mr. MacQuarrie and I guess it is clear to me. I do not know what would have happened with the motion put a year ago of which notice was given, if that Minister would have resigned. I am not disagreeing with those who have commented. The committee's point is, let us make it clear that there are such things as motions of censure. Because they are very serious matters, we feel that somebody, a committee, should take the time to draft a motion, maybe specify in there such a rule, maybe specify in there the consequences of what such a motion, if passed, are, so that it is clear

there. And when the wording of that new rule comes back before the 11th Assembly for approval, it can be discussed at that time, whether the wording is correct, whether the implications of a motion passing are appropriate. It is clarity that our committee is concerned about, Mr. Chairman, that provision be made for both of these types of rules.

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

Results Of A Successful Motion Of Censure Or Of Non-Confidence

HON. TOM BUTTERS: So the answer to my question is no. They are not interchangeable, that is all I asked. I wonder then if the Member would advise me of the results of a successful motion of censure of an individual. What is the anticipated result?

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, it is clearly that that Minister is expected to resign.

CHAIRMAN (Mr. Gargan): Mr. Butters.

HON. TOM BUTTERS: Then a motion of non-confidence is a similar motion of censure of the group, the collectivity, and in the case of it being successful and passing, the group would be required to resign.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Yes, that would be my response. Now we are into the second motion but if a vote of non-confidence in the Executive Council as a whole passed, each and every Member of that Executive Council would be expected to resign, in my opinion, yes.

CHAIRMAN (Mr. Gargan): Mr. Butters.

HON. TOM BUTTERS: A motion of non-confidence, when put, is put in the case of a total Executive, a total group. A motion of censure, when put, is put in the case of an individual Minister. Do I understand that correctly?

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Yes, sir.

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

HON. NICK SIBBESTON: I was just going to say that I think there is a need to make a distinction of the basis of the motion because there can be a motion of censure of a Minister regarding misbehaviour or misdemeanour, as it were, his personal conduct as a Minister. I think that is totally appropriate for a motion respecting that individual and the result may be that he is asked to resign. But when there is a motion of censure with respect to a Minister concerning certain decisions or certain policy that the Minister has advanced and which the Members do not like, it is really then a question of the whole Executive, the whole cabinet as it were, being questioned. The decision of the whole cabinet is being questioned. So how do we deal with that?

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, if I could respond to that. I would see that example happening this way, if these two rules were written. If an ordinary MLA was concerned about the conduct of a Minister and inquired at the Assembly on it, and if he was told on the record and it was confirmed, perhaps, by the Government Leader that that decision that the Minister had made was the policy of the Executive Council, then if I were that MLA who was concerned about the decision, I would make the second kind of motion, not the first. You know, if I felt that it was going to carry -- or whether I felt it was going to carry or not, I suppose -- I think Mr. Sibbeston's point is that if it is a group decision, the group should be attacked, if you will, not the individual. I accept that, and I think in that case someone would put the second kind of motion calling for the House to express its non-confidence in the entire group of the Executive Council. I hope that answers the Leader's question.

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

Provision For Censure Subject To Abuse

HON. TAGAK CURLEY: Mr. Chairman, I appreciate the Member's explanation on this motion, but in reality it does not at all -- Mr. MacQuarrie did indicate in his opening remarks that it is possible now to introduce such a motion. I do not think any Member is limited in that regard at all. I am not worried at all about any pressure put on a cabinet Minister, myself or anybody. I think through the conventions that we live in and the type of parliamentary system we live in, the more the pressure that is put on the government or an individual Minister, I think that is responsible, provided that they are reacting on the basis of the government policy, and so on. We are not a court of law. We are politicians. We are not ruling just strictly by individual guidelines. As a result of that, I am afraid of this provision being subject to tremendous abuse. It will likely be practised a lot more by trying to put pressure on the Minister purely for the reason that there is now provision in the rules that the Assembly can censure a Minister. What I do prefer, by convention, is an individual MLA putting pressure -- or collectively, all of you -- on me or on any Minister, on the basis of what he has done as far as the government policy, or whatever his responsibility involves. But the way it is, it is going to be subject to abuse. One by one, case by case to the Minister without giving a collective blame to the government because they are operating on collectivity as a government. We are now beginning to continue to do that and you are doing the same thing. So that is the only view that I have, because we are separating the collectivity of the cabinet and therefore, obviously, it is going to force the Members of the cabinet, probably, to do other things in order to protect their own jobs. That is what I would like to see, I should be censured purely on the basis of my portfolio responsibility, not so much on my integrity as a Minister or an individual. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, I would like to respond to these comments of Mr. Curley briefly and then maybe other Members have comments. I have some difficulty with the notion that Mr. Curley confirms, that his knowledge of parliamentary customs and traditions is that this right of a motion of censure is there, that anyone can today move a motion of censure. But let us not put it in the rules, do not let people know about it, because they might use it too much. I have difficulty with that kind of rationale to begin with.

Mechanism Needed To Discipline Minister Individually

With respect to his other concern, and I think it was involved in Mr. Sibbeston's question too, about the unfairness of leaving a Minister hanging out to dry when it was a group decision that got him into difficulty in the first place. I accept that, but what you are ignoring is that there is a possible situation where you have a bad Minister and the group has nothing to do with it. Now, in the model in the provincial legislatures, let us assume a Minister has committed a wrong in everybody's eyes, including his cabinet colleagues and his leader. Now, normally the practice is for the leader to go to that cabinet Minister and say, "Resign. I want your resignation on my desk and we will announce it in the assembly." What if the guy says no? There has to be a mechanism, I say, for the assembly to move on that. I do not think the rule would be used unfairly even in our form of Executive government, often called "ministerial government". It would be unfair if a Minister did something at the direction of the group and then was hung out to dry as an individual with one of these motions. But that is not intended -- if the group made the bad decision in the view of the Assembly, the other kind of motion would be put. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Ballantyne, to the motion.

HON. MICHAEL BALLANTYNE: I understand what the chairman is trying to accomplish with one and two, and I do not disagree with the philosophy that the Member is putting forward. But what I wonder, and I do not know if somebody else has brought this up, is, rather than make recommendation number one, if the study which is going to have to take place fleshes out number two, whether number one might not be necessary. It is presupposing what the study of number two is going to show. I have some problem in the difference between the responsibility of an individual Minister and the responsibility of a government, where you draw the line. If you intend to attempt to clearly draw the line in the rules? Or is it going to be up to an individual Member to say, "Well, I think so and so went too far; therefore, the whole government should fall"? Or are there going to be some clear definitions in the rules about at what point a Minister is acting individually and at what point that Minister is acting as part of a collective?

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

Unfair Motion Of Censure May Be Prevented

MR. RICHARD: Mr. Chairman, one thing occurs to me, especially when Mr. Curley reminds me that there is a history of tradition concerning these things in parliamentary procedure. Whether or not there is a rule that states that a Member can put a motion of non-confidence in a group, it is open for a government of the day, an Executive Council of the day, at any time on any motion, to state for the record that it considers this motion a matter of confidence in the group so that it is clearly stated that if the motion carries, the government, through its leader, is stating ahead of time that it will resign. So all I am suggesting is that there is a mechanism whereby the danger that Mr. Curley mentions, where a motion of censure might be put against an individual Minister unfairly on the floor when the group of the Executive Council stands behind that Minister, such a danger could be dealt with in that the Government Leader of the day could, in effect, convert it to a type two motion. Mr. Chairman, on Mr. Ballantyne's point, let us not forget that this motion, like any other motion, would require 48 hours notice, and there would be, I expect, a special time set aside for debate on such an important motion.

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

HON. MICHAEL BALLANTYNE: I have some problem with it. There is, I guess, the first scenario that Mr. Richard mentioned, Mr. Chairman, that an after-the-fact decision could be made by the cabinet to take collective responsibility for individual Ministers and that leads, I think, to a little dangerous ground for that individual Minister who might or might not be in favour with the group at that moment, or the other seven may feel that they would be risking their positions by protecting an individual.

AN HON. MEMBER: (Inaudible comment)

HON. MICHAEL BALLANTYNE: Well, in the normal system where you have a first minister who has...

AN HON. MEMBER: Your Leader asks for your resignation...

Legislative Assembly Caucus Likened To First Minister

HON. MICHAEL BALLANTYNE: We can ask, but you are right. We will know exactly what happens. But, as a first minister, you are right, a first minister also appoints ministers and is responsible for those ministers collectively. In our system, the Legislative Assembly caucus, I guess, in some ways acts as first minister really, because caucus chooses the ministers. And an interesting thing to throw back at you is that it might well be that if the collective group, the 24, vote non-confidence in the government, it is also a vote of non-confidence in themselves because they chose the government. It might well be that they could not form another government out of their group; I do not know. I am saying that if you take it to its logical conclusion -- it has a lot of interesting possibilities as to what could happen...

AN HON. MEMBER: (Inaudible comment)

HON. MICHAEL BALLANTYNE: I agreed with your original statement and I like the way the committee is going to handle this, that these will go as recommendations to the committee. I would like to say, just to get on the record, that the new committee not necessarily will decide on number one until they have examined number two and by a thorough examination of two, one might or might not be necessary. I do not know, but it seems as though what you are trying to do here is improve our system. You want a partial solution or a total solution, because there is not the mechanism of a first minister firing a cabinet minister. So the intent is reasonable. But I can see some danger and some situations where an individual might be hard done by with that. And I think that the committee should very carefully look at the wording of what each one of those recommendations mean.

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

Discussion Of Motion Of Censure Important

MR. MacQUARRIE: Mr. Chairman, I do hope that the committee that is established under the 11th Assembly does pay attention to this discussion because I think it is important discussion and there are a lot of important things that should be considered. As one who is somewhat suspicious of the practice of writing everything down when people have agreed on how to do something -- that was one reason I did not support the Charter of Rights and Freedoms -- as someone who feels that way, I certainly have sympathy with the remarks that Mr. Curley made earlier. So I am swayed a little bit that way but at the same time I recognize that although we might have the right now, it is not clear how to proceed with that right. I know; I faced that problem last year when I was thinking about it. And then it is also not clear, if you exercise it, what the results are supposed to be. So that kind of thing may bear looking into and, in fact, if the committee during the next Assembly looks into it, they may decide on the one hand that such a rule is not necessary or they may decide on the other hand not to address the right which they also take for granted but rather, perhaps, outline certain procedures with respect to the exercise of the right, or something like that.

Our House is different and I think we should try to keep it that way until finally party politics arrive and there is no other alternative. One of the differences certainly is the fact that here it is the Assembly that makes and unmakes Ministers whereas there, in other jurisdictions, it is the first minister who has that right. For that reason, a rule that defines some practice with respect to individual Ministers in this House may very well be warranted, because it could be that the Assembly, number one, feels that the actions of a particular Minister have not been appropriate to the office that he holds and may wish to censure him for those actions. And in fact, in that case, I would not think that other Executive Members would have any obligation whatsoever to support that Member, if they also personally felt those actions were inappropriate or immoral or whatever.

Possibility Of Motion Of Want Of Confidence As Well As Motion Of Censure

There could also be, in fact, a motion of want of confidence, I think, in an individual Minister rather than the government as a whole. Something different from censure. In other words, the Assembly could generally feel that a particular Minister is not performing effectively. He may be perfectly moral, he may be perfectly decorous, but he may be perfectly inept as well. Under our system the Government Leader does not have the power to fire him and in that case it might be appropriate for our Assembly to move a motion of want of confidence in that Minister. In this case, perhaps other Executive Members might be inclined to abstain but I also do not feel that they have any obligation to support that particular Minister. It is only clearly where actions that a Minister took had the prior support and approval of the Executive Council that an attack upon one Minister is an attack upon all. It has to be read in that way and that is when the motion of want of confidence in the whole Executive is appropriate.

My final comment is with respect to what Mr. Ballantyne said about it's motion of being extended logic to suppose that there would be want of confidence in the whole House merely because a motion of want of confidence in the Executive Council was passed. I would say that is not an extension of logic but of illogic. In other words, when the Assembly names certain Ministers, it is done with limited evidence, some trust, some foresight and you feel that these are the people who can do the job. As time goes by, there is additional evidence upon which to base a decision and it may be perfectly logical for someone to have supported the naming of a Minister in the first place and a year later to support removing him. That does not mean there is a loss of confidence in the rest of the House whatsoever.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Butters, to the motion.

Advice Of Law Clerk

HON. TOM BUTTERS: Mr. Chairman, I would agree that our Assembly can unring a bell. I thought that Mr. Richard made it quite clear that a motion of censure was, in effect, a motion of non-confidence which required resignation on its passing. But I would like to ask, through you, Mr. Chairman, if the committee by way of process determined through use of our legal counsel whether the two motions, one of censure and one of non-confidence, if put at the present time, would be in order. Did they ask our Law Clerk, who is required to rule on these types of questions through the business of the day, if those motions were put, whether they would be ruled in order by the Speaker? I just wonder if they tried it out on him to see how he would respond.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, the committee did not specifically ask this Assembly's legal adviser about the legality of what it is proposing. We did, however, hire and pay for professional advice from one of Canada's leading experts in this field. If one goes through the Eglington paper, it is fairly clear that Professor Eglington contemplates these very motions being included in our rules. But I am not sure, particularly at this stage, Mr. Chairman, if these motions carry -- the next Assembly is going to have to deal with it -- I am not sure what would be accomplished by having Mr. Hamilton or Mr. Fournier second guess Professor Eglington.

MR. MacQUARRIE: What would be accomplished...

CHAIRMAN (Mr. Gargan): Mr. Butters, to the motion.

HON. TOM BUTTERS: It is just that I expect that the answer is no again. I would expect, and this is gratuitous, that were the two motions to be made in this House at the present time without the rules being in place, both of them would be ruled in order. That is my gratuitous opinion.

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Two comments. One on Mr. MacQuarrie's comments on logic or lack thereof. I still maintain that if you draw the analogy that the Legislative Assembly has the feeling that a group of eight people will perform a certain way, as a Government Leader would have that feeling that a group would perform in a certain way, and if a year later they decided differently, or in the case of a Government Leader it was decided for him, then I think the analogy still holds true. Not for one individual Minister, because a government or a first minister can survive the loss of one or two ministers but not the loss of a whole cabinet. I would really like to look at it. If the whole cabinet was found wanting, those who chose that whole cabinet might have voted a lack of confidence themselves. But none the less that is another issue.

Future May Hold Other Alternatives

Hopefully, as Mr. MacQuarrie says, somebody someday will read this discussion and take notice of some of the points that were made, if there are other alternatives that a new Assembly might consider besides these. So I hope we do not perceive that we limit ourselves to these alternatives. For instance, a new Assembly caucus could get together and decide to choose a Government Leader and give that Government Leader the power to choose and get rid of Ministers. If that was true, then some of this might not be necessary. So there are other alternatives, just to make the point that the new government, I am sure, will be looking at party politics, partial party politics, alternatives to party politics and, depending on how it goes, that these solutions might not be appropriate at that particular time. That is just the point I wanted to make.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. Mr. Curley, to the motion.

Motion Too Late

HON. TAGAK CURLEY: Mr. Chairman, this motion, in my view, is really 10 years too late. It should have been practised long ago. Not to undermine any Ministers, but even in the Eighth or Seventh Assemblies, and some of my colleagues were there then. They had considerably more difficulty making an impact on the ruler at that time. But we are moving today toward responsible government and that is why that kind of provision worries me. I think, for instance, the Ninth Assembly, the Executive Council of that day agreed, we as Members collectively agreed, particularly the Eastern Arctic Members agreed that we would give the caucus the benefit of us all collectively resigning and allow the caucus to reappoint Executive Council Members. That was done voluntarily.

Now if I were sitting over there and you were sitting over here, you would probably want that in writing. Put it in the rules, put those kinds of things in the rules. Let us do away with this voluntary approach. We are moving toward responsible government and eventually party politics coming in. But now to have a disruptive way of shooting one down and eventually maybe we will shoot all of the rest is not, to me, a healthy collective message. I am not trying to do away with the privilege of Members to contribute toward the resignation of a Minister. The way it is right now, if those of us on the Executive Council were to receive a majority vote against us, whether on

any issue, I think we would have to resign, because we are appointed by the Members. But right now we are starting a move toward a collective style of government and obviously there are Members on the other side who favour party politics. So in my view, this provision is late, but is it good? Is it appropriate? These are the kinds of things that come to me. I do not mind having a vote of censure. If it is adopted, no problem, but I am just registering my view because I think we can do without it because it reflects badly on the government and the Assembly. It is subject to considerable abuse, but maybe there will be a better atmosphere eventually. Thank you.

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

MR. RICHARD: Mr. Chairman, Mr. Curley indicates that this motion is 10 years too late. I do not think that we should waste any more time and I call for the question.

CHAIRMAN (Mr. Gargan): Thank you. Question is being called. Mr. Ballantyne, to the motion.

HON. MICHAEL BALLANTYNE: Just to make another point. It seems to me that all of this hinges on number five and when we get to five we can discuss whether or not the Assembly or the Commissioner should have the power of dissolution. I mean, we will have a whole discussion about that but regardless of who has it or is without that power, one and two also become potentially irrelevant. If the Commissioner does not have the power to call an election, for instance, to dissolve the House...

MR. RICHARD: You just elect another Minister...

HON. MICHAEL BALLANTYNE: Then what happens again? I mean, you are going to run out at a certain point.

AN HON. MEMBER: ...get some good ones...

HON. MICHAEL BALLANTYNE: But to me, though, number five would seem to be key. Otherwise, all you do is you change the game a little bit and then we could have a whole series of subarguments about what happens. But I am just making an observation. When we get to five we can discuss it.

Motion To Add Rule To Provide For Vote Of Censure Of A Minister, Carried

CHAIRMAN (Mr. Gargan): Thank you. To the motion. Question has been called. All those in favour? Opposed, if any? Just hang on. This motion is carried. Thank you.

---Carried

We will take a 15 minute coffee break.

---SHORT RECESS

The committee will now come back to order. We are on page seven, recommendation number two. Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. This recommendation is the one that we have been speaking of in conjunction with the one just passed. It would call for a rule to be written to provide for votes of non-confidence in the Executive Council as a whole and again it is anticipated, Mr. Chairman, that if this recommendation were accepted that the standing committee on rules at the beginning of the 11th Assembly would draft the wording which would be very important and would have to be considered in some detail by this Assembly when adopting the new rules, in parenthesis if needed. I do not think that that should be forgotten, Mr. Chairman, that even our own rules now can be changed and deleted by the next Assembly. We cannot bind them.

Motion To Add Rule To Provide For Vote Of Non-Confidence In Executive Council

So, Mr. Chairman, I would move that a rule be added to the Rules of the Assembly to provide for a vote of non-confidence in the Executive Council as a whole. Thank you.

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

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Gargan): Question is being called. Mr. Ballantyne, to the motion.

HON. MICHAEL BALLANTYNE: I went over this and I am probably making some assumptions on what would happen. What would be the process if there is a vote of non-confidence in a government and eight Ministers no longer had the confidence of the Legislative Assembly? What would then happen under this scenario?

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. McCallum suggests that I should give this response very slowly and that Members across there should pay attention. This may happen sooner than you think. Mr. Chairman, to my knowledge we have no precedents of our own but under the current system, and if you read through some of the Eglinton paper, I think quite clearly if it happened today with our current system and our current restrictions under the Northwest Territories Act, if the motion carried, the Executive Council and each Member of the Executive Council would be expected to resign and the 24 MLAs would then sit in the caucus room as we did a year and a half ago and elect eight Ministers. It will depend, the same eight may get elected, or six of the eight, or all the possibilities are there. People would put their names forward for consideration and there would be a vote by the caucus Members. That is what I feel would happen if it happened. That would be the procedure if it happened now.

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

HON. MICHAEL BALLANTYNE: So, in fact, with a vote of non-confidence, the end result could be a vote of censure of one Minister, if seven of them got re-elected.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Ballantyne can translate that thing that way if he wishes...

HON. TAGAK CURLEY: Be a judge.

MR. RICHARD: Let me put it this way. If there was a motion of non-confidence in the Executive Council as a whole because of the conduct of you as Justice Minister, but there was the group standing behind you and the motion carried and all eight resigned, and then we went into the room and you were re-elected but Mr. Butters was not -- I mean, all the possibilities are there. It does not mean that there was a vote of censure on Mr. Butters. Maybe I should have used another...

CHAIRMAN (Mr. Gargan): Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Under the parliamentary system, when there is a vote of non-confidence, the governor general or lieutenant-governor has the option of dissolving parliament or asking whether another government can be formed. So you do not see any analogies in this system with the powers of the Commissioner, that for instance the Commissioner could say, "Well, from among the 16 who have voted these eight out, is there a possibility of having a new government formed?" You do not see that happening?

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: No. The answer to that question, Mr. Chairman, is a clear reminder that we do not have party politics, we have this consensus system. In fact, it is not the 16 who are doing it to the eight, it is the 24 who are doing it to the eight. And that procedure of the Commissioner calling on the 16 to form a government, that did not happen in the first instance. It was the 24 that decided.

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

SOME HON. MEMBERS: Question.

Motion To Add Rule To Provide For Vote Of Non-Confidence In Executive Council, Carried

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

---Carried

Page seven, recommendation number three. Mr. Richard.

MR. RICHARD: Mr. Chairman, the next series of recommendations also arise out of some of the observations of Professor Eglinton in his paper. The Members who have read the paper will recall that the good professor questions whether, constitutionally, we had the authority a few years ago when we passed that section of the Legislative Assembly and Executive Council Act dealing with the Executive Council. He also points out and most of us, if not all of us, were rather surprised -- probably an oversight in 1985 when we changed or put these sections in -- that it provides that a Member of the Executive Council does not have to be a Member of the Assembly. I think it was clearly intended that the Ministers be, in the first instance, Members of the Legislative Assembly. So the special committee feels that that should be changed because it may well have merely been an oversight at the time of the 1985 legislation.

Motion That Section 55(1) Of The Legislative Assembly And Executive Council Act Be Amended

So, Mr. Chairman, I would move that the Executive Council bring forward an amendment to section 55(1) of the Legislative Assembly and Executive Council Act, to ensure that only Members of this Assembly may be Ministers of the government. Thank you.

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

HON. MICHAEL BALLANTYNE: One important point, would the civil servants run the government from the time that an election is called until the Assembly got together for the first time after the election? Who would run the government?

AN HON. MEMBER: (Inaudible comment)

HON. MICHAEL BALLANTYNE: You would no longer be an elected Member. Under our present system, the Ministers would stay on. How would you deal with that problem?

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, my understanding of the procedure is that section 55 or those sections of the act indicate the procedure, how you become a Minister, and that somewhere there would be a provision that Ministers would resign when the Assembly first meets after a general election. So if someone were the Minister of Government Services, that person would continue to be the Minister of Government Services until the Assembly first met. There would be a provision that that Minister would resign when the Assembly first met after a general election.

Status Of MLA When Election Writ Is Issued

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

HON. TAGAK CURLEY: Mr. Chairman, I think what the Member is asking is that legally, if you want to be very technical, from the time the writ is issued and the House is dissolved, you no longer have elected MLAs. You no longer have the Assembly, and that normally is about 45 days according to the legislation. From the time the writ is issued until the writ is returned, it is about two months at least. The campaign period is about 45 days until the election takes place, but there is another month or so before the writ is finally returned. So there are about two months when you do not have any elected Members of the Assembly. So I think for that reason there is a general open provision, because the Ministers remain as Ministers without holding the office of an MLA. I think that is what was intended -- it goes by practice.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, I believe I see the point but I do not see where it relates to this particular recommendation. Section 55 of the act talks about how you get an Executive Council and how you get Ministers. And clearly, now, the Legislative Assembly can recommend to the Commissioner for appointment, under the current wording, someone who is not even an MLA. The recommendation simply asks to tidy up that matter.

Now, what happens after an election is called is the same as happened last year and the year before, in the last election. There is nothing new going to happen about the carry-over. I do not know the answer to the question about what happened in 1983 when Mr. McCallum was Minister of a portfolio. I see the point, and it is a valid one, but I do not think it deals with this particular recommendation. The committee feels that this has to be cleared up, that you cannot start out by appointing as a Minister someone who is not a Member of the Assembly.

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

HON. TOM BUTTERS: Mr. Chairman, there is some suggestion that an MLA loses status when the writ is issued. My understanding is that the MLA is an incumbent until he or she is defeated.

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

MR. McCALLUM: Mr. Chairman, I recognize, I think, what is being asked here, both in the recommendation as well as in the question raised by the Minister. It has been the practice that a person appointed to the Executive Council remains in that particular position until he or she has been replaced. Now, I recognize as well that if Mr. Smith was a Minister of the government and decided not to run or in fact did run and was defeated, the actual time at which that person is declared defeated is, I think, 30 days after the election when the total wrap-up of the election is completed. That is when the new Assembly would meet and then select their Ministers and then recommend the appointment of these people to the Executive Council. Now, there could obviously arise a situation where Mr. Smith did not run in an ensuing election. Then, it is my understanding from what has transpired in the past, that person is still an MLA and a Member until the writs that close up the election are done. I think that is after 30 days, when the final returns of the writs are completed. I think what is being thought here is that that person would not be an MLA. Well, it is my understanding that the person is still an MLA until there is the return of the writs. That is my understanding; it may not be right. I see more heads shaking that way than this way, so obviously I am wrong.

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

Elected People Must Run Government

HON. MICHAEL BALLANTYNE: Our understanding is that you are wrong. What might be confusing is that there is in the legislation a provision whereby an MLA can be deemed to remain an MLA after dissolution. Now, the question is whether or not you can deem somebody to be a Minister in the interim. So, the only point here, Mr. Richard, is that I am going to vote against this one. We have to be very careful that, whatever is done here, the wording will not allow a gap when you do not have elected people running the government. I am still not convinced that your wording provides that assurance, so I will vote against it.

CHAIRMAN (Mr. Gargan): Thank you. To the motion. Question is being called. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, can we have an opinion on the statements made by Mr. McCallum and the opposing head shakes at the other side of the table, so a person like myself would know whether Mr. McCallum is right or if someone else is right in regard to the position of the MLA and how long that term lasts. Thank you.

CHAIRMAN (Mr. Gargan): Can we take a five minute break to get a legal opinion?

---SHORT RECESS

CHAIRMAN (Mr. Gargan): The committee requested an opinion on recommendation number three. Mr. Fournier.

Legal Opinion

LAW CLERK (Mr. Fournier): Thank you, Mr. Chairman. The question as I understand it is whether or not the motion or the recommendation as put forth from the special committee would be workable, in that Ministers who were serving in the government would still be able to carry on, since because of dissolution they may not be considered as Ministers any more. In my view at least, Ministers, like anyone else, are governed by the terms of the Northwest Territories Act which state that, as Members, their term expires within four years or on dissolution. However, there are exceptions made to this in the sense that in our legislation we provide for the Office of the Speaker, for instance, to carry on beyond the time of dissolution. I think if this rule were to be enacted there should probably also be an amendment to the Legislative Assembly and Executive Council Act clarifying this particular problem in that a Minister upon dissolution would not cease to be a Minister but would carry on being a Minister, probably until the day preceding the swearing in of the new Ministers. Thank you, Mr. Chairman.

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

Amendment To Motion That Section 55(1) Of The Legislative Assembly And Executive Council Act Be Amended

MR. NERYSOO: Thank you, Mr. Chairman. I would like to move an amendment to recommendation three on page seven; add "appointed" between the words "be" and "Ministers", to read "be appointed Ministers of the government", and add the words, "and include an appropriate provision for the transition period between the date of dissolution and the date the Assembly first meets following a general election."

CHAIRMAN (Mr. Gargan): Thank you, Mr. Nerysoo. Do you have a motion to amend?

MR. NERYSOO: This is in recommendation three -- "be appointed" -- and this part here, "and include an appropriate provision for the transition period..."

CHAIRMAN (Mr. Gargan): Under recommendation number three, the third paragraph, "Members of this Assembly may be", the amendment is "appointed Ministers of the government and include an appropriate provision for the transition period between the date of dissolution and the date the Assembly first meets following a general election." The amendment is in order. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I find the intent of the amendment is good, I would just like to ask the Law Clerk if that would solve the problem. Is he satisfied then that the problem would be solved with this new wording?

CHAIRMAN (Mr. Gargan): Mr. Fournier.

LAW CLERK (Mr. Fournier): Mr. Chairman, I believe it would be, as long as it was understood that an amendment to the Legislative Assembly and Executive Council Act was forthcoming as a result of that and the amendment was such that it made it clear that there was this transitional government in place. I do not see any difficulty with it.

Amendment To Motion That Section 55(1) Of The Legislative Assembly And Executive Council Act Be Amended, Carried

CHAIRMAN (Mr. Gargan): Thank you, Mr. Fournier. To the amendment. Question being called. All those in favour? Opposed, if any? This amendment is carried.

---Carried

To the motion, Mr. MacQuarrie, as amended.

MR. MacQUARRIE: Mr. Chairman, there is still a larger question about the motion as a whole. It is directed at determining who can be Ministers in the government and the question that comes to my mind is this: Are the means presently available to this Assembly to control and determine who will

be the cabinet Ministers in this government? When I pose that question to myself the answer to me appears to be "Yes". The means are presently available. Because we have established the power by convention, if not in other ways, of selecting our cabinet Ministers and we have the power to dismiss the cabinet or any of the Ministers, that means that right at this moment we are able to control who will be cabinet Ministers. If it is the choice of the Assembly that those Ministers should be elected Members of the Assembly then that choice will be made.

We have the power to do it but I foresee a circumstance where at some time an Assembly for some particular reason which I cannot foresee at the present time but nevertheless foresee that it could exist -- an emergency of some kind -- it could be that the Assembly would want to name someone other than a Member of the Assembly to be a Minister in the government and if that occasion should arise, I think that the Assembly should be free to name such a Minister. That is what the sovereignty of the Assembly implies and, of course, it in turn will be answerable to the electorate for having taken that action. When I consider all of that, I feel that by accepting this motion we arbitrarily, and perhaps unwisely, limit the powers that we have at the present time. I am not confident that is a desirable thing to do, even though I see the purpose in doing it. For those reasons I think that I will vote against the motion.

CHAIRMAN (Mr. Gargan): Thank you Mr. MacQuarrie. To the motion as amended. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I am happy with the amendment if it is going to go through. I still have some problems with the principle and I agree with Mr. MacQuarrie. What we are talking about is essentially supremacy of parliament or of the Legislative Assembly and what in fact this will do is for the Legislative Assembly to take powers away from itself which flies in the face of the whole principle of supremacy of parliament. As Mr. MacQuarrie has stated, ultimately, if indeed this Assembly does have the legitimate power to choose an Executive, then the Assembly, within the primary traditions of the British parliamentary system is collectively responsible to the people for those decisions. I cannot foresee right now a circumstance, but in the federal system there has been an obvious example whereby the Liberal government was in power without Members from the West and they put a senator in.

AN HON. MEMBER: Rightly or wrongly.

Rules Should Not Preclude Possibility

HON. MICHAEL BALLANTYNE: Rightly or wrongly. But I am saying there are examples and there might well be, because of regional differences here, because of the possibilities of guaranteed aboriginal representation -- there are any number of possibilities where the Assembly at some point might not want to preclude that possibility. I myself believe that an Assembly, parliament, ultimately should have that right to decide. Though I am happier with the motion as amended, I am still going to vote against the main motion because I do not agree with the principle that has been put forward here in this particular recommendation.

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

MR. RICHARD: Mr. Chairman, I do not have any difficulty with the comments of Mr. MacQuarrie and Mr. Ballantyne but they just bring the issue to the forefront. The special committee's view was that for the foreseeable future there is not a situation where the Assembly would elect as a Minister a person other than a Member of this Assembly. So, it was felt that this recommendation should be made. That is clearly the issue. It is the only issue -- it is a little off-track with the transitional period, but the main issue is whether we should so restrict the Assembly that only MLAs can be Ministers. That is what the recommendation is all about. The special committee was of the view that it should be that way. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. To the motion as amended. Mr. MacQuarrie.

MR. MACQUARRIE: And I am of the view that it should generally be that way -- almost exclusively, perhaps. But I just say that there may be circumstances that would warrant some deviation from that. If there were a deviation, then the question as raised by Mr. McCallum is that, and it is not an assault on responsible government. He feels that it is, obviously. But I feel that it is not, because the essence of responsible government is that the Executive be answerable to the Assembly and the Assembly be answerable to the people. And that line of accountability is not disturbed at all.

I admit one complication, which is that that Minister would not be daily in the House for questioning by other Members. That does not mean that he is not accountable to the Assembly, because they can remove him if they wish to or even pass a motion of censure against him, absolutely, although he is not in the House. Therefore, he is accountable and the Assembly, for some reason, may feel that for a period of time it can tolerate not having a particular Minister in the House for daily questioning because he brings to his job some other kinds of qualities that they particularly need at that time. But the general line of accountability is not disturbed, not destroyed, and therefore it is not an assault on responsible government at all.

CHAIRMAN (Mr. Gargan): Thank you. To the motion as amended.

AN HON. MEMBER: Question.

Motion That Section 55(1) Of The Legislative Assembly And Executive Council Act Be Amended, Carried As Amended

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

---Carried

Thank you, Mr. Fournier. Page seven, recommendation number four. Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. As the notes indicate, the committee noted these concerns of Professor Eglinton about the powers of this Assembly under the federal act, the Northwest Territories Act, and we felt that we should make recommendations that these changes be sought in the federal act. But firstly there was a difficulty. As those who read the professor's report know, he questions whether we had the power a few years ago to pass these sections 55 to 64 of the Legislative Assembly and Executive Council Act and just so we can clarify that, the committee feels that it should call on the Executive Council to seek advice, at a minimum, on that. Mr. Chairman, as I read this motion, I am going to change the words on the third line. Rather than the report being made to this committee, I am going to indicate "to the Legislative Assembly" because it will probably be later this year when this advice comes back.

Motion That Advice Be Sought On Legality Of Section 55 To 64, Legislative Assembly And Executive Council Act

So, I would move, Mr. Chairman, that the Executive Council seek advice on the constitutionality and legality of sections 55 to 64 of the Legislative Assembly and Executive Council Act and make a report to the Assembly in advance of the next session. Over.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. Can I get a copy of your motion? Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I have some real concerns with this one. It seems to me we are playing a little bit of Russian roulette. What happens if our legal opinion finds that in fact we are acting illegally? Then what do we do? My point is that the British parliament has never operated with a constitutional base and if the Members of the Commonwealth, then colonies, had to follow this procedure we would not have a Commonwealth now, we would still have a series of colonies. So, I do not see the point of doing this, whatsoever. I can see that when we get on to recommendations six, seven and eight we should ask for changes to the NWT Act, but I cannot see anything positive whatsoever coming out of questioning our own legality when in fact we often argue that we are ensuring our own legality by practice. So, I have a major problem with number four.

CHAIRMAN (Mr. Gargan): Thank you. Recommendation number four. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. Not to suggest my opposition to the comments by the Minister of Justice, but I think it is important that, as an Assembly, we get some legal interpretation and legal analysis of our present constitution. We cannot ask for amendments to the NWT Act without knowing what areas of change we require in that particular act. I think it is important that the Executive Council themselves consider doing that work. I would not recommend that we do it in the context of an outside agency, but rather that we have our own legal advisers, in fact, incorporate some significant changes to the NWT Act, those changes that we have already

been practising -- not so much as to challenge what we are doing but rather to incorporate the appropriate changes. That would be my view of what is being suggested and in that light, I think it is appropriate that we consider reviewing the NWT Act. I do believe there are some very significant changes that have already taken place in this Legislature and I think it is important that we incorporate those into new changes to the NWT Act or an act ensuring that the authorities that we are now carrying out are placed in a new constitution of the Northwest Territories.

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

HON. MICHAEL BALLANTYNE: I do not think the position that I put forward is so different from the position put forward by Mr. Nerysoo. I think it is perhaps a problem in the wording of this particular clause. What I understand Mr. Nerysoo to be saying and what I said is that, by convention, we have evolved a certain way along a path, and what we will be asking them to do is enshrine that progress in the NWT Act. I am very much against asking for legal opinion on whether it is legal or not. In putting the recommendation I see, I think, that the intent of the recommendation is to bring the NWT Act up to date and have it reflect the realities of the Legislative Assembly today. But the wording, to me, does not say that. The wording is put in a much more negative way. I have problems with seeking advice on the constitutionality and legality of it. We should seek advice on how the NWT Act could be modified to reflect, the evolving government of the Northwest Territories. Something like that I could find more acceptable. But the way it is worded right now we could come back with a legal opinion that says, "You de facto are illegal." I am not sure how positive that would be.

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

SOME HON. MEMBERS: Question.

Motion That Advice Be Sought On Legality Of Sections 55 To 64, Legislative Assembly And Executive Council Act, Carried

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

---Carried

Page 7, recommendation five. Mr. Richard.

MR. RICHARD: Mr. Chairman, the next series of recommendations five, six, seven, eight and nine, deal with, again, the observations of Professor Eglinton in his paper. Our special committee discussed these at length -- about seeking amendments to the NWT Act to bring it up to date. The committee's recommendation is that this be done. You will see in recommendations five, six, seven and eight, they are requesting specific changes which we feel are shortcomings in the existing federal act and in number nine, they are recommending that the Executive Council follow up on these items. Mr. Chairman, the serious matters that are missing from the federal act are for this Assembly itself to have the power of dissolution, for this Assembly to legislate on matters of Executive government. I appreciate what Mr. Ballantyne said -- we have already done that. But the special committee feels that that should be clarified expressly in the federal act and also that we be given the power expressly to legislate for our own powers and privileges and immunities and, finally, that the terminology in the act should be brought up to date.

Motion To Request Amendment To NWT Act Re Dissolution

So, Mr. Chairman, without further ado I would move that the Legislative Assembly request of the Parliament of Canada that the Northwest Territories Act be amended to provide this Assembly with the power of dissolution.

CHAIRMAN (Mr. Gargan): Thank you. Your motion is in order. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: A problem with this one is that, it seems to me, if recommendation two is implemented, at some point we will have a process to vote non-confidence in a government. That would be the legislative authority. Dissolution has never historically been a legislative authority. It has been a power of the Crown. Probably more rightly in this particular case, the

word "Assembly" should be changed to "Commissioner" with the power of dissolution, because this is quite unusual to give a legislative assembly this particular authority. Perhaps because we are not in a party system this was some attempt to deal with the anomaly but I have some problems with the principle.

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

MR. MacQUARRIE: Thank you, Mr. Chairman. I have a problem with this recommendation and all of those that are recommending specific changes to the NWT Act, for two reasons, I guess. The first is that there is never any doubt in my mind that the authority for government and the right of a people to govern itself comes not from some law but from the will and the power of the people. Real responsible government is government that reflects the will of the people and is accountable to the people, so that is and ought to be the measure of this government, whether our practices are in accord with what the people here desire and are able to effect, given all the circumstances that surround our existence vis-a-vis other governments, and particularly the federal government of Canada.

Law Frequently At Variance With Practice

Because I believe that very deeply, to me it is not a serious concern that a law such as the NWT Act may be at variance in a number of ways with the practices in this political jurisdiction that have been determined by the Assembly on behalf of the people of the Northwest Territories. That is not uncommon. What I am saying is not shocking. It is not uncommon and it is certainly not immoral because it has been the practice of government for hundreds of years in those countries that follow the British parliamentary tradition, and in many places. For over a hundred years in Canada -- if you were to read the earlier parts of the British North America Act which make reference to the Government of Canada, you would not recognize the Government of Canada in what you see in the pages of the BNA Act. There was very great variance because many practices had developed in the federal Parliament over years that reflected the will of Parliament and the will of the people of Canada. The law stayed the same -- outmoded. But in my mind, I know what was right. It was what the Parliament on behalf of the people of Canada was doing and not the outmoded law.

I say that that applies to us as well. As we develop toward full, responsible government, we assume certain powers that maybe are not accorded in someone else's law. But we assume them in an evolutionary way and in a thoughtful way and in a way that is completely commensurate with a political tradition in this country. I do agree that at some point it is desirable to try to make that fundamental law more closely reflect the practice. The question is, should it be at this point? And I say, no.

Amendments Not Appropriate At This Time

That is what raises the second point for me as to why I do not want to support any of these recommendations that ask for changes. The reason is that right at this moment in the Territories, we are faced with some very wide-spread and fundamental constitutional changes. We have a document in this House talking about the division of the Northwest Territories, which may call at some point in the reasonably near future, in political history terms, for two new acts in the federal Parliament that will form the constitutions of two new territories. There are suggestions for modifications of institutions in these territories, all of which would require federal approval. I say that in view of that, this is not the time to go to the federal Parliament and ask them to change a few items in the existing act. It is not appropriate at all and it is not needed and, therefore, we ought not to do it.

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

MR. McCALLUM: Thank you, Mr. Chairman. I just want to indicate that I think that when we were putting this together, if we were to take Professor Eglinton's recommendations on this particular topic, we should have reworded the recommendation there. I think it is only right that since the Executive Council is established and it is made responsible for Executive government -- in other words, the Commissioner has been supplanted if you like and the Executive power is with the Executive Council -- I think what we would like to have amended in here or to recognize is that the power of dissolution would then be toward the lieutenant-governor, if you like, or the Commissioner.

Motion To Amend Motion To Request Amendment To NWT Act Re Dissolution

So with that in mind, Mr. Chairman, I would move an amendment to the recommendation number five on the third line and I would delete the words "this Assembly" and replace those two words with "the Commissioner", so that the motion would read, "It is recommended that the Legislative Assembly request the Parliament of Canada that the NWT Act be amended to provide the Commissioner with the power of dissolution."

CHAIRMAN (Mr. Gargan): Thank you, Mr. McCallum. Your amendment is in order. Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. Just to indicate that that in effect is what we wanted in the first place. There very well may have been something lost when we were dealing with it, putting the motion down. At least I hope it was, because I think that what we wanted to do in here would be to have this government request of the Government of Canada to place that power of dissolution, or vest it, in the Office of the Commissioner, which hopefully would move toward something else, which in practice it has because the Executive responsibilities of this government now are vested in the Executive Council from which the Commissioner has been removed. I would expect that once this has been set up, and if the present government would make this request of the Government of Canada, that the Government of Canada in so vesting the Commissioner with the power would instruct him to exercise the power of dissolution along the lines of what has been occurring throughout the development of this form of government, and I think that if we were to do that then we would take another step forward. If the Government of Canada were to insist on retaining it, then certain other actions would have to be taken from there on. But I think if we were to do this, if we were to agree to this particular amendment, it would do what I think everybody wants to do, at least I hope so. Albeit my friend Mr. MacQuarrie, who does not believe, maybe says we should not even bother going to the Government of Canada to ask them for this but simply take on the responsibility ourselves. I am not sure that could work and I am not sure whether I read him right in saying that. If I did not, I apologize to him. Thank you.

CHAIRMAN (Mr. Gargan): Thank you. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. I very much appreciate what the Member is attempting to do in advancing this motion and I do not have serious concerns with it except that, as I had earlier said, I feel that this is not the time to be going for one or two changes to the NWT Act when I think they are not particularly necessary. In this case, we have a situation where I think many Members are feeling that we ought to dissolve the House prior to the time that is set out in law for dissolution. If Members come to an agreement that that ought to occur, does any Member here believe that it will not happen even though the law is written the way it is now? I do not think so. I think if this Assembly indicates that it wishes to dissolve on a certain date, it will transmit that message to the Commissioner who in turn will transmit it to the Minister, and I personally have no doubt that the Minister will comply.

Now, in answer to Mr. McCallum's question, I would not say that we should ignore the Minister. That is sort of revolutionary. What we do is "inform" the Minister, and that is the point where some action may be necessary if we discover that the Minister is reluctant to comply. That is when you consider the next steps that are necessary. So again, just on the general principle in this group of recommendations that ask for changes in the NWT Act, I will still vote against the motion.

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

Difference In Terminology

HON. MICHAEL BALLANTYNE: There is another element of it. When we use the word "Commissioner", we are using the concept of lieutenant-governor. There might be a difficulty now with the definition of "Commissioner" that presently exists under the NWT Act, so it might be prudent to add to Mr. McCallum's amendment the words "on the advice of the Executive Council". Just because of the difference in the terminology a Minister of Indian and Northern Affairs would not be able to instruct a Commissioner directly on dissolution. I should say to make it safer, add that clause. I think Mr. MacQuarrie made a good point because in a way he used former arguments; we do everything by convention, why not do this by convention? Talking to our learned advisers, this may be a quantum leap that may cause some difficulties and as it stands now, of all the recommendations this is probably the most important one. I think it is more important than the following ones.

Getting the right of dissolution is quite fundamental but I think just to be safe -- I am agreeing with Mr. McCallum, but to be safe and so there is no misunderstanding, that to us "Commissioner" means "lieutenant-governor" but to a Minister of Indian and Northern Affairs it might mean "Commissioner" as it used to and whether we should add "on the advice of the Executive Council", I would like to ask Mr. McCallum.

CHAIRMAN (Mr. Gargan): Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. I am not sure where Mr. Ballantyne wants to insert the words "on the advice of the Executive Council". It says, "It is recommended that the Legislative Assembly request of the Parliament of Canada that the NWT Act Canada be amended to provide the Commissioner, on the advice of the Executive Council, with the power of dissolution".

AN HON. MEMBER: Not on the instructions of the Executive Council.

SOME HON. MEMBERS: (Inaudible comments)

---Laughter

CHAIRMAN (Mr. Gargan): Mr. McCallum.

MR. McCALLUM: Well, Mr. Chairman, I am not really sure that I will agree to putting in "be amended to provide the Commissioner, on the advice of the Executive Council, with the power of dissolution." I am not sure why you want to. I have heard him say that that is because they know who the Commissioner is but the Minister of Indian Affairs may not know. I cannot really believe that, not in 1986. In 1975 or 1976 I might have believed it, given some of the things that were then sent back to the Executive Council of that day by the then Minister of Indian Affairs and Northern Development or whatever the hell they called it at that time. There is no way I would not agree with him then. But Mr. Allmand is gone from that position and it is a little different. If anybody knows what the Commissioner in the Territories means, it has been the last three or four Ministers of Indian Affairs and Northern Development because of what has happened here in this territory as well as what has happened in the sister territory, the Yukon. So, if somebody wants to move a further amendment to have "to provide the Commissioner on the advice of the Executive Council", they may very well do but I would not want to do it.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McCallum. Mr. Ballantyne, to the amendment.

HON. MICHAEL BALLANTYNE: ...hung up on a technicality. Would the honourable Members -- Arnie, are you listening? Okay, I will speak for the record here. "To provide the Commissioner, on the advice of the Legislative Assembly, with the power of dissolution." Would that do it? So instead of "the Executive Council", we will add "the Legislative Assembly".

---Applause

Motion To Amend Amendment To Motion To Request Amendment To NWT Act Re Dissolution

So I will move an amendment to the amendment, Mr. Chairman. Do I have to write this out, or what? The amendment would read: "to provide the Commissioner, on the advice of the Legislative Assembly, with the power of dissolution".

HON. GORDON WRAY: It is an amendment to the amendment.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Ballantyne. To the amendment as amended.

HON. GORDON WRAY: Amendment to the amendment.

CHAIRMAN (Mr. Gargan): Okay, just hang on. Let me get this straight. To the amendment to amend.

SOME HON. MEMBERS: Question.

Motion To Amend Amendment To Motion To Request Amendment To NWT Act Re Dissolution, Carried

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

---Carried

Motion To Amend Motion To Request Amendment To NWT Act Re Dissolution, Carried As Amended

Okay, to the amendment as amended. Question has been called. All those in favour? Opposed, if any? This amendment is carried as amended.

---Carried

Motion To Request Amendment To NWT Act Re Dissolution, Carried As Amended

To the motion. Question is being called. All those in favour? Opposed, if any? This motion is carried as amended.

---Carried

Recommendation number six. Mr. Richard.

MR. RICHARD: You see, Mr. Chairman, when you think of it, we could have done this last October and all this would have been finished already.

MR. MacQUARRIE: And then we would have only had another dreary winter day. But look at it, it is exciting.

Motion To Request Amendment To NWT Act Re Legislation On Executive Government, Carried

MR. RICHARD: Mr. Chairman, recommendation number six in this part of the committee's report again would call for an amendment to the federal act to provide the Assembly with the power to legislate on matters of Executive government. It is related, in a sense, to recommendation number four above. It is to clarify that we have that authority to establish an Executive government. I move that the Legislative Assembly request of the Parliament of Canada that the Northwest Territories Act be amended to provide this Assembly with the power to legislate on matters of Executive government.

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

MR. MacQUARRIE: Ditto.

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

SOME HON. MEMBERS: Question.

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

---Carried

Recommendation number seven. Mr. Richard.

MR. MacQUARRIE: Could we have a recount?

AN HON. MEMBER: Request a recount.

Motion To Request Amendment To NWT Act Re Legislation On Privileges, Powers And Immunities, Carried

MR. RICHARD: Mr. Chairman, recommendation number seven in this part of the committee's report again deals with a request to change the federal act to give us specific powers of legislation. I move that the Legislative Assembly request of the Parliament of Canada that the Northwest Territories Act be amended to provide this Assembly with the power to legislate for the privileges, immunities and powers of the Legislative Assembly and its Members.

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

SOME HON. MEMBERS: Question.

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

---Carried

Recommendation number eight. Mr. Richard.

Motion To Request Amendment To NWT Act Re Constitutional Terminology, Carried

MR. RICHARD: Mr. Chairman, number eight is perhaps of less consequence than the others and it deals with terminology only. But whether or not division carries through in the next four years and we request the federal government to create two major pieces of legislation or not, the special committee was of the view that the terminology in the federal act should be cleaned up and updated. This is what this recommendation deals with. I move that the Legislative Assembly request of the Parliament of Canada that the Northwest Territories Act be amended to adopt the terminology in constitutional matters currently in use in the acts of this Assembly.

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

---Carried

Mr. Richard. Recommendation number nine.

MR. RICHARD: Mr. Chairman, as the notes indicate on page eight of the report, the committee is of the view that there should be some follow-up with the federal government because it is a request of the federal government. The committee was told by some of the older Members of the committee that not always are the requests to change federal legislation acted upon very quickly. So the committee felt there should be a particular recommendation to insist on follow-up.

Motion That Executive Council Negotiate Adoption Of Changes To NWT Act, Carried

Mr. Chairman, my motion is going to be slightly different than the typed wording: I move that the Executive Council be responsible for ongoing negotiations with the Parliament of Canada to ensure adoption of the requested changes in the Northwest Territories Act recommended in the first and third reports of the special committee on rules, procedures and privileges.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. Can we have a copy of your motion? Your motion is in order. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I just want to ask, is there a reason why you chose the Parliament of Canada and not the Government of Canada? Should it be the government? It is Government of Canada in other places in your report.

AN HON. MEMBER: It is the government.

MR. McCALLUM: Whatever crumbles your cookie.

HON. MICHAEL BALLANTYNE: You are pretty easy in this one.

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

---Carried

Page eight, recommendation 10. Mr. Richard.

MR. RICHARD: Mr. Chairman, at a meeting of the special committee subsequent to October of last year, the committee wishes to withdraw recommendation 10.

If I could turn to page nine, Mr. Chairman, it deals with another topic, television in the Legislature. This was dealt with during a discussion in one of our earlier reports. I will not read the dialogue on page nine. The long and short of it is that the special committee looked long and hard at making recommendations to implement some form of television coverage of the proceedings

of this Assembly and decided against it for various reasons. The largest one is dollars. On the last line, Mr. Chairman, it is indicated that no recommendation is being made by the special committee at this time but that the steps be taken to utilize the current facility of the recorded audio tapes of the proceedings of the Assembly. So there is no recommendation on this part, Mr. Chairman, and unless Members have comments on why we are making no recommendation, we can move to the next part.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. Are there any comments? Okay, we will go to page 10 then. Mr. Richard.

MR. RICHARD: Mr. Chairman, within the committee's mandate was to look at conflict of interest. The special committee felt that the wording in the legislation is confusing at best and that although it is important -- I know Mr. Curley would want the law to be written precisely and technically. Quite apart from that it is important that there be somewhere in layman's language an explanation of what is or is not allowed in terms of conflict of interest involving Members of the Assembly and Ministers of the government. There was a note that the new Elections Act has new provisions in it which address some of the concerns. So our committee is not recommending any change in the legislation of the Legislative Assembly and Executive Council Act, but that there should be an explanation provided in the Members' handbook and further, that the guidelines which govern Ministers and Executive Council on matters of conflict of interest be reviewed from time to time. This topic, as Members are aware, is very much in the news in the national scene. Our committee did ask the Government Leader for a copy of the guidelines currently in use by the Executive Council and the Government Leader indicated that these guidelines are being reviewed as against those in provincial jurisdictions. The committee is of the view that the new standing committee on rules could take that matter on as a project and review and comment on the conflict of interest guidelines which would govern the then Executive Council. So, Mr. Chairman, the only recommendation has to deal with putting something in the Members' handbook in layman's language.

Motion That Explanation Of Conflict Of Interest Be Provided In Members' Handbooks, Carried

I would move that the Management and Services Board develop acceptable layman's language that describes the guidelines for conflict of interest, to be distributed to all Members of this Assembly in the Members' handbook.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. Are there any comments or questions? Question has been called. All those in favour? Opposed, if any? This motion is carried.

---Carried

Page 11. Mr. Richard.

MR. RICHARD: Mr. Chairman, this next recommendation would call for the establishment of another standing committee of the Assembly, that would be called the "standing committee on agencies, boards and commissions", or "ABC", as we have nicknamed them. In the committee's study of some of the procedures in other jurisdictions we found that in recent years many of the provinces have developed a process that allowed for a committee of the legislature to review government agencies or crown corporations or commissions. Our committee felt this was a very valuable procedure and that our Assembly could use a method of examining the work of the many independent or quasi-independent boards, commissions and agencies. For example, today one of the Ministers tabled an annual report of the Northwest Territories Liquor Commission. It was felt by Members of our committee, Mr. Chairman, that a lot of these annual reports that are filed never again see the light of day. And there should be a procedure that they would be referred automatically to a committee of the Assembly, who may do nothing as a result but at least they would be compelled to review the annual report and comment on it if necessary. We have no process like that, Mr. Chairman, at the present time for examining in any detail annual reports. Some of the annual reports have to be filed pursuant to statute, but others do not. There are, we understand, virtually hundreds of outside authorities, agencies, etc., that are not being subjected to any particular review by the Assembly or its committees.

Motion That Standing Committee On Agencies, Boards And Commissions Should Be Established

So, Mr. Chairman, I would move that a) There be a new permanent committee to be named the "standing committee on agencies, boards and commissions"; and b) that Rule 84 be amended to include this committee.

CHAIRMAN (Mr. Gargan): Thank you. Your motion is in order, Mr. Richard. To the motion. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: I have a couple of general comments about the principles inherent in the recommendations and also in some of the further recommendations. I understand what the Member is saying, that a committee of the House should have the opportunity to look a little bit more deeply into the affairs of some of the boards and agencies. I think you can accomplish that with existing committees. Right now the mandate of the finance committee would allow it to review on the financial statement. It would allow it to look at redundancy and overlapping and remunerations. So we already have an existing committee that has a mandate that could do most of the things that you have suggested here. I think the finance committee is set up to do those things.

When you are talking about examining for redundancy and overlapping, I think the first thing they could see was that the committee itself is a little bit redundant. One of the other comments here is that the committee would make recommendations to the Assembly on appointments, terms and membership of ABCs. I think...

MR. RICHARD: Mr. Chairman, point of clarification.

CHAIRMAN (Mr. Gargan): Mr. Richard, your point of clarification.

MR. RICHARD: Mr. Chairman, I should have mentioned this because Mr. Ballantyne is jumping down below. There is a typo there. Under the specific recommendations it should read "make recommendations to the Assembly on method of appointment, terms and memberships of ABCs". It is never contemplated that this standing committee would make the recommendations on the appointments, but rather, on the method of appointment. In other words, in certain cases Ministers might do it, the Assembly might do it, etc.

The other omission, Mr. Chairman, while I am at it, is in paragraph (v). It should read "make recommendations on the continuance or discontinuance of individual ABCs". Thank you. I did not mean to interrupt the Minister, but I am sure he was going to make that point.

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

HON. MICHAEL BALLANTYNE: I think the finance committee could do a lot of it. And since we are talking about the responsibilities of the Executive and of the Legislature of the next Assembly, I think we can all be fairly objective because roles, as always, can very easily reverse and Mr. Richard could be sitting here and I could be sitting there. So I think we should keep that in context when we are talking about it. When we follow your recommendations through logically, Mr. Richard, I think one of the primary functions of your committee was to build accountabilities into the system that perhaps were either unclear or not there before.

Now if many of the prior recommendations that this group has voted on are implemented, I think we will have built in a number of checks and balances in the system. Then logically I think that when you get to an area such as appointments to boards and agencies, if on one hand you are holding individual Ministers and the cabinet collectively responsible, on the other hand you would have to allow those individual Ministers to recommend those appointments. Otherwise, in a way you are trying to get the best of both worlds, whereby the Legislature would control the appointments but the Minister would be held responsible for the performance of those boards and agencies. Before we get into this, when they discuss this, I would like to hear the Members' views on that because I think that is fundamental to the direction that this particular group, whenever they get together, will go along. I think it is fundamental to make that point. Hopefully at some point if this committee is struck, and this committee can be struck any time, the House can strike a committee but the decisions of how they proceed will be in the context of your overall report and not in isolation of perhaps the way things exist right now. So on one hand if you want the accountability of Ministers, on the other hand you have to give those Ministers the tools to ensure they can carry out and perform their duties.

CHAIRMAN (Mr. Gargan): Mr. Richard, to the motion.

New Committees To Streamline Organization

MR. RICHARD: Mr. Chairman, I quite frankly am not sure what Minister Ballantyne's problem is with this. The mandate of the special committee was to look at the organization of this Assembly and this committee structure, accountability, was just one aspect of that. I see the creation of two more standing committees beside the existing three standing committees, as our special committee's attempt at streamlining the process. At the moment, no committee of this Assembly is doing the work that is proposed would be done by this new standing committee on ABCs. For Mr. Ballantyne to suggest that the finance committee has that authority to do all of that is not really an answer to this recommendation. I had the privilege of serving on the finance committee while Mr. Ballantyne was chairman and I do not recall where that committee might have found the time to review ABCs. I have some concern, with the amount of dollars and sometimes the amount of authority that is exercised by outside agencies, who do file annual reports in this Assembly, that the printers are making money off those reports but no attention is being paid by this Assembly, by and large, to the contents of those reports. I would wager a bet, Mr. Chairman, that there are many agencies and boards set up by legislation who are not even complying with the requirement to file reports on a timely basis. Who is checking into that? This committee that is being proposed would do such a thing.

One of the places where we discussed their procedure was the province of Ontario where they have an all-party committee of six or seven or eight people, which is called the standing committee on ACBs or some such name. From the hundreds and hundreds of agencies in the Ontario system, they draw by lot and at random. They might review 10 agencies this year, they might review eight next year, but none of the hundreds of agencies knows when its number is up for review. They are already experiencing -- and have been doing it for only three years, we were told -- experiencing instances where they found overlap and redundancy and virtually dead or expired commissions and committees that have not functioned. That was only brought to light by the standing committee's review.

I see no overlap, Mr. Chairman, with the standing committee on finance's responsibilities and I see no conflict with a Minister's responsibility that might have been given under a statute. This committee's role is that of review and not to direct, as the Minister's might be.

In the past year, Mr. Chairman, in caucus we were advised that the Executive Council was going to do a review of ABCs. I have not seen anything particular come out of that Executive Council review and I would hope that a year from now there will be a standing committee formed if this recommendation is followed, that would take on that role. I think as Members of the Legislature get more and more specialized, you get people doing the finance committee function. You will get another three or four, seven people doing this review of ABCs function and the process will be much better streamlined. Thank you.

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

MS COURNOYEA: Mr. Chairman, in regard to setting up a committee to deal with the ABCs, I wonder if perhaps another thing that can be entertained is that the finance committee has already requested from the Executive Council a breakdown of all the commissions, agencies and boards, and I know they have not completed that information process. I really believe that the Executive Council has to be given more stimulation to deal with this problem of the agencies, boards and commissions. Setting up another committee to deal with these -- you know, we seem to continually go on and when someone does not do their job we set up another committee. I do not see where there would be a problem in giving maybe terms of reference to the finance committee, which is already established to deal with that particular function.

Information Not Forthcoming From Executive Council

We have to take a strong hard look at the number of agencies that have been going on for quite a long time. I believe that is the Executive Council's job. I would like to see that information streamlined and given to the finance committee as previously requested. After that, I would think that maybe when we evaluate that situation, we could look at this process that is here, but at this time it seems that we are only setting up a committee because someone else has not done their job. I realize that we put a certain amount of pressure to get the information pulled together so it could be evaluated at the finance committee level. This information has not been forthcoming in the way that we felt that we could make some recommendations or look at it in a more detailed

scrutiny. I really cannot support another committee being formed especially to look at ABCs. I would wonder if it could be, for the chairman on rules and procedures, that the idea of giving a special task or mandate to the finance committee at the outset, could take care of this concern that is outlined here. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Richard.

MR. RICHARD: Mr. Chairman, with respect, I disagree that the solution is necessarily adding to the responsibilities of the current finance committee. I guess I would respond also in the context of a recommendation elsewhere in this report. The size of the finance committee would be reduced from 10 to seven, we let the finance committee do strictly finance matters and we set up another committee of seven to do strictly ABCs and review of them.

My sense, Mr. Chairman, and also that of the special committee, is that this function will not be done unless we establish a committee with that specialized mandate. I commented, when Mr. Ballantyne was chairman of the finance committee -- we were a busy committee then as we are now and I am currently on the finance committee -- that I think if we, in dealing with financial matters, can keep on top of the government on financial matters we are doing very well. I think that this function of review of the outside agencies should be done by a small number of MLAs as a separate task but I appreciate what the Member is saying, that there is a danger of going into more and more committees but I think that in this case there is a good reason for specialization. Thank you.

CHAIRMAN (Mr. Gargan): Thank you. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, in looking at the make-up of this Legislative Assembly and the number of people, I know that some of the more well-learned people, who have a fairly strong background in administration, generally head up these committees. I am a bit concerned; will we have anyone who would be willing to form another committee and head up such a task?

CHAIRMAN (Mr. Gargan): Mr. Richard. Mr. Butters.

HON. TOM BUTTERS: ...you ignored me when Ms Cournoyea spoke.

CHAIRMAN (Mr. Gargan): Mr. Butters.

List Of ABCs Provided To Caucus Eight Months Ago

HON. TOM BUTTERS: I am just being patient. I would have raised a point of privilege. I wished to respond to Ms Cournoyea when she first spoke about the Executive Council not responding to the desire of the Assembly. What happened is that Mr. Sibbeston provided the caucus with a list of these commissions and boards some eight months ago. When the caucus had the document it referred it to Mr. Richard's committee. I think it is probably a result of the work that was done by the Executive Council and compiled by the Executive Council, from which the present recommendation is coming. I just wanted to make it clear that the Executive Council has responded. The task force on program review will be looking at it again but it has provided the Assembly with the material that was requested and I wish to make that correction.

CHAIRMAN (Mr. Gargan): Thank you. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I believe that we did look at that information. I do not think I said that the Executive was remiss in providing information but when we further discussed it and more questions came up, it was not in the detail that I felt, or that some of the other Members felt, that we could intelligently begin breaking down the role of the various agencies and committees. So I am not criticizing Mr. Butters or the Executive Council, I am only commenting on the further desire for more information on the details of the ABCs that were in place and I realize that the further questions probably had not been able to be dealt with at the Executive level. But that is not in criticism of Mr. Butters or his Executive Council.

CHAIRMAN (Mr. Gargan): Thank you. Mr. Richard to the motion.

Paper Given To Caucus Was Of No Assistance

MR. RICHARD: Well, Mr. Chairman, I cannot let it go without comment because the special committee delayed, on at least two occasions that I recall, coming to a conclusion on this topic because we were waiting for the results of the deliberations of the Executive Council on this topic. With all respect to Mr. Butters and his colleagues on the Executive Council, if the piece of paper that was given to the caucus is the result of the Executive Council review, then I do not mind being critical of them because that piece of paper was of no -- and I am speaking personally here, sir, not on behalf of the special committee, because the special committee did not get any information from the Executive Council to assist it on this point. I suspect that if the Executive Council had done a thorough analysis of agencies, boards and commissions they would have come up with a conclusion that would be consistent with what the special committee is now trying to do. The piece of paper that was delivered to caucus, Mr. Chairman, with all respect, was of no assistance and there was no analysis. There was a bunch of figures -- I think a lot of the figures were incorrect -- but there was no analysis, no commentary, no conclusion, no discussion of what those figures totalled up, what the dollars that are spent by outside agencies amounted to. So I am not sure any more whether I am on Ms Cournoyea's side, who is not on the special committee, or Mr. Butters, who is on the special committee.

But getting back to the motion, Mr. Chairman, I would ask Members to consider that this proposed new standing committee which will -- it is not going to come into effect tomorrow. Ms Cournoyea's concern is that we may not have the type of MLAs to staff this committee. This is going to happen only in the 11th Assembly when there is a new group of people around and they will decide how many standing committees there will be. Even if this recommendation is accepted today, in effect it is only a recommendation to the 11th Assembly as to how they should structure their affairs. I would ask Members to consider the suggestions on terms of reference in the next motion if this one passes and also the one at the bottom where these annual reports would be reviewed on an automatic basis by this new standing committee. Thank you.

Motion That Standing Committee On Agencies, Boards And Commissions Should Be Established, Carried

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

---Carried

Mr. Richard.

Motion To Recommend Certain Terms Of Reference Of Committee On ABCs, Carried

MR. RICHARD: Mr. Chairman, the committee did want to make some suggestions regarding the terms of reference of the new standing committee on ABCs. I would move that among the terms of reference of the committee on agencies, boards and commissions the following be included: 1) The committee shall review and comment on the annual reports and financial statements of agencies, boards and commissions; 2) make recommendations to the Assembly on the method of appointment, terms and memberships of ABCs; 3) examine ABCs for redundancy and overlapping; 4) examine remuneration of members of ABCs; and 5) make recommendations on the continuance or discontinuance of individual ABCs. Thank you.

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

---Carried

Mr. Richard.

MR. RICHARD: The final recommendation, Mr. Chairman, in this area was already alluded to in that it is proposed that any report tabled at the Assembly would go automatically to the standing committee so that it would not fall through the cracks so to speak, which the special committee feels is happening under the current system.

Motion That All Reports Tabled By ABCs Be Referred To Standing Committee, Carried

So I would move that all reports tabled in the Assembly from agencies, boards and commissions should be referred automatically to the standing committee on agencies, boards and commissions for its review. Thank you.

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

---Carried

Mr. Richard.

MR. RICHARD: Mr. Chairman, the next section of the report deals with matters of privilege. The committee again took some time to consider this matter and examined the rules regarding privilege in other jurisdictions. It is a concept, Mr. Chairman, that the committee feels is not well understood and including ourselves on the special committee. When we examined this the rules of the assemblies in New Brunswick and the province of Quebec were felt to be best suited for the needs of this Assembly. I would make note for Members that real genuine matters of privilege are dealt with by our Rule 30 and the committee feels are adequately dealt with by our current Rule 30. However, a related matter is statements in press reports and, Mr. Chairman, I think everyone is aware that that so-called matter of privilege arises more often in this Assembly. The committee felt that our Rule 31 regarding statements in press reports was inappropriate and that rising at any time to discuss personal attacks by or inaccuracies in press reports was inappropriate and that that procedure in Rule 31 should be tightened up. These instances, of course, do not constitute real breaches of privilege, as the attacks or mistakes did not occur within the House. We are recommending, Mr. Chairman, that we adopt a new Rule 31 using the wording from the assembly in the province of Quebec and it is set out on page 12. I would remind Members when they are considering this that again, at the risk of repeating myself, real points of privilege can still be dealt with on an immediate basis. It can rise immediately on real points of privilege under Rule 30. Rule 31 deals with a matter which concerns a Member in his capacity as a Member of the Legislative Assembly.

Motion To delete And Replace Rule 31 Of The Rules Of The Legislative Assembly, Carried

So I would move, Mr. Chairman, that Rule 31 be deleted and replaced with the following: "31(a) With leave of the Speaker, any Member may explain a matter which, although not a contempt or breach of privilege, concerns him in his capacity as a Member of the Legislative Assembly. In particular, he may explain that he has been misquoted or misunderstood, or deny published accusations against him. His explanation must be clear and concise and no debate shall be allowed.

"31(b) Prior to making his remarks the Member must provide written notice, at least one hour in advance, to the Speaker, setting out the substance of his comments. If the Member's remarks are in response to written words, he must attach a copy of them to the notice given to the Speaker. If his remarks are in response to words uttered, they must be noted down and included with the notice to the Speaker." Thank you.

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

---Carried

Mr. Richard.

MR. RICHARD: Another minor amendment in this area, Mr. Chairman, is to have the Members' handbook include an explanation in layman's terms, with examples of breach of privilege.

Motion To Include Explanation Of Breach Of Privilege In Members' Handbooks, Carried

I move that the Management and Services Board amend the Members' handbook to include a more detailed and easily read explanation, with examples, of breaches of privilege. Thank you.

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

---Carried

MR. MacQUARRIE: Progress.

CHAIRMAN (Mr. Gargan): Does Mr. MacQuarrie move we report progress? All those in favour? Opposed, if any? This motion is carried.

---Carried

I will now move to report progress. Thank you.

MR. SPEAKER: Mr. Gargan.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF THIRD REPORT OF THE SPECIAL COMMITTEE ON RULES, PROCEDURES AND PRIVILEGES

MR. GARGAN: Thank you, Mr. Speaker. Your committee has been considering the third report of the special committee on rules, procedures and privileges and wishes to report that 20 motions were adopted, and your committee begs leave to sit again.

Motion To Accept Report Of Committee Of The Whole, Carried

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

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

SOME HON. MEMBERS: Agreed.

---Carried

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

ITEM 19: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton): Orders of the day for Friday, February 13th.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Oral Questions
6. Written Questions
7. Returns to Written Questions
8. Replies to Opening Address
9. Petitions
10. Reports of Standing and Special Committees
11. Tabling of Documents

12. Notices of Motion
13. Notices of Motion for First Reading of Bills
14. Motions: Motion 1-87(1)
15. First Reading of Bills: Bills 1-87(1), 7-87(1), 9-87(1), 24-87(1)
16. Second Reading of Bills
17. Consideration in Committee of the Whole of Bills and Other Matters: Third Report of the Special Committee on Rules, Procedures and Privileges; Bill 13-87(1)
18. Report of Committee of the Whole
19. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Friday, February 13th at 10:00 a.m.

---ADJOURNMENT

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