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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, MAY 27, 1987

MEMBERS PRESENT

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

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Before I go to the orders of the day I would like to enter in the record a letter addressed to myself, carrying the signature of John H. Parker, Commissioner. "I wish to report in an official matter to you and all the Members of the Legislature that the necessary steps were taken to prepare for the plebiscite on a boundary for division, pursuant to the direction I received from the Assembly, as expressed through your memorandum of March 13, 1987 and Motion 14-87(1).

"The condition requiring the agreement to be an actual boundary line by the Dene Nation, the Metis Association, TFN and ITC, was not met by midnight March 31st. Since all of these parties were in Ottawa deep in negotiations, I made myself available there in order to facilitate proceeding to a plebiscite if agreement were reached. I was satisfied that a modest time extension would not have resulted in an agreement being reached.

"The Clerk of the Legislative Assembly and his staff deserve recognition for the excellent and expeditious work done in preparation for a possible plebiscite." Signed, John H. Parker, Commissioner.

Orders of the day for Wednesday, March 27th. Item 2, Ministers' statements. Mr. Leader.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 46-87(1): Challenge To Meech Lake Accord

HON. NICK SIBBESTON: Mr. Speaker, I wish to make a statement of an emergency nature. I rise today to inform this House that on Friday, May 29th, I, on behalf of the people of the Northwest Territories and with the support of the government, will file a petition in the Supreme Court of the Northwest Territories. I will be seeking a declaration from the court that my rights as an individual, guaranteed by the Charter of Rights and Freedoms, are being denied and abridged by the amendments proposed in the Meech Lake accord.

Among other things, I will be seeking redress under section 15 of the Charter which guarantees me equality before and under the law and provides me with equal protection from discrimination. These rights have been violated by the proposed amendments that would deny any territorial resident the opportunity to be appointed to either the Canadian Senate or the Supreme Court of Canada.

The preamble to the constitution act of 1867 states that our federal union must resemble that of the United Kingdom. This implies equal representation for all citizens. My individual rights in this regard are being violated by the failure to allow territorial participation in First Ministers' Conferences and indeed by the amending formula itself.

The political development of the Northwest Territories will be frozen in time by these amendments. I, as a territorial resident, will never enjoy the rights and privileges of provincial residents because the Northwest Territories will likely never achieve provincial status. Moreover, because the territorial government is not allowed to participate at First Ministers' Conferences where major policy issues are debated, I and all territorial residents have been effectively disenfranchised.

I want to stress that I am filing this petition as an individual whose rights are being denied. While the territorial government is supporting my action, this is not a squabble between two governments. It is a matter of fundamental freedom and equality and I am acting on behalf of all private citizens in the Northwest Territories.

AN HON. MEMBER: Hear, hear!

---Applause

HON. NICK SIBBESTON: At the same time, Mr. Speaker, Mr. Penikett, the Government Leader in the Yukon, is filing a similar but separate petition in the Supreme Court of the Yukon. Thank you.

---Applause

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

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Baffin House, Montreal

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. After the legislation committee was meeting here last month, when I was going back I went through Montreal on May 12th with Joe Arlooktoo. We went to see the Baffin House in Montreal. It is a very nice building and I would like to commend George Eckalook and his staff members and his colleagues at the Baffin Regional Hospital Board. I would like to commend Hon. Bruce McLaughlin, the Minister of Health and Social Services. I know that if the hospital board and George Eckalook were not working very hard this building would not have been possible. If the Minister was being a Minister just for the sake of being a Minister, it would not have been possible either; and if the Executive Council was not working hard. So I would like to commend the Executive Council for bringing up the Baffin House. Thank you.

---Applause

MR. SPEAKER: Thank you, Mr. Erkloo. Members' statements. Mr. Arlooktoo.

Member's Statement On Report Regarding Adoption Of Children

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. There was a meeting in Iqaluit last week and they discussed the bills -- they had a hearing. The Maliiganik Tukisiiniakvik had a hearing for the public. When they had the meeting I was not happy with some of the things that they talked about. When they were talking about the child day care facilities, they were talking about some people who were adopting children just to get the family allowance. This is what was being said and I think this was reported in other communities in the Northwest Territories and some of the Inuit people were not happy about this report. That is not the reason why they adopt children and so they are not happy about the report.

There was one person who had mentioned that the Inuit people adopt children just to get the family allowance and we were not happy about this. A lot of people who had adopted children before were not very happy and so they had asked me to talk about this. So I just want to make a statement that we were not happy about the report that was saying that we adopt children just to get the family allowance. Thank you.

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

Member's Statement On Meech Lake Constitutional Accord

MR. GARGAN: Thank you, Mr. Speaker. I wish to express my support for this government in its effort to achieve equity participation for the Northwest Territories in the Canadian Constitution. Many of my constituents have expressed their concern about the recent constitutional accord. They do not agree with the final results of the Meech Lake agreement as these issues affect constitutional and political development in the Northwest Territories. Giving special recognition to the unique language and culture of the French Canadian is a step in the right direction by the federal government but with deep concern and regret I say that in the process of recognizing the rights of Quebec, the participants at Meech Lake have ignored the rights of the people of northern Canada. In my view and in the view of others in my constituency, the Canadian government has acted in a dictatorial fashion and has left us no option to achieve self-determination and autonomy as is guaranteed to all other Canadians under the Canadian Constitution. It is imperative that this government makes every effort to change this agreement. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Gargan.

---Applause

Members' statements. That appears to conclude Members' statements for today.

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

ITEM 5: ORAL QUESTIONS

Question 0160-87(1): Radio Station And Television Reception, Lake Harbour

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. When we had the session last March I had a question. When we were talking about financial matters, the budget, I asked about the local radio in Lake Harbour. We can use this local radio station but I think it has to be improved and it was reported that they were going to look into it right away but up to now there has not been any change to the radio station and I would like to find out what the Minister of Culture and Communications is going to do about this. Even though we have TV in Lake Harbour, there is no sound in one of the channels and so I would like to see if the Minister can do anything about this and see if he could do it as soon as possible. So this is my question. Thank you, Mr. Speaker.

MR. SPEAKER: Mr. Minister.

Return To Question 0160-87(1): Radio Station And Television Reception, Lake Harbour

HON. LUDY PUDLUK: (Translation) Thank you, Mr. Speaker. We have a contract to repair receivers in the communities. There are several problems involved in the communities as well. We are supposed to get the CBC channel in every community. I will write you a letter and we will look after this problem in the future as soon as possible. Thank you.

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

Question 0161-87(1): Married Students Residence Facilities, Iqaluit

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I do not know who to put this question to; the Education Minister or the Health Minister. In Iqaluit Campus for nursing assistants, they will be resuming their session in the fall and they do not have family housing available for them. Although they are staying at the dormitory, I would like to know if there could be housing made available for this fall semester for Iqaluit nursing assistants. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 0161-87(1): Married Students Residence Facilities, Iqaluit

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Mr. Speaker, I am sure the honourable Member realizes that the Iqaluit Campus of Arctic College is new and as yet does not have its own married students residence facilities. Therefore, for the coming year we are going to have to make do with what we can in order to try to accommodate students who have families.

Mr. Speaker, I can inform the Member that I have asked the assistance of the Ministers of Personnel and Public Works in order to see what arrangements can be made to use existing government housing in Iqaluit, to accommodate the needs of students such as the one the Member is concerned about. I hope that there will be some limited family housing available by the fall session when some of these new courses are on stream. Thank you, Mr. Speaker.

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

Question 0162-87(1): Status Of Bilateral Agreement

MR. RICHARD: (Translation) Thank you, Mr. Speaker. I would like to address the Minister of Education. Could the Minister bring me up to date on the status of the negotiations between the Northwest Territories and the Secretary of State?

MR. SPEAKER: Thank you, Mr. Richard.

Return To Question 0162-87(1): Status Of Bilateral Agreement

HON. DENNIS PATTERSON: (Translation) Thank you, Mr. Speaker. Our submission has already been sent to the Secretary of State and we expect formal approval of it within the next few weeks. In past years approval has been received during the summer. Thank you.

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

Supplementary To Question 0162-87(1): Status Of Bilateral Agreement

MR. RICHARD: (Translation) Another question. What types of French programs are offered and how many students from the total school population are learning French?

MR. SPEAKER: Mr. Minister.

Further Return To Question 0162-87(1): Status Of Bilateral Agreement

HON. DENNIS PATTERSON: (Translation) Thank you, Mr. Speaker. The student population in the Northwest Territories totals 13,000. Approximately one third of these students were enrolled in a French program; the majority in Core French with an increased number in immersion. A maintenance program for students whose first language is French was initiated in Iqaluit and Nanisivik. Thank you.

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

Supplementary To Question 0162-87(1): Status Of Bilateral Agreement

MR. RICHARD: (Translation) Do the students of French have the opportunity to explore the Francophone culture? Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 0162-87(1): Status Of Bilateral Agreement

HON. DENNIS PATTERSON: (Translation) Thank you. Yes, there is a cultural component in the programs which accounts for activities such as the winter camps and the French week during which the younger students are exposed to French traditions. For the older students there are exchanges and visits to French milieux where they can be in direct contact with the daily life of the francophones. Each year a group representing such diverse artistic manifestations as dance, music and theatre tours even the most isolated schools. Thank you, Mr. Speaker.

MR. SPEAKER: Mr. Nerysoo.

Question 0163-87(1): Legal Costs Re Challenge To Meech Lake Accord

MR. NERYSOO: Mahsi, Mr. Speaker. I would like to ask in this particular capacity as MLA and as an individual, in the decision that has been made by the government with regard to supporting Mr. Sibbeston, does that include the expenditure of public funds? If so, is that not a practice that could set a precedent for all individuals or is there a federal government funding agency that will take care of those particular expenses?

MR. SPEAKER: Mr. Minister.

Return To Question 0163-87(1): Legal Costs Re Challenge To Meech Lake Accord

HON. NICK SIBBESTON: Mr. Speaker, the Government of the Northwest Territories will be paying for the legal costs involved in the action that we will be launching on Friday and, in fact, in all of the actions that will be taken by this government in the course of challenging the Meech Lake accord.

The reason why I am the person designated and will be launching the action is because of a legal requirement. If I could, I would do it on behalf of the Government of the Northwest Territories but the legal rules are such that it is more appropriate for an individual to take the action and on that basis, as head of the government, I am taking the action on behalf of all residents of the Northwest Territories. As such I do believe the government should pay for the costs.

In regard to any precedent, I do believe that our government has paid for legal costs. I believe, in the Baker Lake incident, the court challenge there was one that our government paid for. There seems to be some precedent for government paying legal costs in actions such as this.

MR. SPEAKER: Thank you, Mr. Government Leader. Mr. Nerysoo.

Supplementary To Question 0163-87(1): Legal Costs Re Challenge To Meech Lake Accord

MR. NERYSOO: Thank you, Mr. Speaker. Just with regard to the comments by the honourable Member, is the practice in future of this government also going to apply to residents and general citizens of the Northwest Territories who in fact raise concern with their individual rights and freedoms that have been protected by the Charter of Rights?

MR. SPEAKER: Mr. Minister.

Further Return To Question 0163-87(1): Legal Costs Re Challenge To Meech Lake Accord

HON. NICK SIBBESTON: No, Mr. Speaker, the government will not. This is not a precedent for individuals anywhere in the North launching action challenging the Constitution. In this case, the government wishes to take action in challenging the Meech Lake accord. It is a specific matter that we are facing and contending with and it is deemed in the best interest of all people in the North that such action should be taken. So inasmuch as my name will be involved in the court challenge, it is really on behalf of the government, the Legislative Assembly and all residents of the North.

MR. SPEAKER: Thank you, Mr. Government Leader. Final supplementary, Mr. Nerysoo.

Supplementary To Question 0163-87(1): Legal Costs Re Challenge To Meech Lake Accord

MR. NERYSOO: Thank you. Supplementary, Mr. Speaker, to Mr. Sibbeston again as an MLA. Is the government also going to be providing the legal advisers to this challenge? Or is it a private company and firm that is going to be advising or defending Mr. Sibbeston?

MR. SPEAKER: Mr. Minister.

Further Return To Question 0163-87(1): Legal Costs Re Challenge To Meech Lake Accord

HON. NICK SIBBESTON: Mr. Speaker, the government in the course of dealing with the legalities of launching this action have used our own government lawyers and have also had available outside counsel.

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

Question 0164-87(1): Recreation Funding, Pangnirtung

MR. PANILOO: (Translation) Thank you, Mr. Speaker. I would like to ask this question of the Minister of Municipal Affairs. When they had a meeting with the Housing Minister -- there is a change in legislation in the Hamlets Act. In regard to recreation in Pangnirtung there was a question asked about the amount of funding available with the new agreement on municipal services, sewage and garbage. We were able to get better funding, now they will not be able to get that funding any more. I would like to ask when this legislation will be in effect or is this going to be in effect forever? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 0164-87(1): Recreation Funding, Pangnirtung

HON. GORDON WRAY: Thank you, Mr. Speaker. It is not legislation, it is a new policy which is in effect now. It has not been implemented in all communities. It has been implemented in some and in others we are taking our time to implement it to work through local problems. It is our hope to have the bulk of the communities on the new policy by next year.

The question raised by the Member is not so much that the recreation funding provided by this government has been cut. In fact, if anything the reverse is true. Pangnirtung will still enjoy the same level of funding from this government for its recreation programs and in fact the government in the last budget and the budget before has also increased the level of recreation money available to communities through programs such as the recreation leaders subsidy program, community recreation leaders program, the sports skills program, intercommunity sports competition program, funding for sports competition and skill development clinics, accelerated capital construction in recreation facilities.

So in fact the funding by this government into recreation programs has enjoyed quite a boom in the last year and a half. I believe what is generating the question is that the hamlet of Pangnirtung can no longer make money on municipal services which they previously did and spent it on other programs. That is true. However, hamlets were never set up to make money. They are a government like every other government and while they enjoyed for a number of years some benefits because there was no private sector in their community, the fact is that now that private sector is coming into Pangnirtung, now that there are private companies and now that the government has embarked on its privatization policy, the hamlet of Pangnirtung can no longer engage in the venture of being a private business as well as a community government, so it does not have the same level of funding available to it. However, we feel that this is more than made up for by the fact that much more money has been put into recreation programs of which Pangnirtung can avail itself like any other community. It does not enjoy any more nor does it enjoy any less funding than any other community in the Northwest Territories when it comes to recreation. Thank you.

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

Question 0165-87(1): Accommodation For Students, Thebacha Campus

MRS. LAWRENCE: (Translation) Thank you. I would like to say something about the Thebacha Campus. It was brought to my attention that students with families are experiencing difficulties. Some students are left to find their own accommodation while others are in subsidized accommodation. They are all going to school and they all have the same training allowances, so why cannot the department treat them all the same? Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 0165-87(1): Accommodation For Students, Thebacha Campus

HON. DENNIS PATTERSON: Mr. Speaker, I am very surprised to hear a question like that because things have never been better at Thebacha Campus for student accommodation. We just opened a beautiful new married students residence complex, 21 units I believe, and I would have thought accommodation problems might have finally been close to being solved. I am not aware of any specific concerns. I do know that because of Northern Careers and because of other sponsors, some

students receive different levels of financial assistance which may cause some hardships in particular cases. I will undertake, Mr. Speaker, to speak with the Member about specific complaints and work to try and resolve them. Thank you.

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

Item 6, written questions.

Item 7, returns to written questions.

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

ITEM 9: PETITIONS

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I have Petition 7-87(1), a petition by the Ukkivik students. I will be reading the petition, which is a brief one. It is concerning the correctional centre in Iqaluit. I think that the people who are in the correctional centre, the inmates, are receiving more money than the students who are living in Ukkivik Residence and also that the correctional inmates have better housing and new skidoos available to them but the students at the Ukkivik centre -- it is an old building and they do not receive any kind of vehicle or skidoos. The inmates receive allowances every week as do the Ukkivik students, but the amount of money that the students receive for their allowance is much too small. This petition is a request to get additional allowances for them. This petition was signed by the Ukkivik students in Iqaluit. Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. It appears that crime does pay in some instances. Item 9, petitions.

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

ITEM 11: TABLING OF DOCUMENTS

HON. NICK SIBBESTON: Mr. Speaker, I wish to table Tabled Document 60-87(1), copies of letters that I sent to the Prime Minister and to premiers with respect to our position and concerns regarding the Meech Lake agreement.

MR. SPEAKER: Thank you, Mr. Government Leader. Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I wish to table Tabled Document 61-87(1). This is the letter from the hamlet of Cape Dorset. It states that they made a gymnasium in Cape Dorset and they had one white man to assist them in plans. They were aware that they were going to get an arena this summer and they would like to still do the same thing -- to build the arena by themselves with the assistance of one white person to do the planning. Thank you.

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

MR. NERYSOO: Thank you, Mr. Speaker. I wish to table the following document, Tabled Document 62-87(1), a Review of the Financial Administration Act, Bill 9-87(1), which was conducted jointly by the standing committees on legislation and on finance.

MR. SPEAKER: Thank you, Mr. Nerysoo. 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. Mr. Sibbeston.

ITEM 13: NOTICES OF MOTION FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 27-87(1): Territorial Parks Act

HON. NICK SIBBESTON: Mr. Speaker, I wish to give notice that on May 29th, I will move first reading of Bill 27-87(1), An Act to Amend the Territorial Parks Act.

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

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

ITEM 15: FIRST READING OF BILLS

HON. GORDON WRAY: Mr. Speaker, I wonder if I could seek unanimous consent to go ahead on first reading of Bill 11-87(1), An Act to Amend the Home Owners' Property Tax Rebate Act, that I gave notice of yesterday.

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

First Reading Of Bill 11-87(1): Home Owners' Property Tax Rebate Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Iqaluit, that Bill 11-87(1), An Act to Amend the Home Owners' Property Tax Rebate Act, be read for the first time.

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

AN HON. MEMBER: Question.

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

--- Carried

Bill 11-87(1) has had first reading. First reading of bills. Mr. Sibbeston.

HON. NICK SIBBESTON: Mr. Speaker, I seek unanimous consent to give first reading to the bill that I gave notice of, Bill 27-87(1), An Act to Amend the Territorial Parks Act.

MR. SPEAKER: Unanimous consent is being requested to proceed with first reading of Bill 27-87(1). Are there any nays? You have unanimous consent, Mr. Sibbeston.

First Reading Of Bill 27-87(1): Territorial Parks Act

HON. NICK SIBBESTON: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 27-87(1), An Act to Amend the Territorial Parks Act, be read for the first time.

MR. SPEAKER: I have a motion on the floor. Are you ready for the question?

AN HON. MEMBER: Question.

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

---Carried

Bill 27-87(1) has had first reading. First reading of bills. That appears to conclude first reading of bills. Item 16, second reading of bills. Mr. Wray.

ITEM 16: SECOND READING OF BILLS

HON. GORDON WRAY: Mr. Speaker, I would like to seek unanimous consent to proceed with second reading of Bill 11-87(1). Thank you.

MR. SPEAKER: Unanimous consent is being requested for second reading of Bill 11-87(1). Are there any nays? You have unanimous consent. Mr. Wray.

Second Reading Of Bill 11-87(1): Home Owners' Property Tax Rebate Act

HON. GORDON WRAY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Iqaluit, that Bill 11-87(1), An Act to Amend the Home Owners' Property Tax Rebate Act, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Home Owners' Property Tax Rebate Act to replace the existing requirement to credit a rebate to an owner's tax account with the requirement to pay the rebate directly to the owner; to extend the right to obtain a rebate to co-operative associations incorporated for the purpose of providing housing to their members and to persons who occupy crown or Commissioner's land and pay property taxes; to extend the time for filing an application for a rebate to March 31st of the year following the year for which the rebate is claimed; and to correct technical errors. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill. Are you ready for the question? All those in favour? Opposed, if any? The motion is carried.

---Carried

Bill 11-87(1) has had second reading. Second reading of bills. Mr. Sibbeston.

HON. NICK SIBBESTON: Mr. Speaker, I again seek unanimous consent to proceed with second reading of Bill 27-87(1).

MR. SPEAKER: Unanimous consent is being requested to proceed with second reading of Bill 27-87(1). Are there any nays? You have unanimous consent, Mr. Sibbeston.

Second Reading Of Bill 27-87(1): Territorial Parks Act

HON. NICK SIBBESTON: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 27-87(1), An Act to Amend the Territorial Parks Act, be read for the second time. The purpose of this bill is to amend the Territorial Parks Act to enable the Minister to establish natural environment recreation parks and outdoor recreation parks by order.

MR. SPEAKER: Thank you, Mr. Minister. To the principle of the bill.

AN HON. MEMBER: Question.

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

---Carried

Bill 27-87(1) has had second reading. Second reading of bills. That appears to conclude second reading of bills. Mr. Clerk, will you add Bill 11-87(1) and Bill 27-87(1) to the orders of the day for today? Item 17, consideration in committee of the whole of bills and other matters: Bill 9-87(1), Bill 11-87(1), Bill 27-87(1), with Mr. Gargan in the chair.

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

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 9-87(1), FINANCIAL ADMINISTRATION ACT; BILL 11-87(1), HOME OWNERS' PROPERTY TAX REBATE ACT; BILL 27-87(1), TERRITORIAL PARKS ACT

Bill 9-87(1), Financial Administration Act

CHAIRMAN (Mr. Gargan): The committee will now come to order. We are on Bill 9-87(1), An Act Respecting the Financial Administration of the Government of the Northwest Territories and Public Agencies; with Mr. Butters.

HON. TOM BUTTERS: Thank you, Mr. Chairman. Yesterday, the chairman of the standing committee on legislation, in his report to the House, indicated that there still remained some matters relative to the relationship between the Speaker's Office and the Assembly with regard to this act and a discussion did occur this morning. I believe that matter has now been resolved but I have not spoken to the Speaker about it so I would be seeking a deferment of this discussion on this bill,

clause by clause, for a period of time. Before we move on to Bill 11-87(1) and Bill 27-87(1), I would just like to respond to a question raised yesterday by the honourable Member for Yellowknife South relative to communications between the Stanton Yellowknife Hospital Board and this government.

All the hospital boards affected by this legislation received the following communication and I will read it in its entirety: "You and your board have been made aware of the proposed Financial Administration Act. Some correspondence and meetings were held on this subject. Since that time we have not had further expression of concerns or comments. If you have comments or concerns, please raise them immediately." That was signed by Edward E. Timoffee and that was dated the 6th of May.

There was only one reply received to that telex and that came from L. Todd, the executive director of the Stanton hospital. The text of that response reads as follows in its entirety: "Re: Proposed Financial Administration Act. We continue to oppose the proposed Financial Administration Act and amendments and have communicated our concerns to the Minister of Health and the MLAs. These concerns remain the same." So, that was the obligation I accepted yesterday, to return to this committee. Having said that, Mr. Chairman, I would be grateful if the House might provide leave to go to Bill 11-87(1), and Mr. Wray.

CHAIRMAN (Mr. Gargan): Does the committee agree we defer Bill 9-87(1) to a later date? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree, then, that we go to Bill 11-87(1), An Act to Amend the Home Owners' Property Tax Rebate Act? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 11-87(1), Home Owners' Property Tax Rebate Act

CHAIRMAN (Mr. Gargan): Mr. Wray, do you have any opening comments?

Minister's Opening Remarks

HON. GORDON WRAY: Thank you, Mr. Chairman. The Home Owners' Property Tax Rebate Act has been established since 1981. Its purpose has been to provide tax relief to home-owners. Under this act the Commissioner is allowed to pay property tax rebates to home-owners up to a level determined by him, in practice by the Minister of Municipal and Community Affairs and by the Financial Management Board.

The present level of the rebate is 50 per cent of property taxes paid, to a maximum of \$400 per home-owner in tax-based municipalities, and 50 per cent of property taxes paid, to a maximum of \$100 to home-owners in taxation areas, provided, of course, that they have occupied the dwelling in whole or in part for a period of not less than 184 days of the current taxation year. The home-owners property tax rebate program currently has \$710,000 appropriated in the 1987-88 main estimates.

With the arrival of co-operative housing in some of the larger communities in the NWT it became clear that the present act did not permit the payment of property tax rebates to co-op members, even though in some cases these members were paying property taxes. In the fall of 1985, the present Member for Yellowknife South requested the former Minister of Local Government to sponsor an amendment to the act to allow the payment of property tax rebates to members of housing co-operatives. This was endorsed by both the Hon. Nick Sibbeston and myself when I took on the portfolio. My legislation proposal was approved by the legislation and House planning committee in July of 1986.

The purpose of the proposed amendments, or at least the key amendments, Mr. Chairman, is to allow the payment of a property tax rebate to a housing co-operative, defined as a "co-operative association" in the proposed amendments, as the registered owner of an eligible residence, that is,

the co-op housing units. One important aspect of this is that the Member for Yellowknife South had originally called for amendments to the act which would allow the rebate to be paid directly to each resident in individual parts of a building owned by a housing co-op. This was found to be legally and administratively unworkable. Instead, the proposed amendment would have the tax rebate paid directly to the co-operative association, which is the registered owner of the property. It would then be the responsibility of the co-op to pay the tax and distribute the rebate to its members. This amendment would retain the spirit of the original proposal to allow payments to housing co-op members equivalent to property tax rebates, while putting the means of achieving this objective on a better legal footing.

Another key amendment is to allow the payment of a property tax rebate to persons who occupy crown or Commissioner's land and who pay property taxes. We would also legalize the practice of actually paying rebates on property tax rather than crediting them to the tax account of the home-owner. And fourthly, to allow payment of property tax rebates where application is made after December 31st of the year to which the rebate applies, provided that the taxes were fully paid that December 31st and application is made by March 31st of the following year. These two last amendments, by the way, are a result of recommendations of the territorial audit bureau. Thank you, Mr. Chairman.

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

Comments From Standing Committee On Legislation

MR. MACQUARRIE: Thank you, Mr. Chairman. The standing committee on legislation, in reviewing this bill, had no difficulty with the major proposals that are made in the amendments. That is, the committee supported the idea that co-operative housing members ought to be eligible for tax rebates as well, since the co-operative as a whole is a taxpayer in a municipality. The committee also supported the idea that the rebate should be paid directly to owners and not be in the form of a tax credit. I believe that is the way municipalities were handling it anyway, but it is just to make it clear in law. So there was no difficulty with those principles. At one point there was some discussion about the general idea as to whether it should be the territorial government that sends the rebates directly to taxpayers or not. Although there was considerable discussion, in the end there was no move in the committee to work in that direction. Rather the committee seemed to accept the idea that it would be the territorial government providing funds to municipalities and the municipalities paying the tax rebates. So that is the way it stands. There were no changes recommended and the committee has referred the bill to the committee of the whole as it stands.

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

MR. RICHARD: Thank you, Mr. Chairman. I want to thank the Minister and the Members of the Executive Council for bringing this bill forward. I just had a question of the Minister on this notion on where the money is payable. I note that it provides that once the eligibility is confirmed, a cheque is issued to the municipality and then the municipality is to pay it to the owner. I am wondering if the Minister could indicate why the two-step process? Is it just an administrative matter that our government issues one large cheque for all of those people eligible in a particular municipality and then the municipality issues the individual cheques? Why the two-step process? What occurred to me, I recall back in the days when Newfoundland entered Confederation, Mr. Smallwood liked to take personal credit for the family allowance cheques. It was he who was giving all the voters in Newfoundland this cheque and liked to take credit, never telling them once that it came from the federal government. Here we would have a municipality issuing a cheque to home-owners, when in fact the funds come from the territorial government. What is the rationale for the two-step process?

The one concern I have in it, Mr. Chairman, before the Minister can answer, if I can put it all on the table, is it possible that a municipality, having received, say, the \$400 for an owner, can offset that against something else that the owner owes to the municipality? In other words, the owner would not get his money through this two-step process? Thank you.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. I thought I might get through this without witnesses but it does not look like it.

Municipalities Receive Credit For Rebate

On the first part of Mr. Richard's question, unlike Joey Smallwood -- as the Minister of Municipal and Community Affairs I have no problem with the municipalities taking the credit for the tax rebate. As a department, we really strive to set up government-to-government relationships and it is the municipality who collects the taxes and is seen as the taxing authority. I think it is only fair that they are involved in the process as to the rebates.

But more than that I think essentially it is administrative. I am not exactly sure of the time, but I think every month or every two months the municipality will submit to us a list of all the people who have paid their taxes. Then the Member is quite right, we will issue one large cheque to the municipality, as opposed to the territorial government office in Yellowknife trying to deal with 60 or 80 or 90 individuals in Inuvik each separately. It is easier to just give Inuvik town council the cheque and have them issue it.

Now with respect to the question about whether or not a municipality can apply a tax rebate to another debt that the individual owes the municipality, I quite frankly -- I am getting a shake of the head which says no, they cannot. I cannot tell you why they cannot or what legislation prohibits them but I assume that there are some regulations which prohibit it.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. GORDON WRAY: Yes, on that last point. Another part of the act in fact requires them to forward the rebate to the individual within 30 days of receipt.

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

Extension Of Time For Application

MR. McCALLUM: Thank you, Mr. Chairman. I do not have a general comment, I just have one question as to why the extension was made to March 31st of the following year from the end of December. It used to be that the application for rebate had to be submitted on or before December 31st in the year in respect of which the application was made. I note now that there is an additional 90 days so it has been extended to March 31st of the following year. I wonder why that is and were there problems before? I note, as the Minister has just indicated in relation to a question from my colleague, Mr. Richard, that the municipality had to make that payment within a 30 day period. Have there been any difficulties associated with doing it in the calendar year? Most of the municipalities are involved with budgeting and everything else well before the end of the year. It would seem to me that it is quite a change giving three months into the following year to ask for a rebate on taxes from the previous year. I just would like some idea of what prompted the extension.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Chairman. There was no technical or legal reason. The real reason was that we were constantly getting appeals from people who were filing late or claiming the rebates late and it was growing at a substantial number every year. So essentially it meant that, for whatever reasons, people were just not claiming the rebates. I do not know if it was because people living in isolated communities did not know or whatever, but we were constantly getting appeals well into the new year.

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

MR. McCALLUM: Thank you, Mr. Chairman. Again in relation to this extension, I would expect that maybe in the smaller communities, but certainly not within the municipalities should that present much problem. However, if the Minister and his people feel that this is going to look after it, I would expect that somebody who is late filing for a rebate would continue to be late. You still have a cut-off date.

In another area, the extension of the right of co-operative housing associations to the rebate is a new part of it as I understand. Again, I wonder if I could get some indication from the Minister of the number of co-operative housings. I know that there are three in three municipalities; Yellowknife, Fort Smith and Iqaluit. I do not know whether there are others. Has that been a result of lobby on behalf of those three, or largesse by the government?

CHAIRMAN (Mr. Gargan): Mr. Minister.

Responsibility For Late Claims

HON. GORDON WRAY: Thank you, Mr. Chairman. With regard to Mr. McCallum's initial questions, I am advised that the problem in terms of late claims being filed was not so much in the tax-based municipalities but in the outlying taxation areas. Some of it was as a result of us not notifying people properly and lateness in assessing property tax but the act allowed only up to December 31st. We were in part responsible for it.

With regard to the co-ops, yes, it was a lobby by the three co-ops, as well as the MLAs for the respective constituencies. I believe it was Mr. Richard who raised this issue first in the House, back in the fall of 1985, and brought to our attention an anomaly in legislation. When the legislation was passed in 1981, co-ops did not exist and it was something that had fallen between the cracks, so we intend to move to correct that situation.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 1, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 3, home-owners' property tax rebate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 4, application for rebate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 5, requirements for payment of rebate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 6, notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 7, death of owner. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 8. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 9, payment by Minister. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 10. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Does the committee agree that Bill 11-87(1) is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 27-87(1): Territorial Parks Act

CHAIRMAN (Mr. Gargan): Thank you. We turn now to Bill 27-87(1), An Act to Amend the Territorial Parks Act, with Mr. Sibbeston. Mr. Sibbeston, are you dealing with Bill 27-87(1)? Do you have any opening statement?

Minister's Opening Remarks

HON. NICK SIBBESTON: Mr. Chairman, I am very pleased to come forward with amendments to the Territorial Parks Act. The amendments before the Members here are not major; they are minor in nature. One deals with consultation. There are new provisions to establish parks consultative committees for each park or group of parks, to consider matters of public interest as they relate to those parks. The second change involves the establishment of parks, the new natural environment recreation and outdoor recreation parks. In the present legislation we need to go to the Assembly to get approval for these parks, pursuant to an order similar to the other parks that are provided for in the act. Lastly, we have changes dealing with agreements between our government, the Yukon, provincial governments and the federal government. Here we are clarifying the ability of our government to make agreements with other jurisdictions. So, Mr. Chairman, these are the major components of the changes that we are coming forward with.

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

Comments From Standing Committee On Legislation

MR. MacQUARRIE: Thank you, Mr. Chairman. Once again, the amendments proposed in this act did not present serious difficulties to the committee at all. There was a general concern that was raised in that it was noted that with respect to two categories of parks, previously before establishing them, the Minister had an obligation to establish them acting by and with the consent of the Legislative Assembly. It was noted in committee that this does away with that requirement and that all of these parks listed can be established if their legislation is implemented by order of the Minister. And so with that question being raised, the government explained a couple of things: one, that there are not any hard and fast definitions for the various kinds of parks; and that, in fact, parks being established by order could simply be given another designation rather than the one that required Assembly participation.

Related to that concern, that the Assembly does not have a role in this, was a concern that stemmed from the protection of aboriginal rights and aboriginal lands. It was pointed out by the government in committee that there is a clause in the act that protects aboriginal rights. With that explanation Members seemed not to have further concerns with the bill and the standing committee on legislation moved to refer this bill to the committee of the whole as it is.

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

MR. McCALLUM: Thank you, Mr. Chairman. I have some concerns. One obviously has been addressed by the chairman. Another, of course, is the consultation part of it, and third, is this whole business of setting up not a committee but a number of committees. You are going to have a committee, as I understand it, for every park that is established rather than a total park committee. One of the responsibilities of these committees, or a designate of the Minister, would be consultation dealing with the established operation or management of parks. It seems to me that here, no matter how many parks are set up or whether it is grandfathered into existing parks as well, you are going to have an abundance of these because you identify a number of kinds of parks. You are going to have wayside parks, you are going to have community parks, and historic parks as well. It seems to me that we are creating a number of committees. In the past there was a territorial parks committee made up of five members. But now, as I understand it, the Minister, when he considers it necessary, will establish one or more parks consultative committees. I wonder why the change to a number of them rather than one territorial-wide committee?

In the designation by the Minister of an individual to act for and in his name, what is implied there with the responsibilities of that individual regarding the operation and management of territorial parks? Does that mean that it is going to be a person within the department? One individual? How many parks committees does he feel there are going to be? As I understand it now, he can order a park to come about and the consultation process that goes on with people in and around an area, the dialogue or concerns that are raised by the people in a particular area, need not necessarily be taken into account by the Minister when he makes an order to establish a park. That is what I understand. It is not necessary for the Assembly to consent to it. The Minister may consult with them but it does not mean that there is any obligation on the part of the Minister to abide by any kind of concerns that may be put forth by people in a community, or in an area, via this so-called consultation.

Concern With Consultative Process

I have a feeling this consultation may get back to the kind of consultation that Members of this House have been chastising the federal government for, for many years. We have consulted with you, we have told you this is what we are going to do and this is what is going to happen. I have a little bit of concern with that. So I wonder if the Minister could give us some kind of an idea of what he foresees in the establishment of these parks committees. What responsibilities will this designate have? What authority will that designate have in the operation and management of the parks? And what occurs should people within a particular community voice an opinion that is contrary to that of the Minister, who now will establish a park simply by order? Thank you.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. NICK SIBBESTON: Mr. Chairman, the concerns raised by the Member are many and I will do my best to indicate the government's thinking in this regard.

There are approximately three dozen territorial parks at the moment, most of them being wayside parks along the highways. There are, at the moment, no outdoor recreation parks, the type of parks, I suppose, that would be of most significance in the North. As I understand it, there are proposals for a number of parks, Blackstone being the most recent territorial park. But we are still awaiting land transfers to our government to make them full territorial parks under our legislation.

Consultative Committees Of Citizens Of Area

The Member ought to know, with respect to the consultation, at the moment we have provision for a territorial-wide parks committee and I am advised that there has never been one established pursuant to the legislation. There simply has not been need for one. Instead, we are proposing that when a park is being proposed in a particular area, that there be a parks consultative committee to hear and get the advice of the people that are most concerned with this park.

There is a discretionary power of the Minister to establish them but I am aware of one or two park situations where the government is being pressed to establish the committees and I think just good politics and good management makes it desirable to establish such consultative committees. The government will proceed on that basis, that whenever there is a park to be established the government will establish a consultative committee of the persons nearby or to be affected by the park. Also on a territorial-wide basis, in the event that there are environmental or other park groups that are concerned about the environment -- fishing groups, hunting groups -- we would establish a process of hearing their concerns. The government's intention with respect to the establishment of a park consultative committee is primarily for private citizens, and not so much government type of people, to sit on a consultative committee with a view to getting the people, ordinary citizens living in the North an option to give their advice.

I do not know if I have answered all of the Member's questions but I would be pleased to answer further if he has more specific questions.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. I would like to, at this time, recognize 30 students from Brossard, Quebec in a student exchange program. I would like to welcome them at this time.

---Applause

Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. Merci, Mr. President. Mr. Chairman, I just have a further question. It is my understanding that in the past the establishment of territorial parks has come through to the Assembly for advice and consent, I guess are the words, for natural environment recreation and outdoor recreation parks. Now, of course, this will be done by order of the Minister. Could the Minister indicate to me what was the rationale in not asking now for advice and approval of the Assembly in the establishment of these parks? What is the basic reason for doing that? Was there a difficulty in the past? Where were the difficulties in doing this? I know that in the old one you have changed the name from the Executive Member to the Minister and you talk about deleting the term Commissioner to Minister, but what is the difficulty now? Why now not involve this House?

CHAIRMAN (Mr. Gargan): Mr. Minister.

Approval Of Assembly For Establishment Of Parks Not Deemed Necessary By Government

HON. NICK SIBBESTON: Mr. Chairman, the present legislation in section 6 provides for the establishment of a park when land has been set aside under an act of the Parliament of Canada for park purposes and the Commissioner, with the advice and consent of the Assembly, agrees to establish parks. The department has found this system very unwieldy and to a certain extent unworkable and, also, under that provision it would have been necessary to pass an act for each new park that we were to establish. So it was very cumbersome and required a legislative process which we did not feel was necessary. Rather, we chose to establish a system whereby parks were set up by order of the Minister. This is a much more efficient and reasonable system for the establishment of parks in the North.

So, we are doing away, Mr. Chairman, with a process requiring approval of the Assembly because government does not deem that process necessary for the establishment of parks. We have grown up; we have become a responsible government and establishment of parks is not a matter that should come to the Assembly at every instance and have an act passed to establish a park. It is deemed by the government that the more appropriate and efficient -- the best way is simply to establish parks by order and have a consultative process in place so that the public can have an input into the process so we are taking the matter out of the hands of the Assembly to a certain extent but we are putting it into the hands of people that are more likely to be affected or more concerned than the Assembly Members here.

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

MR. McCALLUM: Thank you, Mr. Chairman. I have heard a lot of adjectives applied to this Legislature and I guess maybe one could be cumbersome and maybe one that would allow to stop the government from working, but nobody ever said democracy was very quick. We are elected to

participate in the expenditures of money by the government. The establishment of parks by an order of a Minister of the Crown may be more expeditious, if you like, and we are elected to represent the people here. Surely we have a means or should have an avenue to put forth our particular concerns.

Government Not Obligated To Abide By Results Of Public Input

In relation to getting public input, it is my understanding from what I read of the meetings of the committee on legislation that the public input may be asked for, the public may be consulted, the Minister or the government will meet with the interested party, but from my understanding there was no obligation on the government to abide by the results of that consultation. At least, that is what I was led to believe. I am only reading the remains here. So you may consult with them and you are going to get public input but that is the kind of input and consultation that I questioned earlier. If you are going to consult with people and you are not going to listen to what they are going to say, and you are not going to be obliged to deal with what they are saying and to take it into consideration, why bother to consult? Why don't you just phone them and tell them you are going to set up a park?

I take a little bit of umbrage at the fact that now the government has decided in its wisdom that it is much easier to do things by order rather than come into this House and ask for consultation by this House. That is too bad, that the government does not like to have advice from Members of this Assembly, but that is the way the ball game is. We are a consensus government, the last time I heard. So we are all involved in it. Consensus only when it occurs, when it is necessary.

MR. MacQUARRIE: No, he wants it once for all time and then that saves a lot of problems.

MR. McCALLUM: It may very well, Mr. Chairman, work out much better, but I have some difficulty because we, as a government, are going to be asked to approve the expenditures of moneys for the management, operation and establishment of territorial parks. You want us to do that but not give you any advice on it. You know, trust us.

SOME HON. MEMBERS: (Inaudible comments)

MR. McCALLUM: I have been around the dance hall a number of times, Mr. Sibbeston, as you well know, and to lay my ultimate faith in how government is going to work in here, I am sorry...

AN HON. MEMBER: (Inaudible comment)

MR. McCALLUM: It is not going -- I have been burned more than once and maybe I have burned others in the process as well...

MR. RICHARD: Stepped on their toes, when you danced with them.

MR. McCALLUM: I just think that here in this instance, it is a very minimal piece of legislation, I will grant you. But nevertheless I think to take away input from this Assembly to the government in a consensus form of government, to give it to one person to decree, yes, we will have parks and, by the way, we are going to talk to people but do not be under any misapprehension, we are not really going to listen to what they say -- at least that is what I read in here from the meetings, the comments, words from the comments of the standing committee on legislation -- I find that a little bit difficult to handle. To say that because you have to come here it slows down things, maybe it is time that we sat and smelled the roses for a while, too, instead of jumping into things very quickly.

MR. RICHARD: Mountain avens.

MR. McCALLUM: Or mountain avens, yes. I guess that is better.

CHAIRMAN (Mr. Gargan): Mr. Minister.

Legislation Being Modernized

HON. NICK SIBBESTON: Mr. Chairman, I believe that what we are doing is really modernizing the legislation concerning the establishment of parks. I think it is fair to say that the present legislation, which provides for the Commissioner and the Assembly to approve the establishment of

parcs, is a remnant of the old system that was in place. The history of the North, the history of government in the North, is that at one time there was very much a gulf and difference between the Commissioner, who was effectively the government, and the Legislative Assembly. At one time I think it was advisable to have the Legislative Assembly involved in the Commissioner's plans to establish a park. We went through a whole era of time when the Commissioner and the government were somewhat apart from the elected people who sit in the Legislative Assembly. So, to me, the way the law presently is, is a system that was in place some time ago, with the Legislative Assembly's check on the Commissioner.

But times have passed and now the Assembly and the government are in much more unison and we depend on the Members for support. In all of our acts, we judge whether our actions have the support of the majority of the Legislative Assembly Members, so I think the time is right, now, to give the authority of establishment of parks to the government that is supported and likely in unison with the Assembly. I think the time has arrived in the North now when the government can surely be given the mandate and the authority to establish a park. The alternative, to keep it the old way, is for us, when we deem that a park is necessary, to come running to the Assembly to receive the approval of the Assembly Members and frankly, with the amount of important business that we have, I do not think it is wise for the Assembly to waste its time with passing legislation establishing little parks. In its stead, we have, I do believe, the establishment of the parks as an administrative, government function and it can be done very easily and very well by the Minister and the government of the day. Now, instead of wasting the time of all the Assembly Members in passing legislation, which is a very slow and costly process, we propose to set up a consultative process where we go to the people that are most affected.

Good Politics To Listen To Affected People

Mr. McCallum raises some doubts as to whether we would listen. It is common sense and good politics to listen to the people that are affected. I have a situation in my own constituency, the people in the Wrigley-Willow River area. The government, the department, is proposing to establish a small, little wayside park by the highway and they have already indicated concern. So we, as a government, are in the process of establishing a consultative committee, a process, so the people can have their say. Wherever there are instances of parks being established, the government will establish committees to hear what people have to say and try to reach agreement with the people. This was the method, I believe, that was used when the Blackstone park was set up. So, the track record of the government in establishment of parks in the last few years, I think, is very good and will continue into the future. These amendments are to streamline the process to make it much more effective and efficient and administratively easier to establish parks than what is in the old system.

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

MR. McCALLUM: Thank you, Mr. Chairman. I am not going to prolong things. I agree it should not be the Commissioner and the Legislative Assembly, wholeheartedly. I would like to get away from that kind of thing. I agree with that. I would prefer to have it the Minister and the Legislative Assembly, not the Commissioner and the Legislative Assembly. So, I agree with the Minister and it may very well be that there are more important things to be done by a government than to get into a squabble about where parks are going to be developed. I, for one, would prefer to have this government establish parks. I have been no great fan of federal parks over the years. We do not have much say in that, as well. Having had the experience of living close to one for over 20 years, I know the difficulties involved with federal parks. Nevertheless I do not agree with the Minister that the Assembly should not be involved with the establishing of parks. But I have been a skunk at a garden party on different occasions and so I could be all alone in this as well. I just am concerned that where the Assembly had some input into it, we should continue to have it but, again, I may be the only one that is concerned with it.

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

MS COURNOYEA: Mr. Chairman, with this discussion that has been going on for the last 15 or 20 minutes about the involvement of the Legislative Assembly in establishing parks, and the explanation that the Minister gave, it appears to me, when I read subsection 6(1), parks will not be put in place unless there is consent of the Legislative Assembly to establish natural environment recreation parks and outside recreation parks. Is this a wrong reading? Because it seems to me that the argument the Minister has given is wiping out section 6 which, to me, ultimately brings to the Legislative Assembly, after the consultative process, the final decision and rubber stamping of this Legislative Assembly. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Minister. Ms Cournoyea.

Intent That Minister Establish Parks With Consent Of Legislative Assembly

MS COURNOYEA: Mr. Chairman, just to clarify on clause 2. Subsection 6(1), read "with the advice and consent of the Legislative Assembly" and what Mr. McCallum is relating to is that that section there would have said that the Minister, with the consent of the Legislative Assembly, may establish a natural environment recreation park or an outdoor recreation park. That was the intent of the legislation, to my understanding.

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. NICK SIBBESTON: Mr. Chairman, subsection 6(1), where it provides for the Commissioner and the Assembly to authorize the establishment of parks, is a present section that is proposed to be repealed. So if that is done, of course that will not apply any longer and in its stead, parks will be established by order of a Minister in consultation, of course, with committees.

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

MS COURNOYEA: Yes, Mr. Chairman, I do not have a very good copy here but from what I read it says, "The Commissioner acting by and with the advice and consent of the Legislative Assembly". Maybe if you can read your new version.

AN HON. MEMBER: (Inaudible comment)

MS COURNOYEA: Yes, that is what is being taken out.

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

Definition Of Parks Lacking

MR. NERYSOO: Thank you, Mr. Chairman. I was just going to indicate the same point that Ms Cournoyea has just raised, where there is a removal of the role of Members of the Assembly in determining the establishment of parks. I think one of the problems we have is a lack of definition with regard to parks, generally, because there are different types of parks. The other thing that I think is important is to ensure that when there is an amendment to a piece of legislation of this type, that clarification be made, with the idea of assuming responsibility for the establishment of territorial or national type parks, where there is a need for setting aside lands for the preservation of wildlife, so that people can go into those parks to view those areas. The other thing is this idea of where you have parks on the road that are for day use, day use parks.

Those are different things. I have no problem with the idea of the Minister having certain responsibility for establishing those. But when it comes to making decisions on natural environment parks and major outdoor parks and natural resources parks, then you have a situation where Members of this Assembly ought to be consulted in the process to make that particular decision.

The other point I wanted to raise, Mr. Chairman, is with regard to the consultative process. It should be clear as to the intent of and the approach by which that consultative process will work, but also whether or not the intent of the committee is to help the Minister determine terms and conditions by which that particular park can be established. I believe that that is the intent, but that is not very clear under the amendment to the legislation here before us. So just with those few comments, maybe the honourable Member will respond or consider in future or at least recognize that our participation as Members of the Assembly has been removed and maybe there is a need for redefinition of the types of parks that you consider Members to be involved in.

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

Five Classes Of Territorial Parks

HON. NICK SIBBESTON: Just to tell the Members that we have five classes of territorial parks which are referred to in the legislation. All of these will now come under the same provision of the Minister being able to set them up and classify them. There are five types of parks and if the

Member wants, I can go through them and indicate the type of parks they are and the purpose and the number of them that we have in the Territories. I can go into exhaustive detail as to the parks, but maybe it is just enough to say now that there are five classes of parks and most of the parks are the wayside parks along highways. There are a number of community parks; there are no outdoor recreation parks at the moment but four or five are being proposed and are at various stages of development. We are waiting for the federal government to complete the land transaction to make those possible. There are presently no natural environment recreation parks in existence.

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

MR. MACQUARRIE: Thank you, Mr. Chairman. Speaking as an individual Member, not as the chairman of the standing committee on legislation, I had heard my colleague, Mr. McCallum, express a thought that perhaps he was the only one who had the concern that he was expressing and I would like to make it clear that he is not, that in fact at the standing committee meeting I raised the concern because I did feel it was a significant matter that the Legislative Assembly had the right of participation in a matter that I consider to be of much greater importance than the Minister seems to consider it.

The reason I do so is because when you are establishing parks, you are appropriating land for particular uses and that may have implications for aboriginal claims, it may have implications for significant economic development, and so on. Because of that, I felt that it was a matter that the Assembly should continue to have some role in. I noted as well that, while the Minister does refer to perhaps taking it out of the Assembly's hand but putting it into the hands of local people who are much more directly concerned, I could not help noting at the time that it is all discretionary. The word "may" appears again and again and, of course, where the word "may" appears, by implication the words "may not" also appear. The Minister may do that and he may not do it. There is no obligation on him to do it and so what it could mean is that you could have quite a unilateral action on the part of the Minister establishing a park -- little consultation in a local area, no discussion or consultation in the Assembly.

As a Member, I felt that was significant. When I raised the issue in committee, however, there did not seem to be that kind of concern for other Members and so no change was recommended in the bill, as I reported as the chairman, but I must say that personally I still have the kind of concern that I have just expressed and that was expressed earlier by Mr. McCallum.

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

Broader Participation By Public And Interest Groups

MR. CURLEY: Thank you, Mr. Chairman. I would like to comment on the bill. I think the bill is obviously an improvement on the way in which the consultation process was carried out in the past. I think it was a more limited consultative process and in practice it was a difficult one, because there was only one territorial parks committee at that time. I think through this exercise there will be a broader participation by the public, the interest groups. I would think all interest groups, whether they be aboriginal groups, other users of the area, the sport fishermen or the lodge operators -- I would think that that leaves an opportunity for the public to have a say.

I want to point out that I think it is important that that distinction is made clear. I do not personally have any quarrel with the role of the Assembly. I think to those of us who are worried about a limited role at the expense of the other groups, I think it is undermining the responsibility that we have through the NWT Act and through the Legislative Assembly and Executive Council Act. We do have a broad responsibility.

Our role does not have to be clearly defined because the Assembly can establish any special committees. The Assembly can bring forward a matter on any public issue that the government is putting forward to the public. The Assembly can establish its own committee and inquire into all aspects of the government initiative. It can defer it to its own special committee and before the Minister finally establishes a park, even though this bill passes, there would have to be an amendment before it becomes a legal entity, a park. That bill would then again have to be reviewed by the Legislative Assembly. I would think we would then have an opportunity again to question the government and to insist upon the government that there be some changes to the proposed park once it has been recommended for approval by the House.

But with this consultative process, I personally do not see that the Assembly should have a direct, specific role. We do have a role. But I do not think at the moment we need to be worried about the fact that we do not have a role, because by our appointment by the public we do have a broad role and I think our role is not limited. I have not seen the Assembly establishing a special committee to inquire into the parks problems. And that is one way the Assembly can exercise its broad responsibility. I do not think the Assembly Members should be concerned with administrative implementation through the process, because there has to be a process before politicians can actually begin to really question the government on its initiatives. I think the bill before us is the procedure and the process that would lead into a broader public discussion. For that matter, I personally do not have a real problem with it the way it is. Thank you.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Curley. Are there any further general comments? Mr. Nerysoo.

Concern About Major Policy Decisions Not Made By Those Elected

MR. NERYSOO: With respect to the idea of Members having that particular influence through the NWT Act, I think there has to be more protection of that type of influence that presently exists in the processes of government. We have been somewhat concerned generally, as an Assembly, about the numbers of boards and committees and agencies that are making major policy decisions or political decisions in the absence of those who have been elected. We, or at least I, have had situations where decisions have been made by members of committees and boards that have not been reflective of what communities have wanted. The criticism does not go directly to those who are on those boards; it goes to Members in this particular House and those people who have been elected to carry out that responsibility.

I have no problem in recognizing the need to amend the legislation to ensure, firstly, the recognition of the Minister and recognizing his political responsibility for assuming the responsibility for this particular, or the appropriate, department responsible for developing parks, whether it is community parks or historic parks or wayside parks. But, I think in terms of the consultation process, there is not even a recommendation that the Members of the Assembly or those affected Members or Member will in any way be part of that consultation process. I think it is a good way of abusing a process. It is open to abuse. Particularly, if the Member or the public in that particular community has a view different from the view the committee itself has. But there is no way in which we can raise that concern with the Minister.

I agree with the amendments in terms of improving that particular political responsibility of the Minister. But let me indicate that setting aside land for parks requires clarification on my part. I have always assumed that there could be a much broader definition to parks -- historical sites, for instance, or historical trails which presently are under the responsibility of the federal government, in some instances. But we also have a certain responsibility there. Now, if we are not a part of the process making those types of major decisions, and that is taken away from us in this process here, then I think we have to question the intent or the reasons as to why that has been removed.

So, I think that generally those are the questions I have. I am not opposed to what the Minister is intending to do. I think the question is whether or not what he is intending to do is going to accomplish the intent of the bill plus ensure that Members of this Assembly are going to be part of the process.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Nerysoo. Are there any further general comments? Mr. McCallum.

MR. MCCALLUM: Are we on general comments? I would like to move an amendment, Mr. Chairman, to clause 3 of the new act. Clause 3, subsection 6(2), page 1 of the bill. I would like to move that subsection 6(2) be amended by inserting the words: "on the advice and consent of the Legislative Assembly" immediately after the word "may" in line 34.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McCallum. Can we, perhaps, go clause by clause until we get to it? When we get to clause 3 we will make that amendment. Does the committee agree, then, that we go clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 1, consultation. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

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

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Gargan): Clause 3, establishment of territorial parks. Mr. McCallum.

Motion To Amend Clause 3, Bill 27-87(1)

MR. McCALLUM: Now, coach. I move that in clause 3, subsection 6(2) be amended by inserting the words "on the advice and consent of the Legislative Assembly," immediately after the word "may" in line 34.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McCallum. There is a motion on the floor now that refers to clause 3. "The Minister may, on the advice and consent of the Legislative Assembly, by order, establish and classify territorial parks." Correct, Mr. McCallum?

MR. McCALLUM: May I speak to it? I agree that we should not deal simply with older pieces of legislation and maintain them. I would prefer to have the Minister, the government, establish the parks here, not simply a federal representative. If the Minister wants to do it by order, that is okay with me as well. If he does not want to put it in by legislation, I am not asking in this amendment that he come back and put a piece of legislation before us. I think that there is nothing wrong with the Minister going for it and establishing parks by order in this instance. What I am concerned about is that we find out about it before the fact rather than hearing about it through the media, that there are parks being established. In this instance it seems to me that by at least his discussing with the Assembly what is going to happen that we would have input into it rather than learning about a park being established by reading it in a paper or hearing of it on the radio. In that way we would have at least some input into it. I think that it is important that we do.

Whether what we are saying will be taken into full consideration by the government is another question but I do not think that this takes away from the Minister's desire to establish parks on his own, that is, by order or regulation. We rarely get to see regulations and they are changed quite often. We have an opportunity with legislation and in this instance I am willing to forego the business of a piece of legislation when you want to establish a park but certainly we would have some input into it. For that reason I would hope that Members would agree to support the amendment.

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

Amendment Administratively Impossible

HON. NICK SIBBESTON: Mr. Chairman, I am vehemently opposed to the amendment as suggested by Mr. McCallum because it will bring the whole process of establishing parks to a halt. It will make it impossible, administratively impossible, and very cumbersome for our department to function. If the amendment goes in as suggested by Mr. McCallum, it means that every little park and we have three dozen or so little wayside parks that are little truck stops along the highway -- it means that we will have to come to the Assembly for the approval of the Assembly in order to have these established and it would just simply be unworkable.

Mr. McCallum describes the establishment of parks, hearing it on the news and through the media. What he is describing is a colonial government that existed 20 years ago. Those sorts of things used to happen in the Stu Hodgson days but that is not the type of government we have in the North today. We have the growth of responsible government and we are accountable to you. I would like to say to Members, what has been your experience in respect to dealings with the Ministers of this government? Haven't we consulted? Haven't we always done things in a manner that is appropriate

and good for the people of the North? To imagine this horror situation of things happening is just not the real world that exists today. What he is describing is an insensitive, not plugged-in and not tuned-in government and that is not the type of government system that we have in place today. We have a consensus type of government and Ministers are very much accountable to the people.

Good Consultative Process In Practice Today

In the matters of parks, I recognize the wayside parks are not very significant but any of the larger parks are significant and the government would not establish a park without a good consultative process and the practice today has been that.

In the Blackstone area, the Nahanni Butte area, I was the MLA when the government proposed to set up a park and I had every opportunity to be involved. There were meetings in the communities. The government is proposing to set up a park just south of Wrigley and already there have been two or three meetings. The regional council and the MLA for the area had an opportunity to tell the government that there is need for consultation and government officials have gone into Wrigley. They have gone in to see the people living right by the park. So there is very much a consultative process and I say, in this day and age when we are trying to establish ministerial government in the North, responsible government, this amendment is not appropriate. It would be setting the government back. It is in essence saying that the Assembly does not trust the Ministers or the government, that there must be a very exhaustive, cumbersome check on the government and I say to you that that is not necessary. I commit myself during the time that I am around that, if these amendments go through, the government will consult in every instance that there are proposals to establish a park.

Maybe I can say that because I just have a few more months as Minister of Economic Development but I am sure any rational Minister in the future will feel the same way. So, I really urge Members to take a very close look at this amendment and reject it because it is not appropriate at all.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Minister. I would like to just remind the Members to speak to the motion. Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. Under the present legislation, subsection 6(2), the Executive Member already has the power by order to establish community parks, historic parks and wayside parks. They can do that by regulation now, by order. The government has seen fit to repeal that, as well as section 6(1), which is the area dealing with the Commissioner's role and the establishment of natural environment recreation parks or outdoor recreation parks. They are a little bit larger than the ordinary wayside one, or the community park.

By my amendment I have not taken anything away that the Minister already had. He already was able to establish community, historic and wayside parks. Nothing is taken away from him. He did not have to come for consent or talk to us about the establishment of those parks, but they have repealed that section. Now, the government wanted to change the role of the Commissioner and that I agree with. I think it should be the government, the Minister, and if you do not like the term "Executive Member" then change it to "Minister" as well. I do not have any difficulty with that either.

Role Of Assembly Eliminated

The difficulty that I have is that now, in establishing the other two kinds of parks, the larger outdoor recreation parks and natural environment recreation parks, not only does he want to take over what the Commissioner was able to do, but he wants to take away in terms of what was here. I applaud him for putting the Minister's name in in relation to this rather than the Commissioner, but I have some concern about not having at least some consultation with the Legislative Assembly and that is the only difference that I have made.

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

HON. NICK SIBBESTON: No, Mr. Chairman, it is not just the only difference. If subsection 6(2) stands as proposed with the amendment, it will mean that the present subsection 6(2), which the Member alluded to, giving the Minister the power to set up community parks, historic parks and wayside parks, would not be in existence. If we pass the amendment, the addition to subsection

6(2), it would do away with the Minister's ability to establish those parks simply by order. So the effect of the amendment proposed by Mr. McCallum is far-reaching in that it would make every establishment of park subject to the consent of the Assembly. And as I say, it is an unnecessary and time-wasting type of process and you simply have to have faith and trust, I guess, in the Ministers and government that we are establishing here in the North.

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

MR. MacQUARRIE: It is unacceptable that the Minister is reducing this to a personal matter of the Assembly not having trust and faith in individual Ministers and so on. That is nonsense. The fact is that there are some matters that an Assembly ought to consider.

MR. RICHARD: Big parks.

MR. MacQUARRIE: Big parks, without question. Now I would like to say that I am not going to support the proposed amendment and I would ask the mover to withdraw it for these reasons. First of all, I personally believe that the language would be contradictory then, because my understanding of the requirement "on the advice and consent" means that there would have to be an enactment, and then when you say "by order" it contradicts the idea of an enactment and therefore I feel it is not appropriate wording at all.

Consent Of Assembly For Appropriation Of Large Areas

The second reason is that certainly I do not wish when there are wayside parks and small parks like that to be established to have those matters brought to the Assembly, but in the matter of large parks it is different. There is no point in the Minister pointing to the past and saying these things have been done in the past. You know the whole rule of law in this matter is established so that it is the future that is protected. What has happened in the past is never any guarantee that that is what is going to happen in the future and so you arrange laws to try to ensure certain events in the future. I think that I, as one Member, say that in the matter of appropriating large land areas for parks that is a matter that ought, and maybe it is just a difference in judgment here, but I say it is a matter that ought to continue to come to the attention of the Assembly and that these parks should be established only when there is the consent of the Assembly.

So a distinction between them is important. For the small parks, no, establish them by order; but for the larger ones I think there should be the consent of the Assembly. That is my position and it is not because I particularly distrust the Minister who has brought in the amendment. It is just that while I trust him implicitly to consult, I recognize, like all of us, he is a temporal character, that means he will not always be here and who knows what is going to happen when the next guy is around -- it may be somebody that you really cannot trust, you see.

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

MR. McCALLUM: Mr. Chairman, I do not want to be that difficult with the government or the Minister. I would have no difficulty with the Minister retaining "by order" for community parks, historic parks and wayside parks. I do not have any difficulty with that. If the definition now of territorial parks is all encompassing to take in the natural environment recreation parks and outdoor recreation parks, I have a concern there because you have geography involved as well -- large areas. So if we can come to some agreement that the Minister would come into the House and get some kind of consent of this Assembly and/or advice on the establishment of these other two larger areas -- and I anticipate them to be larger -- that is, the natural environment recreation parks and the outdoor recreation parks, I do not have any difficulty with it. If all it takes to do that is to retain the old subsection 6(2) and add a new subsection 6(3) to say that he will obtain the consent of the Legislative Assembly prior to establishment of these other two parks, then that will do it. If I could get some kind of undertaking by the Minister to satisfy me that he would look at that then I can withdraw my previous amendment and try to work something out with the Minister in that he does not repeal subsection 6(2) but he retains that and adds a further subsection to the effect that he will come into the House for consent to establish the other two larger parks. Then there will be a new number 6(1) and a new 6(2). Thank you.

CHAIRMAN (Mr. Gargan): Mr. Minister.

Only Small Parks Being Established

HON. NICK SIBBESTON: I think we should get things in proper perspective here. Mr. MacQuarrie, in his eloquent way, attempts to conjure up in people's minds that what we are dealing with here are large vast tracts of land when any of the territorial parks are being established. But what we have thus far, in any of the small outdoor recreation parks that we are proposing to establish, such as the Blackstone and Hidden Lake and the Inuvik parks, are parks in the area of approximately six square miles and that is the approximate magnitude of the territorial outdoor recreation parks. The federal parks in comparison are very large. Wood Buffalo Park involves 50,000 square kilometres; Nahanni, 1000 square kilometres. And so there is a vast difference. I wanted to make that comment just to be sure that people do not, in their minds, conjure up ideas that we are establishing large parks. We are just establishing little parks alongside highways and I do not think that it is a matter that needs to come back here before the Assembly.

With respect to the suggestion of Mr. McCallum that we put some provision in here, I am at a bit of a loss as to what would be appropriate other than legislation establishing a park because the Legislative Assembly acts in matters of law by legislation and that is the best, a concrete and most definite way that it can act. I would be interested to hear what other approaches or what other methods there might be; motions or whatever could be used in order to get the concurrence of the Assembly. If it does still involve the requirement to pass legislation establishing parks then it is still a very cumbersome and unnecessary process for the establishment of parks in the North.

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

Part Of Consultative Process

MR. NERYSOO: Thank you, Mr. Chairman. Firstly, to respond to the Minister. I think that in terms of the legislation that is before us, I have a very difficult time with where the amendment is placed seeking advice and consent of Members of the Assembly. It should have, if anything, been part of the consultative process and a section could have been included suggesting consultation with Members of the Legislative Assembly right under paragraphs 5(2)(a) and (b) where you could have had another subsection (3) that recognized that the Minister -- these words would be somewhat general but the wording could have been that the Minister shall consult with the appropriate Legislative Assembly Member to seek advice and consent prior to the establishment of territorial parks. Now that, in my opinion, would have been a better way of ensuring that the Members of the Assembly were still part of the process but not limiting the decision, in the end, of that Minister to establish that park by order.

The Minister was looking for a suggestion as to how to solve it and I think that could have resolved it. Then, you could have renumbered (3), (4) and (5) to be (4), (5) and (6). That wording is generally the idea of the concept I would have suggested. But, I as well have a difficult time with the suggested amendment and where it is located. I would have to, at this particular time, vote against it. Because I think that it is important for us to give certain direction to the Minister, if the Minister is prepared to consider that, a consultative process, then I have no problem with it.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Nerysoo. I guess I want to remind the Members that the discussion on this particular amendment has already started and the Member cannot withdraw his motion. It has to be defeated in the House in order for a new amendment to be put in. Ms Cournoyea, to the amendment. Mr. Patterson.

Function Of Executive Between Sessions

HON. DENNIS PATTERSON: Just a few comments on that, Mr. Chairman. Mr. Chairman, as I understand it, the Executive Council is in place to look after the affairs of government in between sessions of the Legislative Assembly. Mr. Chairman, the Assembly does not sit all year round. I think one of the reasons why at least some discretion should be given to the Minister, is that there will be delays in making decisions. In some cases, very minor decisions. For example, between May or June of 1987 and November or December, or February of 1988, there will be no Assembly in session in the Northwest Territories which means that we could not even establish a wayside park in the meantime. So, I think the motion fails to recognize the function of the Executive branch.

Secondly, it does seem to me, Mr. Chairman, that the Legislative Assembly has a major input into matters such as the establishment of a significant park through the budget process where the capital plan of the department is scrutinized and reviewed. I do not think it would be possible to establish a major park without the matter being budgeted and approved through the budget process. So for those reasons, Mr. Chairman, I am going to support the Minister.

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

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. I, too, would like to suggest that Members should vote against this amendment for practical purposes. I know that in my area, in fact, on a highway leading to Mr. McCallum's home town there is going to be highway reconstruction. A lot of times when that occurs the opportunity is there, once equipment is on site, to do some work. Often when this work is done, some existing parks have to be moved because of realignment of the highway or widening of the right-of-way and there are so many wayside parks like this that it would be ridiculous for our House to have to meet every time these parks are being established. So, I would suggest that Members defeat the motion. Thank you.

AN HON. MEMBER: Agreed.

CHAIRMAN (Mr. Gargan): Thank you, Mr. McLaughlin. Mr. McCallum, your point of privilege.

MR. McCALLUM: The Member for Pine Point has indicated that there is going to be highway construction in regard to my constituency. There is not. It has been taken away. In fact, his own highway construction in his constituency has been taken away from him too. So, it is not going to happen. You have got wayside parks...

---Laughter

So, what he is saying is wrong.

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

Advice Of Local People And MLA Should Be Sought

MR. NERYSOO: Thank you, Mr. Chairman. I indicated that I opposed the amendment because of the very reasons that Mr. Patterson raised. It is not a matter that we do not recognize that there is a need to ensure that government functions outside the times that the Assembly meets. What I disagree with is this idea that the Ministers know what is good for a particular region when you establish parks. I can recall a couple of years ago, for example, when you established a park near Fort McPherson and you brought in to that community, contractors from British Columbia to construct a log cabin that would provide information for tourists. Now, I disagreed with that. But the region, upon their direction, made the decision to build a \$300,000 unit for information purposes. Now, I disagreed with it but the construction went ahead and, in fact, there were two units.

Now, that is an example of where, unless you have people participating in making those decisions, and Members of this Assembly, it may in fact contradict or oppose what the community does, because it is public money we are talking about. So that we say "public money" but yet accomplish the same types of projects. Now, when there is a need and the Minister shall consult, that is not a matter of undermining the process of administration of government; it is part of the administration of government that that consultation should take place, but that is not happening. I suggested earlier a method of trying to deal with it, but I do oppose the idea of the amendment that has been proposed because the way it has been introduced it does undermine the responsibility in the administration of government. I would hope that the Minister could introduce an amendment that would recognize the role of the Members of the Assembly and seeking the advice, on a park, not of the total Assembly, but of Members of the Assembly. Not every park affects all Members but it might affect one Member of the Assembly. That is just a suggestion I make.

AN HON. MEMBER: Question.

Motion To Amend Clause 3, Bill 27-87(1), Defeated

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

---Defeated

Mr. McCallum.

MR. McCALLUM: Mr. Chairman, previously I asked the Minister whether he was prepared to come with something else to take into consideration that he retain what he already has but to give something in there. Is the Minister prepared to make any change to the bill that he has in front of him now?

CHAIRMAN (Mr. Gargan): Mr. Minister.

HON. NICK SIBBESTON: Mr. Chairman, we will have to think and sleep on it, I guess, but to me to change from the position that we have advanced here is essentially to go back to the system where for those two larger parks we need the consent of the Assembly, and as a government, as of today, you know we are proposing these amendments because we do not agree with the present laws. So for us to change and revert back to the system defeats the purpose of these amendments here today. So for the time being we do not propose to make any changes.

I have some sympathy for what Mr. Nerysoo has said with respect to making some provision for the Minister to consult with the MLA affected, but I say again that any Minister worth his salt will consult and any MLA worth his salt will be very involved, because it would be very much a constituency type matter. So it is not a situation where parks can ever be established without consultation and where it suddenly appears on radio and in the newspapers. It will be a very public process.

CHAIRMAN (Mr. Gargan): There is a motion to report progress. All those in favour? Opposed, if any?

---Carried

I will rise now and report progress.

MR. SPEAKER: Mr. Gargan.

ITEM 18: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 9-87(1), FINANCIAL ADMINISTRATION ACT; BILL 11-87(1), HOME OWNERS' PROPERTY TAX REBATE ACT; BILL 27-87(1), TERRITORIAL PARKS ACT

MR. GARGAN: Mr. Speaker, your committee has been considering Bill 9-87(1), Bill 11-87(1) and Bill 27-87(1) and wishes to report that Bill 11-87(1) is now ready for third reading.

Motion To Accept Report Of Committee Of The Whole, Carried

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

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

SOME HON. MEMBERS: Agreed.

---Carried

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

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. There will be a caucus meeting immediately after adjournment today. There will be a meeting of the standing committee on legislation tomorrow morning at 9:30 a.m.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Thursday, May 28th at 1:00 p.m.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Oral Questions
6. Written Questions
7. Returns to Written Questions
8. Replies to Opening Address
9. Petitions
10. Reports of Standing and Special Committees
11. Tabling of Documents
12. Notices of Motion
13. Notices of Motion for First Reading of Bills
14. Motions
15. First Reading of Bills
16. Second Reading of Bills
17. Consideration in Committee of the Whole of Bills and Other Matters: Bill 9-87(1); Bill 27-87(1)
18. Report of Committee of the Whole
19. Third Reading of Bills
20. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Thursday, May 28th at 1:00 p.m.

---ADJOURNMENT

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