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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

Speaker

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

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

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

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

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

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

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

Curley, Mr. Tagak E.C., M.L.A.
P.O. Box 36
Rankin Inlet, N.W.T.
X0C 0G0
Office (403) 873-7139
Home (819) 645-2951
(Aivilik)

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

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

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

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

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

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

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

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

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

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

Pudluk, The Hon. Ludy, M.L.A.
P.O. Box 240
Resolute, N.W.T.
X0A 0V0
Home (819) 252-3719
(High Arctic)
Minister of Culture &
Communications and Government
Services

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

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

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

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

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

Officers

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

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

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Yellowknife, N.W.T.

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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, JUNE 3, 1987

MEMBERS PRESENT

Mr. Angottitauruq, Mr. Appaqaq, Mr. Arlooktoo, Hon. Tom Butters, Hon. Michael Ballantyne, 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. Don Stewart, Mr. T'Seleie, Mr. Wah-Shee, Hon. Gordon Wray

ITEM 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): With regard to the Meech Lake accord, so much for consensus.

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: Item 2, Ministers' statements. Mr. Ballantyne.

ITEM 2: MINISTERS' STATEMENTS

Emergency Statement On Concerns Of NWT In Meech Lake Accord

HON. MICHAEL BALLANTYNE: Mr. Speaker, with the co-operation of the House I would like to give everybody an update on what was, until this morning, the Meech Lake accord and, I guess, now is the Ottawa accord, the Langevin Block accord. Members who watched the news on television at 10:00 o'clock recognize that from what we know now -- we have not seen all the details yet -- none of the concerns of the Northwest Territories were addressed in the final draft of the accord.

As Members are aware, the principal concerns that we had were the need for unanimous consent for a new province to be formed. The fact is that we were totally taken out of the equation for appointment of Supreme Court judges and senators. Also, there is no provision that we be included at the annual constitutional conferences that are in the accord. Fundamentally the most important aspect of it all is that we were never consulted whatsoever during the whole process.

After the accord was signed, the Executive Council decided on a course of action in caucus and in discussions in the Legislative Assembly and we have undertaken a court case in co-operation with the Yukon Territory. We have retained Mr. John Sopinka, who is a well-known and very distinguished barrister from Toronto, to represent us and also to represent the Yukon. Since that time -- I have been away from the House for a week but I was at a federal-provincial conference of Attorneys General and I made a very strong case for the points that we were putting forward. I think what we found consistently in the exercises is that there seems to be a certain amount of sympathy toward what we are doing but nobody wanted to unravel the whole agreement by trying to accommodate us.

That was consistent in the responses that we got from premiers. Mr. Penikett talked to all the premiers and, again, their response consistently was, "Well, trust us. At some point in the future, come to us and if we think you are ready you should not have a problem."

On Monday, our Government Leader and Mr. Penikett had a press conference in Ottawa. I am going to table, later on, the coverage we got at the press conference but it was very, very good across the country. It did not effect any changes in the Meech Lake agreement but I think the level of

understanding among the provinces and among the people of Canada has risen significantly. I think it was an excellent move that the Speaker of this House presented the motion -- I think it was Mr. Richard's motion -- to the Deputy Prime Minister of Canada. I think that caught people's attention and it was interesting that on the front page of the Toronto Star there was a poll done of various components of the Meech Lake accord and one of the components was special status for Quebec. Another component was the money portion. But, I think fifth or sixth the question was, "What do people think of whether or not the provinces should have a right to veto the entry of new provinces into Confederation?" It was interesting that half the people that were polled said "No".

So, I think out there there is a lot of sympathy and a lot of support. I think it is important for us to recognize that that was only the first round in what will be a long and drawn-out battle. We really had no illusions that we were going to meet with significant changes to the accord but I think we have to put together a very strong and well thought out approach in the future. The deputy leader, after I talk, will outline some of the thoughts that the Executive Council has in this area. So, I just want to leave with you that I think in the last month we have tried very, very hard. At first blush we have not met with a lot of success, but I think we have laid some very important groundwork and I think it is important that we continue this fight and let Ottawa know and let the provinces know that we are not going to roll over and play dead. With that, Mr. Speaker, I think the acting Government Leader has a few words about government initiatives in this area.

MR. SPEAKER: Thank you, Mr. Ballantyne. Let the record indicate that that is not a Minister's statement but rather a statement of an emergency nature. The Chair will recognize Mr. Patterson.

Minister's Statement 51-87(1): 1987 Constitutional Accord

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. On the same basis and in the absence of the Government Leader, I would like to inform the House of some steps that the Executive Council will continue to take in respect of the constitutional accord referred to by the Minister of Justice. Mr. Speaker, the constitutional process has by no means been concluded. In fact, we see the signing of the Ottawa accord today as only the beginning. In the course of the next several weeks, the Executive Council will continue to lobby provincial premiers and the Prime Minister. In fact, Mr. Speaker, we anticipate that most, if not all, Legislatures and the Parliament of Canada will hold hearings on the accord. We will ensure that we continue to participate at these hearings to put forward our point of view because it is fair and just that the residents of the Northwest Territories be treated as equally as Canadians from other parts of Canada.

In addition to the political avenues to be followed in the next several weeks, we will continue to press on with our legal action. It is our considered view that the Ottawa accord, as it is presently formulated, is contrary to our constitutional rights and we will use the courts to protect our rights as Canadians.

Mr. Speaker, although we have yet to receive an official copy of the accord signed today, as I understand it, the accord does contain a non-derogation clause protecting the current status of aboriginal rights in the Constitution. The accord also formalizes annual First Ministers' conferences. We must continue to ensure that our concerns are brought to the First Ministers over and over again, and other Ministers, for that matter, until they are equitably and justly resolved. Once the Executive Council has had a chance to carefully review today's accord, we will be developing a detailed strategy on pursuing this matter. We will continue to pursue this matter with vigour and confidence. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Patterson. For the record, that will also be noted as remarks of an emergency nature. Now, do we have any Minister's statements? Mr. Wray.

Minister's Statement 52-87(1): Storm At Whale Cove

HON. GORDON WRAY: Mr. Speaker, I also have a statement of an emergency nature. Mr. Speaker, I would like to inform the Legislature that late yesterday afternoon we were advised that the community of Whale Cove had been hit by a severe wind and sleet storm. We have been unable to ascertain as yet the amount of damage sustained by the community but we do know that the NCPC plant is secure and, once damage to the distribution system can be repaired, power can be restored. It is our understanding that much of the community has now lost its power. Two NCPC linemen are on

stand-by in Rankin Inlet awaiting a break in the weather to travel to Whale Cove. Two other linemen in Iqaluit, enroute to Hall Beach, will be diverted to Whale Cove if necessary. NCPC in Whale Cove is administered from Iqaluit and the NCPC regional office activated their emergency operations centre last night to monitor the situation.

Communications to Whale Cove have also been cut off because of the downed power lines. However, we have been able to get sporadic communications with the community through HF radio. The GNWT staff in Rankin are equipped with HF radio and have been attempting to remain in contact with the community. We have also mobilized DPW staff in Rankin Inlet and, when weather permits, we will go in to assess damage and what emergency repairs are required. The school and the nursing station are both equipped with stand-by generators and some residents have been moved to the nursing station. Most have preferred to remain in their homes, although we have recommended to the council that they issue an advisement asking all residents to move into the emergency shelters.

The assistant regional superintendent of Municipal and Community Affairs has discussed the matter of the hamlet council's declaring a state of local emergency and the mayor and the deputy mayor were to meet this morning to discuss the situation. However, we have been unable to ascertain, because of the poor communications, whether or not this declaration has been made. We will keep the House advised as more information is forthcoming. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Are there any Ministers' statements? Mr. Patterson.

Minister's Statement 53-87(1): More Local Control In Education

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. In keeping with the Department of Education's objective to increase local control in education, I am pleased to announce that two more territorial education committees have gained society status. On April 1st the education committees in Fort Simpson and Holman Island were officially proclaimed education societies.

The advancement of Holman and Fort Simpson to society status brings the total number of education societies in the NWT to 26. This is quite an achievement, considering the first territorial community to take greater authority over education did so less than 10 years ago.

Education societies are involved in recruiting school staff and also have responsibility for school program funding. Increasing local control in education is an expression of the Department of Education's confidence in the commitment to education by parents and confirmation of parents' longstanding belief that they know best what is good for their children. Thank you.

MR. SPEAKER: Thank you very much, Mr. Minister. This should be an appropriate time, then, to acknowledge our guests in the gallery, the students from Thomas Simpson School in Fort Simpson and their teacher, Dave Madden. Welcome to Yellowknife.

---Applause

Are there any further Ministers' statements? This appears to conclude this item for today. Item 3, Members' statements. Mr. Arlooktoo.

ITEM 3: MEMBERS' STATEMENTS

Member's Statement On Intoxication In The House

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. Last month ITC met in Iqaluit. Some of the items that were dealt with in Iqaluit were directed to us, mainly to the native leaders. The ITC passed a message on to the native leaders and I would like to welcome their initiative. Their concern was that they did not want too many MLAs intoxicated in the House, because that does not convey a very good impression of us as a whole group. So I would like to thank the ITC group for their input. Having a drinking problem, or people with a drinking problem, has a very bad effect on all of us. So I am very appreciative to ITC for saying this to us. This was well publicized on the local radios, too, by native leaders and I think most of the people in the NWT are very happy about this. And they also stated that the leaders should not be intoxicated, mainly because they have to be representing the people who voted for them.

MR. SPEAKER: Item 3, Members' statements. That appears to conclude this item. Item 4, returns to oral questions. Are there any returns to oral questions today? Mr. Butters, are you putting up your hand? Thank you.

ITEM 4: RETURNS TO ORAL QUESTIONS

Return To Question 0190-87(1): STEP Funding, Fort Providence

HON. TOM BUTTERS: Mr. Speaker, I have a return to the question asked by Mr. Gargan on June the 2nd, made on behalf of my colleague, the honourable Minister responsible for Economic Development and Tourism.

The honourable Member is correct that an application by the Fort Providence Dene Band for a \$29,220 STEP contribution, to conduct smokehouse repairs and clear a fireguard around the community, was not approved in full. I understand approval was granted to the band for an amount of some \$15,000. As a result of cutbacks in the regional budget from \$147,000 to \$90,000 only six projects could be funded. One of these projects included the Fort Providence application. Other applications were in Fort Simpson, \$12,200; Lac la Martre, \$28,900; Hay River Reserve, \$16,760; Fort Smith, \$12,600; and Nahanni Butte, \$3800. It was a matter of allocating our scarce resources to the neediest projects. Over \$150,000 in applications were received under this program.

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

Item 5, oral questions. Mr. Erklou.

ITEM 5: ORAL QUESTIONS

Question 0191-87(1): Results Of Autopsies On Suicide Victims

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Health. I think it is to the Minister of Health. Sometimes there are people who commit suicide in communities and their bodies are sent out to Montreal for autopsy and when the body is returned to the communities the relatives are not told what the reasons are for the death. I would like to find out if there is anything that you could do to solve this problem and to see if you could have the people responsible let the families know what the reason for the death is. Thank you.

MR. SPEAKER: Mr. Minister.

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. That is a question that should have been directed to the Minister of Justice.

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: Excuse me, Mr. Speaker. I did not catch the whole question.

MR. SPEAKER: Did you say you were taking the question as notice and are going to answer tomorrow?

HON. MICHAEL BALLANTYNE: Sure.

---Laughter

MR. SPEAKER: Oral questions. Mr. Arlooktoo.

Question 0192-87(1): Wildlife Officer In Lake Harbour

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources. This year they had agreed to put a wildlife officer in 1987 in Lake Harbour. I know that 1987 just started, but we still have not heard about whether we are going to get a wildlife officer in Lake Harbour; we have not heard in the news or any other place whether they are going to get a wildlife officer. So I would like to find out if we are going to get one in 1987. Thank you.

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

Return To Question 0192-87(1): Wildlife Officer In Lake Harbour

HON. RED PEDERSEN: Thank you, Mr. Speaker. Yes, we expect the wildlife officer to be in place in September. We are just in the final stages, through the regional office, of allocating housing. Thank you.

MR. SPEAKER: Thank you, Mr. Pedersen. Oral questions. Mr. T'Seleie.

Question 0193-87(1): Dust Control In Fort Good Hope

MR. T'SELEIE: Thank you, Mr. Speaker. I would like to ask the Minister of Municipal and Community Affairs a question about dust control in the community of Fort Good Hope. Earlier in this session, when the Minister's budget was being considered, he indicated that dust control equipment would be brought into that community and I believe he indicated that this would be done in the summer of 1988.

I would like to ask him if it is possible that this program could be moved ahead to have the dust control this summer because the dust problem in that community is so bad that there is some talk that very young children's lungs are being affected because of the dust and also the older people, as well. So, I would like to ask the Minister whether he could investigate the possibility of moving the dust control program ahead in that community.

MR. SPEAKER: Mr. Minister.

HON. GORDON WRAY: Thank you, Mr. Speaker. I missed the community. Was it Good Hope? Okay. We will take a look at it. However, I should advise the Member that the budget I have under the dust control program is priority funding. The budget is severely restricted and there is very little or no flexibility. To move it ahead would probably necessitate having to cancel a program in another community, or there may be a community where we cannot go ahead this year. So I will have to take a look at it and see just what the status is. I do note that a program is going ahead in Fort Franklin and Fort Norman and maybe later I can talk to the Member to see if, in fact, the problem in Good Hope is much worse than in those two communities. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. I understand then that you will be in contact with the Member with regard to this matter. Oral questions. Mr. Erkloo.

Question 0194-87(1): Utility Subsidy For Non-Government Persons

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I have a question for the Minister responsible for the Housing Corporation. Right now there are some people that are getting HAP program and there are government employees or hamlet employees that are getting assistance for this HAP program or for fuel subsidy funding. I would like to find out if the people that are not working for hamlet or the government or who are unemployed would be able to get this subsidy. If they cannot get the subsidy what could they do about this? Thank you.

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I am not sure exactly what subsidy the honourable Member is talking about. If he is talking about a subsidy that employees of the Government of the Northwest Territories get, that is totally aside from any eligibility for HAP. So I am not quite sure what question is involved here.

MR. SPEAKER: Mr. Erkloo, would you clarify your question, please?

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. For instance if there is an employee that is getting housing, he gets a subsidy for utilities and a housing allowance. I was wondering if there is any kind of allowance or subsidy assistance for unemployed people or people other than the government. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 0194-87(1): Utility Subsidy For Non-Government Persons

HON. MICHAEL BALLANTYNE: I understand the question now, Mr. Speaker. As a benefit of employment an employee of our government gets a certain subsidy. Somebody who is unemployed would be eligible, for instance for public housing, at a minimum cost of \$32 a month. But there is no direct correlation between the subsidies to somebody who works for the government and somebody who does not. If you do not have a job, then you are eligible for social welfare programs, you are potentially eligible for unemployment insurance, you are eligible for public housing, but not eligible for the same sort of benefits that employees of the government receive. Thank you.

MR. SPEAKER: Supplementary, Mr. Erkloo.

Supplementary To Question 0194-87(1): Utility Subsidy For Non-Government Persons

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I am not talking about public housing. I am just talking about the people that are living in HAP housing or that had HAP assistance. I would like to find out if these people that are living in HAP housing would be able to get subsidy for their utilities. And if they are not working for the government, for instance, if this person is working for the co-op, would he be able to get some kind of subsidy for utilities? If they do not, why do they not get assistance for this? Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 0194-87(1): Utility Subsidy For Non-Government Persons

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. The original intention of HAP was to provide housing to those people that could afford to pay for the ongoing operation and maintenance of a house. The government does not have a policy for people who are not its employees to provide some of that O and M cost to an owner of a HAP home. For somebody who works for the co-op, that would be the responsibility of that employer. Or somebody who worked for another employer would be the responsibility of that other employer. It would go totally against the original idea of HAP. So the government is not intending right now to provide any sort of new subsidy to people who live in HAP homes. The original philosophy was somebody should be able to afford those ongoing costs.

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

Supplementary To Question 0194-87(1): Utility Subsidy For Non-Government Persons

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I understand that very clearly. If you are working for the government, and if you get HAP housing allowance. But there are some people that are working, for instance, for the co-op and they get HAP housing. I think it is more beneficial for the people that are working for the government, so I was wondering if you have any plans to help the people that are not working for the government in utilities or other areas. Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 0194-87(1): Utility Subsidy For Non-Government Persons

HON. MICHAEL BALLANTYNE: No. At this point, this government is making a significant large contribution across the board to HAP builders. This year for the first year we are going to be providing \$4000 labour funding; we already supply supervisory money; we are supplying money to put in the electrical and the pads. I agree that government employees, because of the conditions of their employment, sometimes have a better deal than people who do not work for the government. But unfortunately right now, the Housing Corporation does not have the resources to give that sort of a benefit to everybody who owns a HAP home. I understand the question, and probably there are some differences in the benefits that the people receive across the Territories but the Housing Corporation is in no financial position to try to equalize all those benefits for everybody in the North.

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

Question 0195-87(1): Report On Status Of Regional And Tribal Councils

MR. RICHARD: Thank you, Mr. Speaker. My question is for the Government Leader and in his absence, perhaps, one of the other Ministers, regarding the co-ordinating committee on the regional and tribal councils, Mr. Speaker.

Last October the Government Leader announced the formation of this committee to review the status of the regional and tribal councils and to make recommendations on the future development and direction. I understand that the Government Leader requested a report of that committee by June 1st of this year. My question for the Government Leader, or his spokesman, is has the report of the committee been received by the June 1st deadline? Secondly, will this Assembly be getting a progress report of any kind during the current session? Thank you.

MR. SPEAKER: Which Minister wishes to respond to this? Mr. Patterson.

Return To Question 0195-87(1): Report On Status Of Regional And Tribal Councils

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Yes, on behalf of the Government Leader, I wish to respond that the report has not yet been received. Its completion has been delayed due to logistic problems of meeting with all the regional councils which the committee is required to consult with. Therefore an extension for completion of the report has been granted and it will, therefore, not be available before the end of this session. Thank you, Mr. Speaker.

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

Supplementary To Question 0195-87(1): Report On Status Of Regional And Tribal Councils

MR. RICHARD: Mr. Speaker, when is it expected? What is the deadline that is now set for this committee to report back to the Government Leader?

MR. SPEAKER: Mr. Patterson.

Further Return To Question 0195-87(1): Report On Status Of Regional And Tribal Councils

HON. DENNIS PATTERSON: Yes, thank you, Mr. Speaker. I am informed that the deadline for receipt of the final report has been extended to August. I can inform the Assembly, however, that the committee is making plans to meet with and consult with MLAs during this month. Thank you, Mr. Speaker.

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

Question 0196-87(1): Attitude Of Judicial System Toward Victims Of Crime

MR. CURLEY: Thank you, Mr. Speaker. I have a question to the Minister of Justice. There are many innocent victims of violent crimes, sexual crimes committed against young women in the Northwest Territories each year. The judicial system has not helped victims of violent crimes. The Minister has heard from women across the NWT, through women's organizations. Mr. Speaker, the young women of the Northwest Territories and victims of crime need the Minister's help. The courts have been lenient toward sentencing stiff fines, enough to deter acts of sexual violence. I would like to ask the Minister what he is doing to improve the present practice of the judicial system toward the crimes committed against the women of the NWT. Is he considering a review process for the criminal justice system of the NWT? And, if so, when and how?

MR. SPEAKER: Mr. Minister.

Return To Question 0196-87(1): Attitude Of Judicial System Toward Victims Of Crime

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I think the honourable Member is aware of the fact that the offences that he refers to were Criminal Code offences and the responsibility of the federal government. I think we are all very aware and very concerned about the incidence of violent crimes and violent sexual crimes, especially violent sexual crimes against women and against children.

I would like to inform the House that the federal government has undertaken a fairly extensive review across the country of sentencing practices for various crimes. They are reviewing, right now, whether or not the sentencing limits that are imposed now are, in fact, adequate. There should be a fairly wide public debate across the country on that in the next few months. I think there is a lot of concern that perhaps some of the sentences imposed are not strict enough. That, ultimately, will be a decision of the federal government and, ultimately, there would have to be changes to the Criminal Code of Canada.

I am going to table, at this session, proposed victim of crime legislation and a discussion paper concerning victims of crime. Again, that is receiving a lot of national attention. At the meeting of federal-provincial Ministers of Justice I have just come back from, that took up a half a day of discussion. There is a lot of concern right now, very, very serious concern across the country, that the rights of victims are oftentimes forgotten in our justice system. So, that is another area where, hopefully, I can at least provoke some discussion and some debate in the Territories with the legislation that I will be tabling.

Cabinet has made it a prime priority of this government with the RCMP. In the last two years I have been giving priorities to the RCMP on what we consider to be areas in which they should be concentrating. Those areas of violent crime against women and children are two areas that are top on their priority list.

I do not know if I have answered all the Member's questions. We are very concerned about it. We are not going to solve it with any one approach. It will not be just legislation, it will not be just new resources for victims of crime, it will not be just better policing but it is going to take, I think, a very wide and comprehensive approach to it. Our government recognizes the concerns that have been expressed by groups across the Territories and we will do everything we can do to deal with the problem.

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

Supplementary To Question 0196-87(1): Attitude Of Judicial System Toward Victims Of Crime

MR. CURLEY: Thank you, Mr. Speaker. I appreciate the Minister's response. I think the women of the Northwest Territories, particularly the victims of crime, will appreciate the fact that the federal government is doing something about the Criminal Code. But, Mr. Speaker, I think we must move closer to home and I believe as a government we have the responsibility still to protect the victims of crimes committed against innocent people and the young women and young children.

Now, I would like to ask the Minister, although the national initiative is taking place, surely there is some means by which this government can establish a process where a formal presentation can be made. The present practice of the judicial system has been more interested in protecting the cross-cultural differences of the native people when they committed a violent crime. As a result, the victim is not fully compensated or respected. As a result of that, the judicial system is not providing a deterrent to the present violent crimes committed against innocent victims. So I am asking the Minister if he would be prepared to at least establish a review process of some kind, so that the innocent victims of the crimes committed against them can have assurance that this government is not merely passing the buck to the federal government when the situation gets serious. Thank you.

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

Further Return To Question 0196-87(1): Attitude Of Judicial System Toward Victims Of Crime

HON. MICHAEL BALLANTYNE: I want to emphasize that we are not in any way trying to pass the buck. It has already been pointed out that one aspect of it, the sentencing of people who are convicted of committing serious crimes, is an aspect that is out of our hands. It is in the hands of the federal government. They are hearing concerns from people across the country that perhaps the sentencing patterns are not appropriate right now. As I said, I will be tabling this session, for the first time in the Northwest Territories, legislation that is going to attempt to deal with victims of crime. It is going to attempt to set up a committee for victims of crime. Victims will know where to get information and will know what avenues they can pursue. There has not been enough done about victims anywhere across the country. This year we have also increased the amount of money in our injuries compensation fund. I think it is an area that the various components of

the justice system have to take very, very seriously. If the Member has any ideas I would very much like to get a strong debate going across the Territories about the necessity to provide services to victims of crime because I think they have been very hard done by.

I will be introducing the tabled legislation next week. I hope somebody moves it into committee of the whole and this House discusses some of these serious issues that Mr. Curley quite rightly is bringing to my attention. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Oral questions. Ms Cournoyea.

Question 0197-87(1): Preference Not Extended On Subcontracts, Sachs Harbour And Aklavik

MS COURNOYEA: Mr. Speaker, this question is addressed to the Minister of Community and Municipal Affairs. Yesterday, the Minister assured this House that the 10 per cent preference on contracts was extended to subcontractors. Particularly in the contracts that were awarded in Sachs Harbour and in Aklavik, there does not appear to be a good justifiable reason why and the evidence has come out that the subcontractors were not given the 10 per cent northern preference.

MR. SPEAKER: Mr. Minister.

Return To Question 0197-87(1): Preference Not Extended On Subcontracts, Sachs Harbour And Aklavik

HON. GORDON WRAY: Thank you, Mr. Speaker. First of all, the northern subcontractors that were listed in the Aklavik recreation complex bid were Northern Pile and Foundation, Hovat Construction and Accurate Northern Mechanical. They were extended 10 per cent. As in Sachs Harbour, any northern subs listed by the contractor were also extended the preference. The question that Ms Cournoyea is asking is with regard to another submission by the two successful contractors who volunteered to use northern subs if we were willing to pay a premium. We did not call either in the tender documents or the contract specifically for them to list alternate northern subs in these jobs. The tender documents were the normal ones. However, both contractors volunteered to use northern subs and gave us information, which was not part of the tender but which was an aside, that this is what it would cost if we wanted to use northern subs. Quite frankly, if I had had the flexibility within the budget then I would most certainly have taken a very close look at utilizing the northern subs which the contractors volunteered to use.

However, in the case of Aklavik and Sachs Harbour, I was already substantially over budget on those two projects. In fact in the last six weeks or so nearly all of the tenders coming for all of the, particularly the recreation projects, have been over estimate. I do not need to repeat to this House or to go into the instructions that we got in the winter session, which were that our deficit is already too large. Therefore the instructions to the department have been that you must live within the construction budget that has been allocated for this project. You cannot go back to the table for more money and because of those instructions and because both projects were already over budget no consideration was given to using the northern subs because it would have meant in the Aklavik case, as well as being already over budget, finding another \$60,000 to pay the premium for the northern subs.

In the Sachs Harbour case, which was already \$130,000 over budget, again looking at finding extra money. In Sachs Harbour, in fact there was no consideration whatsoever because with the tender that we did get, we had to cut back substantially on the scope of work that we were going to do, simply because we did not have enough money to begin with. I appreciate the Member's comments in terms of using northern subs. I have this winter approved the use of northern subs as an alternate course of action and payment of the premium to do that. I have been able to do so when a project has come in under budget and I had flexibility in terms of the amount of money available for that project.

Where they come in over budget, and because other projects are also coming in over budget, I find that within the department I have no flexibility for extra money right now. We are in fairly bad shape when it comes to finding more money from within, so that is the reasoning. Just to assure the Member, if those subs had been listed in the contract, the tender documents, as northern subs they would have been extended the preference but they were not listed. They were only added as an addendum by the contractors themselves as information, for information purposes only.

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

Question 0198-87(1): Replacement For Social Worker, Lake Harbour

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Social Services. In Lake Harbour we no longer have a social worker. Since April 3rd to now that person has not been replaced. The social workers are very much needed in the community and there are people who are young offenders who need guidance from the social worker. Not having a social worker in Lake Harbour has created some inconveniences. I would like to know if there is going to be another social worker hired in Lake Harbour. Thank you.

MR. SPEAKER: Mr. Minister.

Return To Question 0198-87(1): Replacement For Social Worker, Lake Harbour

HON. BRUCE McLAUGHLIN: Thank you, Mr. Speaker. I must admit that the department has had difficulty recently in the Baffin with vacancies created by resignations of social workers. This is primarily because other jobs in the community pay more and have a lot less stress. That is one of the main reasons we have lost social workers. I am trying to address this with my colleagues. In particular, when there are vacancies it is necessary for us to follow the guidelines set out by the Department of Personnel, which comply with the agreement with the union that represents the employees. There is a period of time for advertising basically in-house, amongst existing employees, when a vacancy occurs. Then if nobody bids on the job, then we have to advertise the job outside of the government and in some cases, outside of the Territories. So, often we have to go through three steps of advertising before we are able to find someone. In Lake Harbour and in the other communities where we have vacancies, the department is working with Personnel to replace the social workers as soon as possible. Thank you, Mr. Speaker.

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

Question 0199-87(1): Social Workers Underpaid

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Personnel. This is a supplementary to the question my colleague, Joe Arlooktoo, just raised. At the present time there are a lot of problems with social workers, especially in the Baffin Region, and that is because they are underpaid. There are usually vacancies and sometimes the job is attractive enough but because of the salary that is offered -- I would like to ask the Minister why his department offers a very low salary?

MR. SPEAKER: Mr. Minister.

Return To Question 0199-87(1): Social Workers Underpaid

HON. RED PEDERSEN: Thank you, Mr. Speaker. Salaries in the public service are set according to the classification of the position. I want to assure the honourable Member that we do not offer a very low salary to social workers. In fact, we pay a premium over southern social workers. The social workers in Canada as a whole, professional social workers, are classified at what they consider and which many agree with, a scale below where they should be, but our rate of pay to social workers in the Northwest Territories is not low compared to the rest of the country. In fact, it is higher than the rest of the country. Thank you.

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

Question 0200-87(1): Education Agreement For Status Indians

MR. GARGAN: Thank you, Mr. Speaker. I want to direct my question to the Minister of Education, again regarding the education of status Indians. On the agreement that was signed in 1955 and the transfer in 1968, I understand the Minister, in making a short reply, did indicate that there were some legal implications, constitutional questions that have to be dealt with. It is now three months and nine days since I have waited for this particular reply. I would like to ask the Minister if there are some difficulties that need to be addressed with regard to this particular issue that I have been trying to get answers for. Are there any conflicts between the 1955 Indian education agreement and the existing Education Act? I have not received any response to date and I would like to ask the Minister whether he does intend to get a response during this 10th Assembly.

MR. SPEAKER: Mr. Minister.

Return To Question 0200-87(1): Education Agreement For Status Indians

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Firstly, Mr. Speaker, I can inform the honourable Member that I have done extensive research in the archives in Ottawa on the subject and have recently received a complete copy of the agreement by which the responsibility for education of native persons was transferred from the federal government to the Government of the Northwest Territories by order in council in 1955. It does not appear that there is any conflict between the Education Act and that agreement, Mr. Speaker. I do intend to provide more complete information on that transfer and will endeavour to do so before this House rises. Thank you, Mr. Speaker.

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

Question 0201-87(1): Cheaper Home Heating Oil Through Housing Corporation

MR. PANILOO: (Translation) Thank you, Mr. Speaker. My question is to the Minister of the Housing Corporation. I have my own house and I purchased my furnace oil personally. I went along with those people who were getting their own houses in 1986 to purchase some furnace oil. Another person did not have his own house and he is trying to get his own house now. I think that when they buy furnace oil, the Housing Corporation pays lower prices. I would like to know how these home-owners can be assisted by the Housing Corporation for maybe five years, when a person has purchased his own house, and then those subsidies can terminate. Maybe perhaps you can respond to this. Thank you.

MR. SPEAKER: Mr. Minister.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. To my knowledge there is not a lower price for the Housing Corporation than for other consumers. But I will take the question as notice and reply as soon as I can. Thank you.

MR. SPEAKER: Question is being taken as notice. Oral questions. Mr. Erkloo.

MR. ERKLOO: (Translation) Thank you, Mr. Speaker. I will raise my question and direct it to the Minister of Personnel once I have worked on my question further.

MR. SPEAKER: Thank you. Mr. Gargan. Oral questions. That appears to conclude this item for today. Item 6, written questions. Mr. Arlooktoo.

ITEM 6: WRITTEN QUESTIONS

Question W44-87(1): Testing Of Diseased Caribou Meat

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. My question is directed to the Minister of Renewable Resources. In Baffin Island the Department of Renewable Resources started a program to investigate the health of caribou in that region and the hunters that killed diseased or unhealthy caribou were to send samples to the Renewable Resources office in Iqaluit. The hunters in Baffin Island have been sending these so-called diseased caribou samples for the past several years. Perhaps when the study first started, it was going well but recently the samples of the diseased caribou meat that supposedly were to be studied, are just being collected in the freezer without being checked. The hunters worked hard to collect caribou meat samples, following the directions they got from the Renewable Resources people, and sending the samples of the caribou meat to Iqaluit.

My first question to the Minister of Renewable Resources is: What do you plan to do with the samples of caribou meat which were supposed to be examined and which are just being collected in the freezer in Iqaluit?

My second question is: Should the hunters in Baffin Island stop sending samples of the diseased caribou meat because the wildlife people in Renewable Resources are not doing the examinations that they said they would do? Thank you.

MR. SPEAKER: Thank you, Mr. Arlooktoo. The Chair would like to recognize in the gallery today, 15 members of the Governor General's study group, travelling and meeting throughout the Northwest Territories. The group is lead by Mr. Stewart A. Thomson. Members will have a chance to meet the participants during the break this afternoon. Welcome to Yellowknife, ladies and gentlemen.

---Applause

Written questions. Mrs. Lawrence.

Question W45-87(1): Curfew By-Laws

MRS. LAWRENCE: Thank you, Mr. Speaker. I have a question for the Minister of Justice. A year ago I asked for information on curfew by-laws. I have not heard from the department and the community of Fort Resolution is still waiting for this information. Would the Minister of Justice look into this matter and reply to this House as soon as possible. Mahsi cho.

MR. SPEAKER: Thank you. Written questions. Mr. Richard.

Question W46-87(1): Expenditures To Date For NCPC

MR. RICHARD: Thank you, Mr. Speaker. My written question is for the Minister responsible for the Energy, Mines and Resources Secretariat. With respect to the intention of this government to assume responsibility for the mandate of Northern Canada Power Commission in the Northwest Territories, what are the total expenditures, to date, by this government in studying this issue and in conducting the negotiations? What is the breakdown of these expenditures by category of expenditure, by fiscal year and by method of appropriation, that is, main estimates, supplementary appropriations and special warrants? Thank you.

MR. SPEAKER: Thank you, Mr. Richard. Written questions. Mr. Nerysoo.

Question W47-87(1): Native Participation In Economic And Business Developments

MR. NERYSOO: Thank you, Mr. Speaker. This is a question to the Minister of Economic Development and Tourism. What efforts are being made to promote native participation in economic and business development in the Northwest Territories? Could the Minister responsible for Economic Development and Tourism table the department's policy on promoting native participation in economic and business development in the NWT? Would the Minister indicate whether this policy was used by the Minister of Education in awarding the contract for the administration and management of Grollier Hall in Inuvik?

MR. SPEAKER: Thank you, Mr. Nerysoo. Written questions. Mr. Richard.

Question W48-87(1): Expenditures On Processing Of Legislation

MR. RICHARD: Thank you, Mr. Speaker. My written question is for the Minister of Municipal and Community Affairs. With respect to the various bills which have been and will be introduced in this session, replacing the current Municipal Act and the current Taxation Act, what are the total expenditures during the past 10 years in conducting the review of existing legislation, in the consultation process, and in the preparation of the various drafts of proposed legislation, and what is the breakdown of these expenditures by category of expenditure and by fiscal year? Thank you.

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

Question W49-87(1): Agreement For Protection Of Interests On NWT Boundaries

MR. NERYSOO: Thank you, Mr. Speaker. This will be a written question to the Minister of Justice regarding changes to the NWT boundaries. Would the Minister of Justice table in this House the agreement reached between himself and the federal Minister of Justice which protects the interests of the people of the Northwest Territories if changes are to take place to NWT boundaries. Further, has the Government of the NWT researched the boundary changes and whether or not they were and are constitutional under the 1981 Canada Act, referencing sections 41(e) and (f) which requires the consent of the federal government and seven provinces with a majority of 50 per cent of the population of Canada?

MR. SPEAKER: Thank you. Written questions. Are there any further written questions? That concludes written questions for today. Item 7, returns to written questions. Mr. Clerk.

ITEM 7: RETURNS TO WRITTEN QUESTIONS

CLERK OF THE HOUSE (Mr. Hamilton): Return to written Question 36-87(1), asked by Mr. Arlooktoo of the Minister of Municipal and Community Affairs.

Return To Question W36-87(1): Terminal Building At Cape Dorset

Transport Canada is responsible for providing or improving airport facilities at Cape Dorset. There are no plans at this time to expand the airport terminal building. Transport Canada's current policy on provision of new or improved facilities states that none shall be provided unless there is a resulting decrease in overall operation and maintenance costs of the facility. An expansion of the terminal building in Cape Dorset would result in an increase to operation and maintenance costs and therefore would not likely be approved. On a more positive note I will instruct my officials to investigate the possibility of remodelling the existing building to allow a larger public waiting area. Mike Ferris, superintendent of Municipal and Community Affairs in Iqaluit will work with the mayor and council of Cape Dorset on this matter.

MR. SPEAKER: Thank you, Mr. Clerk. Item 8, replies to the Opening Address. Item 9, petitions. Mr. Curley.

ITEM 9: PETITIONS

MR. CURLEY: Mr. Speaker, I would like to table Petition 10-87(1), addressed to the Minister of Justice, regarding the issue of the sentencing of criminals involved in sexual violence and asking the Minister to urge and implement immediately a review of current sentencing for crimes involving sexual violence and sexual acts. Mr. Speaker, the petition contains over 500 signatures as well as the covering letter to the Minister.

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

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

ITEM 11: TABLING OF DOCUMENTS

HON. DENNIS PATTERSON: Yes, thank you, Mr. Speaker. I wish to table Tabled Document 68-87(1), Meeting of First Ministers on the Constitution, 1987 Constitutional Accord, June 3, 1987. Thank you.

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

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I would like to table Tabled Document 69-87(1), Media Coverage for NWT, June 1st and June 2nd, 1987, dealing with the Meech Lake accord.

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

MR. APPAQAQ: (Translation) Thank you, Mr. Speaker. I would like to table Tabled Document 70-87(1), which was written on May 15th, 1987, from the Sanikiluaq hamlet. They have written this letter to myself and it is a request for a hockey rink. Thank you.

MR. SPEAKER: Thank you, Mr. Appaqaq. Tabling of documents. Mr. T'Seleie.

MR. T'SELEIE: Thank you, Mr. Speaker. I would like to table Tabled Document 71-87(1), Motions Passed at SHIHTA Regional Council Meeting, Fort Good Hope, March 23rd to 26th, 1987.

MR. SPEAKER: Thank you, Mr. T'Seleie. Tabling of documents.

Item 12, notices of motion. Notices of Motion. Item 13, notices of motion for first reading of bills. Mr. Ballantyne.

ITEM 13: NOTICES OF MOTION FOR FIRST READING OF BILLS

Notice Of Motion For First Reading Of Bill 12-87(1): Insurance Act

HON. MICHAEL BALLANTYNE: Thank you, Mr. Speaker. I give notice that on Friday, June 5, 1987 I shall move that Bill 12-87(1), An Act to Amend the Insurance Act, be read for the first time.

MR. SPEAKER: Thank you, Mr. Minister. Notices of motion for first reading of bills. That appears to conclude this item for today.

Item 14, motions.

Item 15, first reading of bills.

Item 16, second reading of bills. Item 17, consideration in committee of the whole of bills and other matters: Bill 9-87(1), Bill 5-87(1), Bill 15-87(1), Bill 33-87(1), Bill 34-87(1), Bill 4-87(1), Bill 16-87(1), Bill 22-87(1), Bill 23-87(1), Bill 32-87(1) and Fourth Report of the Standing Committee on Public Accounts, with Mr. Wah-Shee in the chair.

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

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 15-87(1), LOCAL AUTHORITIES ELECTIONS ACT; BILL 34-87(1), PUBLIC SERVICE ACT

Bill 15-87(1), Local Authorities Elections Act

CHAIRMAN (Mr. Wah-Shee): The committee will come to order. We are dealing with Bill 15-87(1), clause 19. We have an amendment to the motion on the floor. Does the Minister wish to invite witnesses before the committee? Does the committee agree?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Would the Minister indicate his witnesses for the record, please?

HON. GORDON WRAY: Thank you, Mr. Chairman. I have with me, Mr. Patrick Orr, senior legislative counsel and Mr. Robin Beaumont, municipal policy and legislation specialist.

Further Discussion On Motion To Amend Motion To Add New Clause After Clause 19, Bill 15-87(1)

CHAIRMAN (Mr. Wah-Shee): Thank you. We have an amendment to the motion on the floor. To the amendment. I have a list here from yesterday. To the amendment, Mr. McLaughlin. Mr. Richard, you were on the list yesterday. To the amendment.

MR. RICHARD: Thank you, Mr. Chairman. I did wish to speak yesterday on some of the remarks that had been made by other Members in relation to Mr. Curley's amendment to my motion. Perhaps it is fortunate, Mr. Chairman, that I had the intervening overnight recess to calm down. I do wish to put on the record some response to some of the statements that were made by the Minister of Municipal and Community Affairs and others.

In addressing the motion of Mr. Curley and presumably my motion regarding the residency requirement, the Minister indicated that he is "tired of the city of Yellowknife driving the whole legislative process in this Assembly". The Minister, Mr. Chairman, is well aware that that is not the case. That in fact, Mr. Chairman, the opposite is true. That in recent years, perhaps since 1979, this Assembly has deliberately resisted taking any direction from residents of Yellowknife.

The Minister has expressed his state of tiredness, that he is tired of these things. Mr. Chairman, I wish to state that although I have not been in this Assembly as long as the Minister, I have become tired, in fact sick and tired, of motions in this Assembly being opposed simply, Mr. Chairman, simply because they come from this corner of the Assembly. I am sick and tired, Mr. Chairman, of Ministers and Members in this Assembly, when they do not have any legitimate or valid arguments or comments to make on the merits of an issue, reducing the debate to an expression of "anti-Yellowknife" or "anti-large community" sentiment.

Right To Raise Important Issues Again And Again

In addition, Mr. Chairman, I note, in particular, the statements made by the Member from Nunakput and the Minister of Municipal and Community Affairs that they cannot understand why this issue of residency requirement, the length of residency, is being raised again. I wish to state, Mr. Chairman, in response to their concern, that it is being raised again simply because, I, as a

Member of this Assembly, have a right to raise it. As does Mr. Curley to put his motion. And I have the right, Mr. Chairman, to raise it again and again and again. And I would hope, Mr. Chairman, that all Members agree with that principle. Surely, Mr. Chairman, when we as a group lobby with Ottawa, as we have recently done so, although we are denied a request by Ottawa on a particular issue, such as our recent request regarding the Meech Lake accord, we do not quit as an Assembly or as a group of people. We do not hesitate to raise the issue again and again. Similarly, Mr. Chairman, Members of this Assembly, even, Mr. Chairman, those from Yellowknife and the large communities, are entitled to raise important issues time and again.

Mr. Chairman, this motion of Mr. Curley's simply calls for a change in the government bill. Instead of the territorial government telling all communities in the Northwest Territories that they will change their residency requirements for municipal elections from six months to 12 months, Mr. Curley's amendment to my motion would simply allow the communities to decide what is best for them, six months or 12 months. If Members of this Assembly, Mr. Chairman, do not want their own communities to have that right, if they do not want the community of Fort McPherson to have the right to decide six months or 12 months, then they should vote against the motion, I agree. I think each Member should put it in the context of their own home communities. This government bill says that you will change the residency requirement for your own municipal and education elections from six months to 12 months. Mr. Curley's amendment to my motion would allow large and small communities to decide for themselves what is best for them, six months or 12 months. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the amendment. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. I am sorry I was not here yesterday. I missed a goodly portion of the debate. I may see it from a slightly different perspective than Mr. Richard or Mr. Curley. I do not think the issue here is necessarily six months or 12 months, or what is the fairness of whether or not municipalities should have a right because you could make that case probably for any single responsibility of the Legislative Assembly. The argument should not be, "Well, if you do not give the authority of the Legislative Assembly to a municipality, somehow you are not supporting democracy in your municipality." I do not buy that argument.

Responsibilities Of Legislative Assembly May Be Diminished

I have a concern in a broader sense that this act put forward by Mr. Wray is the enabling legislation which sets out the constitution of a municipality. Clearly the Legislative Assembly has the authority and has the responsibility to lay out what is in that particular constitution. I see the danger here is that if you say that there should be an exception to that principle in this one particular case, in the constitution of a municipality, my fear is, where do you draw the line? Is this the thin edge of the wedge? So, I am going to be supporting Mr. Wray on this one but maybe for a different reason than other Members have.

SOME HON. MEMBERS: (Inaudible comments)

HON. MICHAEL BALLANTYNE: No, I think there is a fundamental problem here and...

HON. DENNIS PATTERSON: It is called "cabinet solidarity".

HON. MICHAEL BALLANTYNE: I think another fundamental problem that we have to be careful of is that if we allow each community to more and more take on the responsibilities of this Assembly, you could have, I think, a serious checkerboard effect across the Territories where people are moving back and forth and it becomes very, very difficult to maintain any sort of balance and any sort of fairness. So I do not want to get into the debate about six or 12 months and I do not want to get into the debate about people's feelings about Yellowknife. I think my feelings about Yellowknife are very clear and are very strong as they have been historically, but I will not support the motion because I see it as beginning potentially a series of steps which could seriously weaken, I think, the responsibilities of this Legislative Assembly and I think has the potential to begin to abrogate our responsibility. So for those reasons, Mr. Chairman, I will not be supporting the motion.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the amendment. Mr. Angottitauruq.

MR. ANGOTTITAUURUQ: Thank you, Mr. Chairman. I was waiting for this moment to speak to the motion and the amendment. Well, I will be showing my support when the vote comes in for the amendment and for the motion for simple reasons...

MR. RICHARD: (Inaudible comment)

MR. MacQUARRIE: You must be a newcomer.

MR. ANGOTTITAUROUQ: Yes, I may be.

HON. MICHAEL BALLANTYNE: He was not here yesterday obviously.

MR. ANGOTTITAUROUQ: Well, I see further down the line that back home and in some communities we have students and there are going to be some graduates and they will live there for the rest of their lives. The only time they go out is when they go to school and they are itching to be elected, to be able to be eligible to run, as we say. They are going to be the leaders in the future.

For other reasons, I do not think, in the way some comments were made, that the newcomers are going to take over the community just like that. There are only a few that come into the communities and they come to live there and they have the right to vote without being told by the government, "You are a newcomer, you cannot participate in the community." I think that is not very nice for some people especially when you just went to live in another community that is close by and you are just coming back there and you know the community well. It is to those people that we are trying to say, "Hold back. You do not have the right now. You just better wait one more year because you do not know this place." If they were originally from that community -- 12 months is too long for them to wait to participate, and why not give them three years? I think simply for those few reasons, I will support the motion.

Native People Do Have The Right To Participate

I really do not believe it is putting the native people and the white people apart. Anyway, the native people have the right to participate if they are eligible to be candidates and I do not think this is saying, "You do not have the right to be elected." It is a case where they have to go forward, and like I always say, just make yourselves known in what you are trying to do and you can be heard. This motion is not saying you have been a resident of the Northwest Territories and you are a native, you do not have the right to be a candidate. It does not say that. The motion and the amendment do not say that, but some people are starting to say that it is breaking the ties of people working in the Northwest Territories in some communities. For those reasons I am going to support the motion. I do not see any difficulty and I think the communities have the right to decide for themselves on how to go about it. Those are my closing words in support of the motion. Thank you.

---Applause

CHAIRMAN (Mr. Wah-Shee): We are dealing with the amendment to the motion. To the amendment. Mr. Wray.

HON. GORDON WRAY: Thank you. Just one comment to correct what is obviously a wrong impression by the Member who just spoke. A person does not lose his residency by virtue of going to school. If he is a student and he leaves town for five years, he is still considered to be a resident of that community and would not lose any voting rights. So a student does not lose any residency rights whatsoever.

Motion To Amend Motion To Add New Clause After Clause 19, Bill 15-87(1), Defeated

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

---Defeated

To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you very much, Mr. Chairman. The Minister yesterday characterized the debate as one taking place between permanent and long-term residents on the one hand, and on the other, those short-termers who have just come recently. I found it rather ironical that at that moment we were discussing an amendment that was put by Mr. Curley, of Rankin Inlet, and being challenged by Mr. Wray, recently of Scotland. I think that that is not the nature of the debate at all. But rather it is a difference in understanding of the franchise.

On the one hand you may have those who feel that it is a matter of the franchise residing in the benevolence or largesse of people like ourselves in an Assembly like this and that it is in the nature of a gift to be bestowed or withheld at pleasure. That is on the one hand. And on the other, people who feel that it resides somewhere other than that, more in the fabric and nature of the country itself, that it is a fundamental right which people have in a democracy and that if there are those, like ourselves, who intend to infringe that right in some way, deny it or limit it in some way, that such people ought to have very clear and very important reasons for doing so. And indeed, in my opinion, there are sometimes such reasons and that is why I have said in the past, in the matter of fundamental constitutional affairs, I can understand the desire for a longer-term residency.

Issue Not A Fundamental Constitutional Matter

However, in this matter before us now, it must be clear that we are not talking about fundamental constitutional matters. Mr. Gargan yesterday raised the spectre that in some way, this was related to constitutional matters and that it might in some way, jeopardize some very fundamental things in the Northwest Territories. And I simply do not agree that that is the case. We must remember here, that we are dealing with the right to vote and the right to run for election in municipalities and we must remember that municipalities generally are dealing with matters such as sewage, water, roads, fire prevention, taxi regulation and that sort of thing and that the question is, is six months residency adequate for someone to understand the local situation and to be able to deal effectively with things like that? There can be a genuine difference in judgment as to whether that is the case or not. Certainly, in my own case, I feel that that is adequate in those matters.

In response to what my colleague for Yellowknife North said a little earlier, yes, I agree that constitutionally this Assembly clearly has the authority and the responsibility for municipal affairs and therefore the authority and responsibility for making determinations in matters like this. But I also know that Members of this Assembly, many times in the past, have pointed out the importance of trying to ensure as much community choice as possible. They pointed out the desirability of trying to have as much flexibility as possible in our system, so that it is not a rigid centralized system. So the question must be asked in this matter that we are dealing with, is there an opportunity for flexibility, for community choice? Or is it a matter where we must maintain a rigidity and a strong centralization for some reason? And my own judgment is that this is an excellent opportunity to enable community choice and flexibility.

We must keep in mind that this is something that was asked for by those governments that are associated in the NWT Association of Municipalities. They recommended that they be entitled to have this choice if they want it. So, what we are asking is, "Is it possible to confer that choice without jeopardizing other communities?" The answer seems to me to be clearly, yes. I do not see how that jeopardizes other communities. Now, twice, Ministers, Mr. Patterson and Mr. Ballantyne, have said, "But that could create a checkerboard system across the Territories." But in saying that they fail to recognize that already...

AN HON. MEMBER: (Inaudible comment)

MR. MacQUARRIE: You mean you can mention checkerboards, but I cannot?

MR. RICHARD: No, no. My amendment is to allow the cities, towns and villages to have the choice.

MR. MacQUARRIE: Surely, that is what the motion is.

MR. McCALLUM: To include the other communities.

CHAIRMAN (Mr. Wah-Shee): Order, please. Mr. MacQuarrie has the floor.

Different Residency Requirements Present No Problems

MR. MacQUARRIE: Thank you very much, Mr. Chairman. It is rather interesting that they mentioned that as an argument against what we are doing and yet, as I pointed out yesterday, we are already going to do that by enabling larger communities to negotiate a special residency requirement with this government and I have no objections to that if the government agrees. Yes, and I did not say any different yesterday, Mr. Minister, although you indicated that I had. I recognize that it is not just their determining; it is a matter of negotiation with us but if the negotiation says two

or three years, then we will have an instance where in one community you must wait two or three years before you can vote or run for election, but in other communities it will be one year. Well, I say, is there any great problem if in certain other communities, where they themselves have chosen it and do not see any risk in choosing it, there is a six-month residency requirement before being entitled? I cannot believe it. So, I do urge Members to support the motion. Before closing, I must very much commend the remarks that were made by Mr. Curley on the radio this morning. I thought if anybody had heard those and yet could not understand and be sensitive to the points that were being made by him, that is very regrettable. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): To the motion. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Thank you, Mr. Chairman. A couple of comments. It has been interesting, the evolution of this particular Legislature over the last 10 years. I was involved in this issue as a mayor and there has not been a consensus in Yellowknife, not in the Association of Municipalities, of what constitutes a reasonable length of time. In fact, if you go back a little bit in history, I remember there was a lot of discussion in the hamlets of having a five-year residency or a three-year residency requirement and there was a fairly strong feeling among my council of the day that six months was not enough to understand the complexities of Yellowknife. In fact, one year is a more reasonable length of time for somebody to try to understand the complexities of a community. I am interested to hear that now the strong mandate of the association is for local preference. We went over this one so many times and ultimately -- this is back in 1983-84 -- it was felt by most members of the association that one year was a reasonable compromise. It ensured on one hand that somebody would have lived in a community long enough to really understand the problems of that community and be able to make a contribution.

So, I have some disagreement with Mr. MacQuarrie's analogy and though I very strongly believe in a lot of areas of this government we can decentralize to communities, I have a problem with the piecemeal approach of devolving parts of a responsibility, parts that essentially are the constitutional responsibility for municipalities, to municipalities because I think it has a potential to cause a lot of problems in the future when councils change and municipalities change their mind in one year; six months may seem reasonable the next year. The next council figures that one year is reasonable. Somebody moves from one community to another and can vote twice in three months and somebody else moves to one community or the other and cannot vote at all anywhere for a year. I see a lot of potential for problems, so I have some problem with the concept. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Mr. Patterson.

Local Education Authority Elections Also Involved

HON. DENNIS PATTERSON: Mr. Chairman, I would just like to point out that this legislation also equally affects elections for local education authorities including school boards. No one has talked about that, but I would like to note that in my six years as Minister of Education, no local education authority has ever asked me to reduce the residency requirement for education authority elections. I do understand that a school district in Yellowknife in discussions about this legislation did recommend a reduced residency requirement, but I am quite confident that this opinion would be the minority amongst those who are involved in local education authorities and local education authority elections.

I would also like to say, Mr. Chairman, notwithstanding the comments made by Mr. MacQuarrie about Mr. Curley's remarks, that I am quite amazed that this debate has been characterized as having profound racial implications. I think that is nonsense. I think that what is at issue here is a characteristic of any and many small rural communities, something I experienced when I was in Nova Scotia going to school. The length of time one stays in a community is held as very significant, particularly in small communities. I am confident that people in my constituency set great store, I believe, on how long one has been resident in that community, not what your racial background is. Not at all. One often hears in the North complaints about consultants and government people who move into communities and experts who come in from the outside and become immediate experts on problems that have vexed those communities for a long time. Sometimes I think that the opinions that are formed on solutions to problems by such people are formed between the plane and the airport terminal. Whether it is fair or not, people in my community are not impressed with that. So I think that the fundamental issue is that the degree of respect provided to one's opinions is based on the length of residency. That is what is at issue here. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Question has been called. Sorry, Mr. Minister.

HON. GORDON WRAY: Thank you. I will not take long. I just want to respond to some of Mr. MacQuarrie's comments, recently here from Alberta, I guess. I hope he was not suggesting...

MR. MacQUARRIE: Not quite as recently as you from Scotland.

HON. GORDON WRAY: Well, you beat me by two years. Big deal! I hope he is not suggesting that just because we were not born and raised in the Northwest Territories that we are not allowed to comment on what goes on in the Northwest Territories, because if that is the case all of us non-natives around this table might as well just pack up our bags and go home. Obviously his comments are as invalid as anything I may make.

Compromise Made On Length Of Residency Requirement

We were faced with the situation that on one side we had the overwhelming majority of hamlets who were asking us for very lengthy residency periods to be included in this legislation. We had, on the other side, a very small minority, and all tax-based municipalities, Hay River, Pine Point, Fort Smith, Inuvik, Yellowknife, asking to shorten residency periods...

MR. RICHARD: You could have given that to them.

HON. GORDON WRAY: We had the situation...

MR. RICHARD: Everyone would have been happy.

HON. GORDON WRAY: ...we had the situation that could have seen municipalities with residency periods running from as little as six months up to three or five years. That was not a situation that we particularly wanted to see occurring in the Northwest Territories. When the opinion of an option was put forward, the countering argument was, "Well, if you allow an option one way, that is to shorten terms of residence, you should also allow the option the other way, to lengthen terms of residence." Given that the majority wanted to lengthen the terms of residence, then, if anything, if the government had been willing to look at giving that option to the communities, it would have been the other way and that would have been to lengthen the terms of residence. We did not want that for the reasons that Mr. Ballantyne and others have spoken of. We wanted to introduce some consistency because among other things we could have had an extreme variation of residency requirements from community to community. We probably would have had a large number of Charter cases on our hands in communities that did not have the money to pay for the legal fees, so again we would have had to pay for them. So, what we did was come up with a compromise.

Now, in terms of this and if I cast aspersions on the city of Yellowknife, God forbid, they are so thin-skinned that they feel really threatened and I apologize for that. The city of Yellowknife in fact has been extremely helpful in this whole process, but what seems to be missing here, and I think Mr. MacQuarrie highlighted the problem yesterday, is that some people in Yellowknife seem to think that they live isolated from the rest of the Northwest Territories, that what they do does not impact on the rest of us. They forget that Yellowknife is the capital city. They forget that Yellowknife is the senior municipality. They forget that Yellowknife is the largest community and many communities look to Yellowknife to see what is happening and judge accordingly the people that they represent with the actions that they undertake. So in fact what Yellowknife does has a very great significance in the Territories, and what the tax-based municipalities do has a very great significance because for every action there is a reaction.

Advice Not Consistent

So, we are very cognizant of Yellowknife's role in this whole thing, and the tax-based municipalities, but also from that corner, the minority, we were not faced with consistent advice. We had the Association of Municipalities as early as two years ago tell us that they wanted a 12-month residency. The six-month option has only come out in the spring of this year and even then it is not the position of their councils. I spoke to one of the aldermen from the city of Yellowknife this morning who tells me that the subject has never even been discussed at the city council level and in fact he personally is in favour of a 12-month residency clause, so it is not a concerted position from those groups. It is one or two individuals who have raised it as a possibility. So, all I am saying is what the government has tried to do is to find a compromise because perhaps Members of coffin corner have not realized it yet but there has to be compromise to allow us all to coexist up here.

MR. McCALLUM: I agree, why do you not give us a compromise? Do not take such a stand off...

HON. GORDON WRAY: So, those are just my final comments, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I just have a question about the residency. I am curious to know what procedures people have to go through. For example, if -- not so much in the small communities but in a larger community like, say, Yellowknife, where there are 10,000 or 11,000 people and people are coming and...

CHAIRMAN (Mr. Wah-Shee): A point of order, Mr. T'Seleie. We are addressing a motion on the floor and you have to speak to the motion. This is not the time to raise any questions in regard to the motion on the floor. Mr. T'Seleie, do you wish to address the motion at this time? To the motion.

AN HON. MEMBER: Question.

Motion To Add New Clause After Clause 19, Bill 15-87(1), Defeated

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

---Defeated

Clause 19, eligibility of candidates. Agreed? We will have to return to clause 18 which was not dealt with. Clause 18, eligibility to vote. Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, in terms of eligibility, what I wanted to ask was, in a large community like Yellowknife where people are coming and going every six months or every year and, according to this, they have to be in that city for 12 months in order to vote, what I am curious about is, what procedures do new people have? Whereby, if I came into this city, say this month, and I am eligible to vote in June of 1988, and then when June of 1988 comes, I just go to the polling booth and say, "Well, I have been here 12 months." Do I have to sign an affidavit saying that I have been here 12 months or do I register when I first come into the city? What procedure is there?

I ask that because in large cities, if there is no process in place, it is possible that people can say they have been here for 12 months when in fact they have only been here six months. So that, all this worry about having to stay here too long is, in fact, about nothing because there is no way of really knowing whether people have been here 12 months. So there are ways of getting around the residency requirement. I would like to ask the Minister those questions.

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

Two Processes By Which To Be Enumerated

HON. GORDON WRAY: Thank you. First of all, I will outline the procedure which exists today. There are two processes which you can use to be enumerated. First of all, presently, when an election is called, the municipality enumerates the residents of the municipality by going from door to door and establishing who lives where and enumerating them on that basis. And then, of course, once you are enumerated your name automatically goes on to the voters' list. If, however, you were absent or you were not present at home, you do have the right to go to the voting station, on the day of the election, and make a declaration that you are a resident of the city of Yellowknife, and your name would be added to the voters' list. However, you can be challenged when you make the declaration at the voting station by a candidate, agent of a candidate, voter or deputy returning officer. These people can challenge you as to your residency and then you would be required to sign a declaration which essentially says that you are a voter.

What we are proposing is essentially the same. However, recognizing that enumerating people every year is a very timely and costly business, we are proposing in the new legislation to have a continuous voters' list kept so that the voters' list made up for the next election in Yellowknife

will be maintained over the course of a year. Also, we have still included the provisions for declaration at the voting station and you can also still be challenged at the voting station. So there are two processes by which you can be enumerated. And one by which you can be challenged.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 18, eligibility to vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 20. Agreed?

MR. McCALLUM: What happened to 19?

CHAIRMAN (Mr. Wah-Shee): We have already done 19. I have already called 19. As chairman I already called it and if you check the records you will find that I already did call it. Then I went back to clause 18, so that is what I did.

MR. McCALLUM: Point of order.

CHAIRMAN (Mr. Wah-Shee): What is your point of order?

MR. McCALLUM: Mr. Chairman, you called for 19 and there was no way that we -- we only voted on the amendment. You did not ask whether we passed 19. When you called 19, I had my hand up to talk to it and you did not recognize it.

CHAIRMAN (Mr. Wah-Shee): Well, according to the records the motion was dealt with and then that was dispensed with. Then I called clause 19 and was informed by the assistant clerk that we did not do clause 18 so I went back to clause 18. So that is the procedure that I went through. However, if you wish to turn to clause 19, I am quite prepared to do so. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

MLA Cannot Stand As Candidate In Local Elections

MR. McCALLUM: Mr. Chairman, on 19(2)(b). I spoke to it yesterday in general comments. Clause 19(2)(b) indicates that a Member of this Legislative Assembly is not eligible to stand or to be nominated or stand as a candidate in local elections, either as a candidate for a councillor or mayor or in any of the other local authority organizations that are defined in the bill. I indicated yesterday that this has not been a problem in the past, and since this is a new amendment to the previous legislation, I saw no reason for it to be there. I still hold that, even in light of the discussion that took place yesterday. I see no difficulty with an ordinary MLA holding the office of councillor or mayor in a particular community regardless of the size of the constituency that that MLA represents. Were that MLA to become a Minister of the government, then I believe that there would be, on the part of that MLA, no hesitancy in divesting himself of his role as a councillor or a mayor, because obviously there would be some areas of conflict. Not only areas of conflict but, obviously, in terms of a conflict of the kind of time that one would have to put in, in discharging the duties and responsibilities of a Minister as well as those of a mayor.

But, I have no difficulty at all in an ordinary MLA being a mayor or a councillor of a community. So, I do not agree with the addition in this particular section of making ineligible a Member of this Assembly as a councillor or a mayor or being able to stand as a candidate or to be, where it is necessary, nominated for the position of mayor or councillor.

Motion To Delete Paragraph 19(2)(b) And Reletter Remaining Paragraphs In Subsection 19(2)

So I would move, Mr. Chairman, that paragraph 19(2)(b) be deleted from section 19. And further, Mr. Chairman, that the remaining paragraphs in subsection 19(2) be relettered as (b), (c), (d), (e).

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

MR. APPAQAQ: (Translation) Thank you, Mr. Chairman. I think this is very important. I would like to see something written on this. Thank you.

CHAIRMAN (Mr. Wah-Shee): The motion will be translated and in the meantime we will take a 15 minute coffee break to meet with the Governor General's study group in the caucus room.

---SHORT RECESS

For the record, I would like to read the motion on Bill 15-87(1). "I move that paragraph 19(2)(b) be deleted from Section 19. And further, that the remaining paragraphs be relettered as (b), (c), (d), (e)." To the motion. Mr. Arlooktoo. Mr. McCallum.

MR. McCALLUM: Thank you, Mr. Chairman. I do not want to add anything more to what I have said, or very little, save to say something before there may be some remarks made about it. I have at the present time and, I can tell you, for the foreseeable future no aspirations to become councillor or mayor of the town of Fort Smith.

HON. GORDON WRAY: I was not going to say you were.

MR. McCALLUM: I will bet you dollars to doughnuts. I tried that once and I did not make it.

---Laughter

But now until my death, I do not want to be a councillor in the town of Fort Smith, nor do I want to be mayor of Fort Smith. So it is not for any ulterior motives that I make this. I simply make the motion because I do not think it is difficult to be a Member of the Legislative Assembly and represent a community or a constituency and to be a member of a town council or the mayor and represent the same community. The people who would vote for one in both instances expect you as either a councillor or a mayor or an MLA to work for the good of that particular community. And where there is more than one community in a constituency for this House, as an MLA you would obviously be working for all communities as MLAs do now.

There have been town councillors, town mayors or village mayors as Members of this Assembly. As I said yesterday, I saw in my 12 years no difficulty for the people to perform that. Now some may, after being on town council and taking on added responsibilities as an MLA, want to divest themselves of that. That is entirely their prerogative to do so. If one became a Minister, I believe that one would have the brains, as I said yesterday, to say, "Look, I cannot be a mayor and a Minister at the same time." It would not be humanly possible because I know of the time, the effort and everything else that is required to be a Minister of this government and to take on the responsibilities. I know as well as any of the present day Ministers, having done it for eight previous years. So my reason for doing it is that I do not believe that it is necessary to exclude any person who wants to become a town councillor, a mayor or any kind of local authority and still be a Member of the Legislative Assembly as an ordinary MLA. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Mr. Arlooktoo.

Hamlet Of Lake Harbour Against Paragraphs (b) And (c)

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I did not want to add any comments to this myself but I will be making comments on it anyway. I have been a Member of the Legislative Assembly and I have been with the hamlet council for 17 years. I started before they were recognized as a hamlet. The hamlet of Lake Harbour met regarding this particular motion and wrote to the local government department stating they were against this motion. I was not sure what the results were of this particular clause. The hamlet of Lake Harbour was against this particular clause (b) and (c).

When a Member of the Legislative Assembly is involved with the hamlet, that is very helpful. I find it helpful mainly because I am from a smaller community. In the smaller communities it is very hard to find someone who would be involved locally. Since I am a Member of the Legislative Assembly, I find it very helpful. Some of the communities do not have any idea of what is going on sometimes and it is very helpful to have an MLA involved in the hamlet council, so that we will be informed as to what is going on. For this reason I think it is okay. There was no problem about

this and I was just going to go along with this particular clause. But since Arnold McCallum has made a motion concerning this, I would like to support the motion. It is not because I am a member of the hamlet council, but if there are other MLAs that would like to become hamlet council members, I would like to see this continue so I will support the motion. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Mr. Erkloo.

MR. ERKLOO: (Translation) Thank you, Mr. Chairman. This is particularly directed to myself. I would like to delete (b). I will not be in favour of paragraph (b) mainly for two reasons.

Someone said earlier those of us who are involved as MLAs try to represent our communities properly and we get elected because we want to serve our people. I, myself, would also like to be elected to the hamlet council so that I could represent the people properly. I was a council member in 1975 to 1983 and at that time when I was in office I was very much involved in the hamlet operations and right now I would try to be involved, very heavily, as a council member. And I would try to direct the staff or the members -- I think there would be a conflict of interest if I was a member of the hamlet council and an MLA. I think we run for election to help our communities and if I was a member of the hamlet council -- I think I would just be replacing somebody who would do a better job than I am doing if I had been missing a lot of meetings because I was an MLA. I know they have a by-law in Pond Inlet, if they do not go to a meeting three times, if they are absent three times, they have to stop being a hamlet councillor. I think I would miss a lot of hamlet meetings. This is what I think. I think it would be a problem for me if the motion is approved. For this reason, I will not be supporting the motion. Thank you.

CHAIRMAN (Mr. Wah-Shee): To the motion. Question. Mr. Pudluk.

Problem Representing Each Community In Constituency Equally

HON. LUDY PUDLUK: (Translation) Thank you, Mr. Chairman. I would like to add to this very briefly. I will not be in favour of the amendment of the motion.

I think the majority of MLAs have a lot of communities they are representing. Regarding the communities we are representing, we are each from only one community. If I am going to run as an elected person and if I try, at the same time, to become a Member of the Legislative Assembly, I do not think that would be right because I would try to represent my own community better than the other communities, mainly because I am not right in my home community then. I think that would be a problem here if I were to try to be a member of a local committee or become a Member of the Legislative Assembly.

I was involved in a local organization once and at the same time a Member of the Legislative Assembly and we were able to meet in our community a lot more frequently than meeting in the other communities and the only time we would meet in the other communities was when the opportunity arose. So I will not be in favour of this committee motion because of my earlier experiences. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Mrs. Lawrence.

Present MLAs Too Busy To Be Mayor As Well

MRS. LAWRENCE: Thank you, Mr. Chairman. I think at one time a person could have been a mayor and a Member of the Legislative Assembly at the same time. There were not so many important issues to deal with then, but today we are kept very busy with so many important issues and committees that take a lot of time and we have a big responsibility. Many times we have to travel.

I could not see being a mayor and a Member and trying to represent your people well. There is just no way. Many times we are so busy that we do not even have time to eat, let alone try to be a mayor. A person could be a mayor and a Member if they just chose to be a name and not do anything, just sit back but I just do not believe trying to have a name attached to you for the sake of having one attached and not doing the work. Therefore, I will not be supporting this amendment. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the motion. Mr. Appaqaq.

MR. APPAQAQ: (Translation) Thank you, Mr. Chairman. I am going to make a short comment. I am going to support this motion for deleting clause 19(2)(b). I am not speaking for anybody, I am just speaking for myself. I have been a Member of the Legislative Assembly for quite a number of years now and I have been a member of local councils. I have never seen any problems. In the communities they could make the laws that if you do not attend a meeting three times you could be taken out. I do not think there have been any problems in my community concerning this and I have been asked about some things that the communities are not so sure of and I would be able to answer them. This year is the first time I have not been a member of the local council because I was not in the community when they had an election. I will probably run for the hamlet council again. I am going to support the motion and I just wanted to state that I am going to support the motion. Thank you.

CHAIRMAN (Mr. Wah-Shee): To the motion.

AN HON. MEMBER: Question.

Motion To Delete Paragraph 19(2)(b) And Reletter Remaining Paragraphs In Subsection 19(2), Defeated

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

---Defeated

Clause 19. Mrs. Lawrence, do you wish to speak to clause 19? Mrs. Lawrence.

MRS. LAWRENCE: Mr. Chairman, I have a question on paragraph 19(2)(c). A person that "is a full-time permanent employee of the local authority in receipt of a salary". What do you mean by that? Does that mean an employee, full-time, of any local authority is not able to run for council, mayor or whatever?

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

HON. GORDON WRAY: Thank you. No, it is only the two local authorities which are mentioned in here; the municipal corporation and the local education authority. However, in the case of a local education authority, for example in the city of Yellowknife, if you are an employee of school board number one, you could run for election in school board number two. So we allow that anomaly for a community that has say, more than one school board. But the local authorities are only the two; the local education authority and the municipal corporation.

MR. McCALLUM: No comments there.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 19, eligibility of candidates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 20. Mr. MacQuarrie.

MR. MacQUARRIE: Just a note, Mr. Chairman, that this is the area where when we first saw the bill in the standing committee on legislation, it was noted that the limitations on being eligible for election to a local education authority was maybe broader than necessary. And it has been limited now so that it applies just if you are an employee in a school or adult education centre administered by the local education authority in question. Otherwise no limitation.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 20, ineligibility of candidates for a local education authority. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 21, ineligibility of candidates for mayor or councillor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 22, residence rules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 23, enumeration by municipal and settlement councils. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 24, list of voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 25, contents of list of voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 26, revision to list. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 27, voting divisions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 28, returning officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 29, duties of returning officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 30, prohibitions on appointment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 31, power to administer oaths and declarations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 32, duty of deputy returning officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 33, powers and duties of election clerk. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 34, conserving the peace. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 35, other duties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 36, notice concerning nominations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 37, separate candidates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 38, councillor running for mayor. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 39, nomination form. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 40, close of nominations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 41, public notice of candidates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 42, questioning a nomination. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 43, acclamation of candidate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 44, appointment of members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 45, allocation of terms of office where candidates acclaimed. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 46, election required. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 47, withdrawal of nomination. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 48, appointment or by-election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 49, by-election procedure. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 50, election at large. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 51, election proceedings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 52, form of ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 53, placards. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 54. Mrs. Lawrence.

MRS. LAWRENCE: Mr. Chairman, on clause 54, designation of proxy voter. This applies to local elections. Can they obtain an application on the same day that the election is taking place?

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

HON. GORDON WRAY: Thank you. We had to think about that one a little bit. No, because if you went on election day and asked for an application for a proxy vote for somebody, it means that they are not in town on election day. Therefore, you would not be able to get the application form filled in order to allow you to vote on the election day. And if the person was in town then they would be able to go vote themselves. I think that is what the Member is asking.

CHAIRMAN (Mr. Wah-Shee): Thank you. Mrs. Lawrence.

MRS. LAWRENCE: Mr. Chairman, what I am referring to is if somebody is sick and not able to go and vote. There are disabled people and so on, in some communities. Are they able to pick up an application that same day? If so then, are the communities doing that now, or once this is passed are they going to be starting to do that?

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

HON. GORDON WRAY: Thank you, Mr. Chairman. I will answer the last question first. No, we have never had these provisions in before. This will be the first time.

On the first part of the question, section 59, five sections later, provides for somebody who is sick or unable to leave their home that day to allow them to get a proxy vote and have somebody vote on their behalf. So section 59 would cover the situation that Mrs. Lawrence describes.

CHAIRMAN (Mr. Wah-Shee): Clause 54, designation of proxy voter. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 55, number of proxies. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 56, one proxy voter. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 57, proxy vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 58, entry in voters' register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 59, duty to make proxy voting known. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 60, advance vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 61, date and time of advance vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 62, establishing voting stations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 63, declaration at advance vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 64, voters' register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 65, sealing ballot box. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 66, names of voters at advance vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 67, compartments for voting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 68, hours voting station is open. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 69, notice of eligibility and voting offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 70, right to vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 71, voting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 72, marking ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 73, persons present at voting station. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 74, evidence of voting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 75, assistance to voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 76, equality of votes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 77, declaration of results. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 78, certificate of election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 79, costs of election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 80, destruction of ballots and election material. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 81, request for recount. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 82, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 83, correction of records. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 84, application for recount. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 85, production of ballots and election material. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 86, authority of judge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 87, application to stay conduct of election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 88, order for new election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 89, opening ballot boxes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 90, election petition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 91, respondents to the petition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 92, service of notice and petition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 93, preliminary directions of judge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 94, effect of respondent ceasing to hold office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 95, effect of irregularity. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 96, decision of judge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 97, acts of member not duly elected. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 98, withdrawal of election petition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 99, substitution of petitioner. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 100, consent of all petitioners to withdrawal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 101, abatement of petition. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 102, notice of abatement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 103, costs and expenses. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 104, decision of judge. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 105, appeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 106, Supreme Court Rules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Offences and penalties. Clause 107, corrupt practices. Mr. MacQuarrie.

MR. MacQUARRIE: I will just note that in this there has been one provision added from what the bill contained when it appeared before the standing committee on legislation. This section deals with corrupt practices in subsection (1) and then in subsection (2), exceptions. There is a clarification in 107(2)(e) that the use of vehicles that have electioneering material on them for the purpose of providing free transportation to voters at an election is not a corrupt practice. In committee it was just noted that this is occasionally done and people felt that it was certainly acceptable but wanted to make that very clear. So, it is made clear in this section.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 107, corrupt practices. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 108, intimidation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 109, corrupt practice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 110, removal of signs. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 111, general offence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 112, penalties. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 113, limitation period. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 114, evidence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 115, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 116, saving provision. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 117, transitional provision for terms of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Consequential amendments, Education Act. Clause 118, voter. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 119, election of members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 120, resignation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 121. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 122, composition of community education committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 123. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 124, term of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 125, annual general election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 126. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 127, board of education. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 128. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 129. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 130, term of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 131. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 132, annual general election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 133. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 134, submission of by-law to ratepayers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 135. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 136, conduct of vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 137, member vacating seat. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 138, composition of board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 139, elections. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 140. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 141, term of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 142. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 143, annual general election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 144. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 145. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 146, term of office. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 147, elections. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Schedule A. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Schedule B, election procedure. Clause 1, election material delivered. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 2, proceedings before balloting starts. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 3, list of voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 4, information for voters' register. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 5, declaration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 6, refusal to make declaration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 7, objection. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 8, initialled Ballot paper. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 9, explanation of ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 10, marking ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 11, one person at a time. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 12, voting compartment. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 13, folding of ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 14, delivery of ballot to deputy returning officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 15, deposit of ballot in ballot box. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 16, inability to mark ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 17, cancelled ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 18, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 19, where voter declines to vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 20, idem. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 21, where voter leaves without voting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Counting of ballots. Clause 22, proceedings after voting ends. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 23, examination of ballots. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 24, objections. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 25, notation on ballot. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 26, calculation of votes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 27, ballot packets. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 28, certificate of results. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 29, disposition of election material. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 30, responsibility for safekeeping and destruction. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 1, short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): The bill as a whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Does the committee agree that Bill 15-87(1) is now ready for third reading?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): I would like to thank the Minister and his witnesses on behalf of the committee.

Appreciation

HON. GORDON WRAY: Thank you, Mr. Chairman, and at this time I would like, for the record, to put the names forward of my departmental staff, Mr. Menard, Ms Anita Perry. I would like to thank all of the municipalities who took the time to read this legislation and make their submissions. I would like to pay special thanks to Norm MacLeod who in the final analysis was the one that drafted and put together the bulk of this legislation. I think that you know 10 years is a long time and there were a lot of people who put a lot of time and work into it. Particularly I want to thank Mr. Beaumont and Mr. Orr who have guided me through this process. Thank you.

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

HON. BRUCE McLAUGHLIN: Thank you, Mr. Chairman. As I indicated yesterday we would like to follow the legislation that we just concluded with Bill 34-87(1), Public Service Act.

Bill 34-87(1), Public Service Act

CHAIRMAN (Mr. Wah-Shee): Okay, we are dealing with Bill 34-87(1). Mr. Pedersen.

HON. RED PEDERSEN: Thank you, Mr. Chairman. If the committee would permit, I would like to move to the witness table and bring in witnesses.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Mr. Minister, would you identify your witnesses for the record, please?

HON. RED PEDERSEN: Thank you, Mr. Chairman. On my extreme left is Malcolm Boyle, the manager of labour relations. Next to me on my left is Jake Heron, my deputy minister, and on my right is Mr. Patrick Orr, legislative counsel. Thank you.

CHAIRMAN (Mr. Wah-Shee): Mr. Minister, do you have any opening comments?

Minister's Opening Remarks

HON. RED PEDERSEN: Thank you, Mr. Chairman. Just a very short opening remark. Mr. Chairman, I am pleased to inform the committee of this government's commitment to expanding the rights of our employees within reasonable limitations, to engage in political activities without fear of being in conflict with their duties as defined in the Public Service Act. I am, today, introducing amendments to the Public Service Act, which will provide that employees are free to engage in political activity, subject to certain restrictions. Mr. Chairman, this is a change in tone from the existing act, from the negative to the positive.

Further, Mr. Chairman, restricted employees will be able to apply for and receive a leave of absence in order to run for political office. Freedom of speech will be encouraged by removing the restriction on public criticism of government policies, provided that matters which relate to the employee's duties or position are not publicly criticized.

Mr. Chairman, another new clause is in light of the above expansion of the freedom of speech of public servants, that public servants will be prohibited from using their position to affect the political activity of any other employee.

Mr. Chairman, the amendments that are in front of the committee today in response to representation made by various Members of this Legislature over the last while, over the last year or so and the government's desire to open up the Public Service Act to make it more fair for employees. Mr. Chairman, with these few comments I present the bill for your consideration.

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

Comments From Standing Committee On Legislation

MR. MACQUARRIE: Thank you, Mr. Chairman. When the bill came before the committee it was noted that there are two significant changes. There are more than two changes but two that are quite significant, I think. These were noted in committee and they are the fact that political activity is defined in a positive sense in the bill now, rather than a negative sense. It states that employees, including teachers, may engage in political activities, but then it goes on to state ways in which they may not, or shall not. Generally, the right is there unless it is specifically restricted. The other was in narrowing the realm in which employees can criticize. So those are two quite significant changes.

When the committee was reviewing the bill it had a submission from the Public Service Alliance. It is clear that the bill that comes into the House does not go as far as the Public Service Association would have liked, but it does represent an improvement. As a result of committee representations there were some changes made, mostly of a technical nature, which I will not refer to as we go through. But one of a more significant nature, I will take note of when we get there, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. General comments. Mr. T'Seleie.

Public Service Is Well-Treated

MR. T'SELEIE: Mr. Chairman, my general feeling is that there have to be some restrictions on the political activity of the civil service. I think that simply because of their numbers, the public service in the North has a real potential to influence the events of the North and the politics of the North. And in my view, without having the same stake in the North as other people who are not public servants, who are basically not subsidized by government, are not taken care of in the same way as the public service is. Those are the people, in my view, that have a real honest-to-goodness stake in the North.

We have letters here from the Public Service Alliance outlining their concerns and I have read them carefully trying to see whether or not I could agree with them and that kind of thing. I find it hard to come around to their way of thinking, that they are being substantially short-changed, and their letter does not change my mind on that. I think, in the North, the public service is very well-treated and I am not going to say that they have no business in politics; obviously they have the right to vote. I do not think that they ought to be allowed to get into raising funds for candidates and that type of thing. I think that that would be going a little too far.

In their letter they referred to their numbers as 3400. I am wondering how many of those are in the regional centres, that is the regional offices in the Northwest Territories, places like Iqaluit, Rankin Inlet, Cambridge Bay, Inuvik. If most of their numbers are in those places then additional housing has been built in those communities, a lot of public dollars have been spent on building houses for these employees and on just generally better services. It is my opinion that the everyday living concerns of most of the public service have been taken care of and I guess, then, that that is the way it should be. That is the way that I feel about the matter so those are my comments, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you for those remarks. General comments. Mr. Nerysoo.

MR. NERYSOO: Thank you, Mr. Chairman. I guess I take a different view from Mr. T'Seleie in terms of the type of restrictions that we place on public servants but like Mr. T'Seleie, I think the rules have to be extremely explicit, they have to be clear but yet allowing a bit more freedom in terms of the ability of public servants, and I refer to public servants as those people who are employees in the communities as well. In many instances it may be that the best official agent that you might have in a community might be a person who is employed by the Government of the Northwest Territories, being able to manage money, being able to make the public aware or, in fact, interpret for a candidate, the policies that are being promoted by that particular candidate.

Executive Officers In Territorial And Riding Associations

One other particular point that I hope, at some time, will be dealt with is the question of executive officers with regard to political ridings or territorial associations. I do not believe that the type of restriction in that particular area should go on too much longer because I do not feel that we should restrict people generally from participating in a political party or being a part of the executive of a particular political party if they choose to be. This is basically talking about territorial political parties. I do not believe that we should be so restrictive that we would, even more clearly, disallow people from participating in riding associations, those that are centrally located in a particular riding. I guess I could use Mr. MacQuarrie's constituency in this particular case. I really do not have a serious problem if Mr. MacQuarrie can agree or the candidates can agree in Mr. MacQuarrie's constituency to allow someone who is in the public service to participate, if he is running on a political platform, in that riding association. I assume that this could be said about people in other constituencies, about my particular constituency as well. It is really up to the people in that particular area to deal with their situation the way they feel it should be dealt with.

But that is an issue where, I think, if you are to open it up, the rules have to be explicit. They have to be clear and we have to know what the rules are. But I have no problem with trying to improve that situation.

But I do say that in terms of the communications that have been given to Members of this Assembly, that people have to understand, and the public service has to understand, that they influence the policies of government; they develop much of the direction the government takes and there have to be rules of restriction. What those rules of restriction are, I think, is something that we have to continue to improve upon so that we somehow retain, as a political body, the authority and jurisdiction without necessarily allowing the public service itself to have control of the system.

I think in that sense there is a need for continued improvement but let me, I guess, commend the government for at least beginning the process of improving the laws to have less restrictions but have more definite interpretations of the law itself. But I think we have to do more work with regard to improving the legislation. But let me commend the Minister and the Executive and others who have been working on the agreement.

Review Of Legislation In Other Jurisdictions

Just one other particular question, if I could, Mr. Chairman, ask the Minister whether or not there was a considerable review of other legislation, provincial legislation or other territorial legislation, and whether or not it is the intention of the government to review the legislation used in other jurisdictions across the country?

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

HON. RED PEDERSEN: Thank you, Mr. Chairman. There was indeed a very extensive review of other jurisdictions' legislation concerning political activities. We reviewed British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick, Prince Edward Island, Newfoundland, Nova Scotia -- we reviewed all the provincial jurisdictions. In addition to that, we reviewed Supreme Court decisions in Nova Scotia. Mr. Chairman, there were a number of other things that were reviewed as well. But these, essentially, will give the Member some idea of the scope of the review. The review that we undertook is contained in this little book and it is indeed quite extensive. Thank you.

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

MR. GARGAN: Thank you, Mr. Chairman. I looked at the bill itself and with regard to being an official agent for a candidate and making contributions or joining a party, I do have some difficulty with that, primarily because, regardless of residency requirements, a civil servant who comes up here and is affiliated with a party down south can certainly influence results of votes up here, whether he is eligible to vote or not. The other thing I find that could perhaps jeopardize the functions of the government is where you do have classes among departments or within a department, because they are affiliated to a certain party. I could see that causing some difficulties within the department if that occurs. I also feel that as far as federal-territorial relationships go, depending on which party you support, it probably could have some drawbacks on the relationship between the federal and territorial governments. For this reason I believe that I have no difficulty with the act.

The only difficulty I probably have is that I feel that within the public service, the public servant knows what the deficiencies of the department are, and I think he should be entitled to make criticism in specific areas that perhaps might be able to improve the functions of a department. I do not see any danger in that primarily because if a public servant was to come to me to explain a deficiency and I make it a point in the House, then I do not think disciplinary action should be taken because if the criticism is justified, I do not see why the public servant could not make that type of criticism. I guess it is more into the area of politics that I support this particular bill. I think that this government is right in making this amendment to this act. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): General comments. Mr. Richard.

MR. RICHARD: Thank you, Mr. Chairman. I also wish to compliment the Minister and the Executive Council in bringing this bill forward in response to requests that have been made by public servants for more political rights if you will, to put those public servants on an equal basis or as close as possible to an equal basis to people who are not public servants working for our government. I also appreciate, Mr. Chairman, this Minister and Executive Council agreeing to changes in the bill since we first saw it. I think this bill does go a long way to addressing the concerns that have been expressed by the public servants who have spoken out and their representatives.

Public Service Commission System

There are, Mr. Chairman, a few other issues that I would like to raise as we go through the clause by clause consideration. But on a larger issue in connection with the public service, Mr. Chairman, I wanted to ask the Minister while he is at the witness table about the notion of a

public service commission. This I know has been raised before and I am not sure how long ago it was considered by the government. I recall a few years ago being told that we are the only jurisdiction or public government in Canada that does not have something like a public service commission. That may or may not be correct and I am not certain myself of all of the advantages and disadvantages of setting up such a commission. I know that there is an independence attached to it that is appreciated by those within the system. I wonder if the Minister could indicate whether that notion has been looked at recently and if so, what are the advantages and disadvantages of going to a public service commission system.

Perhaps in his response, Mr. Chairman, the Minister could touch on a couple of other related issues. It has been pointed out to me that in the federal civil service there is -- I am not sure if it is a separate employees' association that represents professional people like architects and engineers and doctors and lawyers and nurses, etc., if that sort of a professional institute is applicable to our public service. Finally a related issue as to those employees of this government who are not represented by the Public Service Association. There are various excluded categories, I believe: management level, Personnel and also other categories because of the confidentiality of their positions, who are not represented by an employees' association. Is there a mechanism by which they might be represented collectively as well? I wonder if the Minister, Mr. Chairman, could address those issues. Thank you.

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

HON. RED PEDERSEN: Thank you, Mr. Chairman. On issue number one, on a public service commission, the Department of Personnel was taken over by an elected Member of the Executive Council only some 18 months ago. At that time the decision was made to keep it as a ministry for approximately a two-year trial period to see how it worked out. Mr. Richard is quite right, public service commissions do exist in all other jurisdictions. However, I would like to point out that the public service commissions, both federal and at the provincial levels, are moving more and more out of the operational aspects of personnel relations. Much of the hiring, classifications, the routine operational work is being done internally by individual departments who have been delegated that responsibility from the public service commissions. I do want to give Mr. Richard and the committee an assurance, though, that it will be a recommendation from me to the next Minister responsible for Personnel to review it again when the new government takes office. The new government and Legislature of course can take a stand as to where they would go, but we did decide when we took it over in January of 1986 that we would operate it as a department with a Minister in charge of it for at least a two-year trial period.

Professional Institute Of Public Servants

On the professional institute of public servants, we did have a request when we took over the health services in the Baffin Region for certification from the medical staff; the nurses came on strength with our government, transferred from the federal government. We had a request for certification. We turned that request down, Mr. Chairman, because it would have been in violation of the agreement we have with the Public Service Alliance of the NWT. The matter has presently been referred to court for a decision, so I really cannot comment anything further on that.

As for management and excluded employees, Mr. Chairman, I would like to stress here that this government has never had any representation, any requests from this group of employees for any certification as a group or for joint representation. I presume that if there was a desire within this group for such action that we certainly would look at their request and evaluate it and come up with a response, if ever the need arises, through a request from the employees. Thank you.

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

MR. RICHARD: Thank you, Mr. Chairman. I appreciate the Minister's response. Just so that I am clear, do I understand the Minister to say that the government will still continue to look at the concept of a public service commission? I am not quite sure I got the thrust of the response on that item.

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

HON. RED PEDERSEN: Mr. Chairman, that is correct. The government, as I stated earlier, decided to go with the ministry for two years, see how it functions, evaluate it again at that time and I cannot make a commitment to January of next year but I can commit to leaving that recommendation for my successor.

CHAIRMAN (Mr. Wah-Shee): Thank you. General comments. Does the committee agree to go clause by clause at this time. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): The Chair would like to recognize in the gallery, Mayor Gordon Campbell of Inuvik.

---Applause

Mr. MacQuarrie.

MR. MacQUARRIE: Yes, just before you go clause by clause. I had spoken earlier as the chairman of the standing committee but just as an individual Member, I was personally interested in seeing improvements in the act and I would just like to compliment, very much, the Minister for the attitude that he adopted in dealing with this matter. I certainly appreciated the way it was handled. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Wah-Shee): Thank you. Clause 1. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Wah-Shee): Clause 2, political activity. Mr. Richard.

MR. RICHARD: Mr. Chairman, on clause 2. I have a concern about the inclusion of reference to federal political parties or federal political candidates. I appreciate that this act should address the issue of the political activities of the public servants of this government in so far as the political activity relates to territorial elections and territorial candidates. I do not see why our public servants should be restricted in any fashion from involvement in federal political activity. It is a right of other citizens and just because they are working for a territorial government or a provincial government or a municipal government, is no reason to restrict their activity, during their own hours of course, in federal political matters.

This clause would change section 33 of the act and I note, for instance, in paragraph 33(1)(b), there is a prohibition against engaging in any political activity during working hours. Well, I would hope that that should really read, "should not, during working hours, engage in any political activity". If you are at work you should not be engaged in any political activity of municipal, federal, territorial, no matter what. It should just say political activity, period. When it talks in paragraph 33(1)(a) of a prohibition of soliciting funds, if you are a public servant, I do not think that if on his own hours someone is soliciting funds for a federal political party that should be a condition of his employment with the territorial government. Nor do I see any harm, in paragraph 33(1)(d), from a public servant putting a poster on his motor vehicle that he supports such and such a federal political party, or federal political candidate. It does not affect his job. I would like to see, Mr. Chairman, this clause 2 be amended to delete all the references to federal political activity. Perhaps I could then make a motion so we can get it on the floor.

MR. McCALLUM: Please be careful.

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

MR. RICHARD: Thank you, Mr. Chairman. It has been pointed out to me that paragraph 33(1)(d) deals specifically with government premises, so I guess I should perhaps agree that that should read that you cannot, on government premises, put a poster up about any political activity. Whether it is federal, provincial, municipal, or American, it is not appropriate in a government office. I guess I can agree with that. So I will not address 33(1)(d), but I would move, Mr. Chairman, that Bill 34-87(1) be amended by deleting the words "or federal" from paragraphs 33(1)(a) and 33(1)(b) -- sorry, Mr. Chairman, could I just reword that?

CHAIRMAN (Mr. Wah-Shee): The Chair is waiting to get a copy of the motion once you are satisfied as the mover, to present it to the committee. The Chair will be more than pleased to receive your motion. Order please. Lay off the chairman.

---Laughter

Mr. Richard.

Motion To Amend Paragraph 33(1)(a), Bill 34-87(1), Carried

MR. RICHARD: Thank you, Mr. Chairman. I move that Bill 34-87(1) be amended by deleting the words "or federal" from paragraph 33(1)(a) in clause 2. My messenger is taking up the written copy, sir.

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

MR. RICHARD: Mr. Chairman, I think I have stated the reason. I just do not think there should be reference to federal politics. If someone is soliciting funds in their own time, apart from their job, that should not offend the terms of their employment with this government. Thank you.

CHAIRMAN (Mr. Wah-Shee): Thank you. To the amendment.

AN HON. MEMBER: Question.

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

---Carried

Clause 2, political activity as amended. Mr. Richard.

MR. RICHARD: Mr. Chairman, I believe it is in this clause that there was some discussion about the wearing of a campaign button and I understand the Minister's interpretation to be that paragraph 33(1)(d), in clause 2, would prohibit a public servant from wearing a campaign button, whether federal or territorial. And yet although I have not seen it personally, I am told that the personnel manual of this government specifically states that it is permissible to wear a campaign button while you are having a smoke -- no, you cannot have a smoke now -- while you are drinking your coffee at the office...

MR. MacQUARRIE: Coffee is next.

MR. RICHARD: Coffee is probably next, yes. You cannot smoke, wear a button or drink a cup of coffee...

MR. MacQUARRIE: Sex is okay though.

---Laughter

MR. McCALLUM: What's wrong with...

MR. MacQUARRIE: You live your own life, buddy.

---Laughter

MR. RICHARD: Careful, careful. Mr. Chairman, I would ask the Minister to comment on that. It would appear to be a conflict between his interpretation of paragraph 33(1)(d) and what I am told is in the personnel manual. Maybe I am mistaken on that.

MR. MacQUARRIE: No, it is.

MR. RICHARD: Thank you.

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

Personnel Manual Being Amended

HON. RED PEDERSEN: Thank you, Mr. Chairman. Mr. Richard is not mistaken. It is in the personnel manual right now. It is a conflict between the two and we are in the process of amending the personnel manual. That is correct, so it is soon to be deleted.

I guess this is a sort of general comment that I will make but it certainly applies to this. I think whatever we do to the Public Service Act, it is not going to fit everywhere in the Northwest Territories. We have a large jurisdiction and it is very different. What is appropriate to do in a larger community, such as the one we are in right now, may not be appropriate in the small community. The majority of our communities are small and the public servants in those communities are indeed very powerful people. To wear a campaign button on government premises clearly supporting one candidate over another candidate in a territorial election in a small community could very well unduly influence the outcome of the election.

There is some small problem, too, that could be resolved, but at the moment I have not been given a clear definition of what would constitute a campaign button. Would one hanging over your shoulders and covering the front of your back still be a button if it is attached to your lapel? For the sake of coming up with an amendment that suited the majority of communities in the NWT, we decided that the wearing of a campaign button, during working hours, while on duty, is in fact quite similar to the display of other promotional matter such as posters and therefore should not be included as being allowable under this amendment.

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

Application To Municipal Elections

MR. MacQUARRIE: Yes, just a question on this for the Minister. I know the matter arose as to government premises and municipal elections. There appeared to be doubt as to whether what is written here applies in municipal elections and so on. Can I just ask the Minister whether he or some other Minister in the government is beginning to review that matter, or whether the Minister of Education is beginning to review the matter so that it does become clear. Mr. Minister, I was referring to municipal elections and government property. I am just asking if whether this applies or whether the matter will be clarified for employees.

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

HON. RED PEDERSEN: Mr. Chairman, I am advised by my legal counsel that municipal elections are, in fact, covered already under paragraph 33(1)(c) which prohibits the use of the premises, etc., for any political activity. Legal counsel advises me that that does cover municipal activities as well.

CHAIRMAN (Mr. T'Seleie): Thank you. Clause 2, as amended, political activity. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. T'Seleie): Clause 3, criticism of policies. Mr. MacQuarrie.

Change Affecting President Of PSA

MR. MacQUARRIE: During the standing committee on legislation meetings it was noted and the matter was first raised in the NWT Public Service Association brief, that in a sense there was a rather strange circumstance in that the president, for example, of the Public Service Association would technically be in contravention of our law as it existed.

Yet, by assuming that position, it was expected that he would be critical of government policies and so on. I note that the government here has made some allowance for that, in that paragraph 33(1.1)(b) of the bill used to read, "that directly relates to his duties, unless on a leave of absence granted pursuant to subsection (4)". Now that latter little phrase has been deleted. So if someone is on leave of absence, then they are not constrained in the same way. That would apply then, for the president of the Public Service Association. There would be no contradiction at all in that case. So that is a desirable change, certainly one more in the right direction.

CHAIRMAN (Mr. T'Seleie): Clause 3. Mr. Richard.

MR. RICHARD: Mr. Chairman, you are so efficient, sir, that you moved from clause 2. I wonder if we could go back to clause 2. I wanted to ask a question about paragraph 33(1)(f).

CHAIRMAN (Mr. T'Seleie): Do Members agree we go back to clause 2?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. T'Seleie): Mr. Richard.

MR. RICHARD: Thank you. Mr. Chairman, 33(1)(f) would prohibit a public servant from serving as an official agent for a candidate, which I can appreciate, or serving as an executive officer of a territorial political party, which I suppose I can appreciate to a degree. I do not agree with that. Then it says, "territorial riding association" which I presume means some sort of a political association in a riding or constituency. Then it goes on to say that you cannot be an executive officer of a "territorial association". I am wondering what that means? I know lots of public servants who are members of a territorial minor hockey association or figure skating association. Does this mean that they are breaching the terms of their employment with the government that they are serving as executive officers of those organizations? I appreciate that is in the current legislation but that does not mean it is right. I mean there are all kinds of errors in our legislation.

MR. MacQUARRIE: Perhaps I can explain it, Mr. Chairman.

CHAIRMAN (Mr. T'Seleie): Mr. Minister.

Definition Of "Territorial Association"

HON. RED PEDERSEN: Thank you, Mr. Chairman. The use of the words "territorial association" under (f), territorial association is a defined term, Mr. Chairman, in the Public Service Act in subsection 10(d) which defines territorial association and it means the territorial association of a political party. And because it is defined in the act we mention it in here.

CHAIRMAN (Mr. T'Seleie): Clause 2. Mr. Richard.

MR. RICHARD: Then I read it as meaning a territorial association, for example, of a federal political party. Again, for the reasons I mentioned before, I do not see if a public servant, on his own time, is serving as a secretary or president of the territorial association or branch of -- well, Mr. Chairman, just let me pick a party -- the New Democratic Party, what harm is in that. That should not offend the terms of employment of that person with his employer, the territorial government. Perhaps the Minister can indicate, what is the concern of the government about that activity? It is not territorial politics it is addressing.

CHAIRMAN (Mr. T'Seleie): Mr. Minister.

HON. RED PEDERSEN: Thank you, Mr. Chairman. The provisions are in the act already so this is not a change. I would like to point out though that a territorial association as defined under the act at the moment, yes, would mean a federal political association. This amendment to the act that we are considering today would be in effect for the next territorial election, though, and it is entirely within the realm of possibility that there may be territorial political associations by then.

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

MR. RICHARD: Well, Mr. Chairman, I would respond by saying I believe the concern of the Minister that employees not serve as executive officers of territorial political parties is covered by the wording "territorial political party" or "territorial riding association". If anything, the third term "territorial association" is aimed at federal political parties which have territorial associations, and that should be removed, if the Minister with the thrust of this bill is to free up political rights for civil servants to be closer to those of other citizens.

Motion To Amend Paragraph 33(1)(f), Bill 34-87(1)

So perhaps, Mr. Chairman, to be consistent with the motion I moved earlier, which carried the will of the Assembly, I move, Mr. Chairman, that Bill 34-87(1) be amended by deleting the words "or territorial association" from paragraph 33(1)(f) in clause 2. I will leave it at that, Mr. Chairman. I cannot do the housekeeping stuff.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. The motion reads that Bill 34-87(1) be amended by deleting the words "or territorial association" from paragraph 33(1)(f) in clause 2. To the motion. Mr. T'Seleie.

MR. T'SELEIE: Mr. Chairman, I have to oppose the deletion. I think what Mr. Pedersen said before about the influence of the public service in regions or communities outside of the regional centres and even in some of the regional centres, is a factor in this discussion. I think that there have to be those restrictions; even on wearing campaign buttons. It does not seem like a very serious thing to people in Yellowknife, but Yellowknife is not the only north here...

AN HON. MEMBER: (Inaudible comment)

MR. T'SELEIE: I wonder about that too sometimes. It could be a way, without knowing it, of ushering party politics into the North without having thought about it. So, Mr. Chairman, I am going to be voting against this amendment.

CHAIRMAN (Mr. Gargan): Thank you, Mr. T'Seleie. To the motion. Mr. Wray.

HON. GORDON WRAY: Mr. Chairman, when I see Mr. McCallum and Mr. Curley and Mr. Richard huddled together I get nervous, given their views on party politics. I wonder if, perhaps, once again for my own edification, I could have clarification on the definition of "territorial association". Then I wonder if I could get from the mover of the motion what the intent of the motion is. What does he see the definition in here prohibiting right now?

CHAIRMAN (Mr. Gargan): Mr. Richard. The intent of your motion.

Intent Of Motion

MR. RICHARD: Mr. Chairman, with the explanation that the Minister gave of what "territorial association", those two words mean, I take them to mean the Northwest Territories branch or association of the federal Conservative Party, of the federal Liberal Party and of the federal New Democratic Party and of the federal Rhinoceros Party, let us say. I say that if a public servant wants to be the president or treasurer of the Northwest Territories branch of any of those federal parties, in his off hours, that it is unreasonable of this government to prohibit its employees from doing that. It is the federal political activity, again, that is the intent of my motion. There should be no prohibition against that and that is what I am seeking to have deleted. Thank you.

CHAIRMAN (Mr. Gargan): Mr. Minister, your definition of territorial association.

HON. RED PEDERSEN: Thank you, Mr. Chairman. I will read the definition again. "'Territorial association' means the territorial association of a political party." Mr. Richard is right, it certainly could include all the ones he mentioned. It also could include a territorial political party but that is already covered in the previous paragraph.

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

MR. MacQUARRIE: Yes, it is very clear that I and, I think, Mr. Richard, support the idea that territorial public servants should not be serving as official agents, or executives of territorial political parties, or for territorial riding associations and that ought to be prohibited under this legislation. So, paragraph (f) would cover all of that. To me what the amendment is saying is that we do not want them to participate in that way in territorial elections at all, but when federal elections come along, if they participate in federal parties, even as executive officers, that there is no harm in that. In fact, commensurate with general political rights guaranteed under the Charter of Rights and Freedoms they ought to be entitled to do that. Once again, providing that they are not doing it when they are supposed to be working. But that is already prohibited in the law so we can be sure that that would not be the case.

Earlier, I thought it was a typographical error, I did not realize that the territorial association had that very specific meaning. So, I certainly would support the amendment to delete it and once deleted we still have security that our public servants will not be participating as official agents or executives in territorial elections.

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

MR. CURLEY: Thank you, Mr. Chairman. I am not sure what the motion is really all about. Not having it in front of me I am having difficulty as to exactly what the motion is trying to say or do. Maybe the chairman could clarify for me exactly what the amendment is, that is being proposed right now to the clause.

CHAIRMAN (Mr. Gargan): The amendment is that Bill 34-87(1) be amended by deleting the words "or territorial association" from paragraph 33(1)(f) in clause 2. So, it is on page two, (f), deleting "or territorial association". Mr. Curley, to the motion.

MR. CURLEY: Mr. Chairman, having heard the amendment proposed, I do not think it solves the problem of freedom of expression requirements of the public servants, because as far as I am concerned the clause refers to the fact that they cannot serve as an official agent or an executive officer of a territorial political party. The Minister just indicated that the meaning of the territorial association is a political party, which is already included in the clause.

Broader Involvement In Associations

So, I am not sure whether the amendment proposed solves the problem because as far as a definition of a political territorial association is concerned, it is still being met by the part of the clause which refers to a territorial political party. That could mean a riding association or territorial association. I am having difficulty as to whether I should vote or support the motion. I realize that there should be a broader involvement of the members of the public service in any associations that are registered as an association in the Northwest Territories. I do not see how we could prevent them from engaging in or being a member of associations of any kind, whether or not they be political. But to serve in a political association, I think, is a matter of right of an individual who joins. Why should this government be concerned with any civil servant wishing to join the Rhinoceros Party as an executive officer of that party? I do not think we should have any business of trying to restrict his or her involvement in the Rhinoceros Party or any political party. After all, it will not make any sense to this Assembly or to the Members of the House.

I would like to hear a little more clarification from the mover of the amendment because I am not sure he is doing justice to the many members of the public service by trying to delete one reference of the clause, when it is still being restricted as far as the political parties are concerned. I do not know how to vote for that motion as it is. Thank you.

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

MR. RICHARD: Yes, Mr. Chairman. If I could try and help Mr. Curley, this paragraph (f), with the Minister's explanation of what the terms mean, prohibits any public servant from being an executive officer of a territorial political party. To my knowledge, we do not have any of those today. But it also prohibits a public servant from being an executive officer of any Northwest Territories branch of federal parties. And I say that at a minimum, we should allow public servants to be executive officers of federal political party branches.

Now Mr. Chairman, if my colleague, Mr. Curley is suggesting that we should also allow them to be executive officers of territorial parties, when they are formed, then I personally agree with him. My amendment does not go that far, today. But I am simply asking for Members here to agree that our public servants can participate in federal politics to the extent of being executive officers of federal political parties. I would ask Mr. Curley for his support to that extent, by supporting this motion. If he subsequently feels that we should open it even wider and allow public servants to be executive officers of territorial political parties, once they are established, then I will support his motion if he puts a further motion forward. I hope, Mr. Chairman, that helps the Member and he will vote "yea".

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

AN HON. MEMBER: Question.

Motion To Amend Paragraph 33(1)(f), Bill 34-87(1), Carried

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

---Carried

CHAIRMAN (Mr. Gargan): Mr. MacQuarrie.

MR. MacQUARRIE: In which case, I will propose a further amendment, Mr. Chairman, in order to make it read properly then. I will move that the words "or a "... Oh, here, somebody has written it for me. Mr. Chairman, I move that Bill 34-87(1) be amended by deleting the comma between the words "party" and "territorial" in paragraph 33(1)(f) and substituting the word "or". Patrick Orr? Just one "r" in that "or". The word "or". So it is not a very big amendment but it will make sense of the whole thing.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Can we have a copy of the motion? Your motion is in order. The motion reads: Bill 34-87(1), I move that Bill 34-87(1) be amended by deleting the comma between the words "party" and "territorial". That would be in paragraph 33(1)(f), add subsequently the word "or". That is again in paragraph (f); "or territorial riding association". So we delete the comma and we add "or", so that clause 2, paragraph 33(1)(f) would read: "(f) serve as an official agent for a candidate or as an executive officer of a territorial political party or territorial riding association; or".

AN HON. MEMBER: Question.

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

---Carried

Clause 2, as amended, political activity. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 3, criticism of policies. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 4. Mr. Richard.

Restricted Employees

MR. RICHARD: Mr. Chairman, clause 4 repeals part of the current section 33, subsection 2. Although it does not appear in this bill, Mr. Chairman, there are in section 33 subsection 2 extra restrictions on what are called "restricted employees"; the more senior employees in our government. They are prohibited from attending political meetings as voting delegates, speaking in public, or expressing views to the public on any matter that forms part of a political platform, territorial or federal. They are also prohibiting restricted employees from serving as executive officers of federal political parties and again, Mr. Chairman, although those sections are not here, they are part of the Public Service Act.

It is my view that we should allow restricted employees to be involved on their own time in federal political activities. And now that the Minister has seen the will of this House about the issue of federal politics, public servants, would the Minister agree that we should allow restricted employees as well as others to have the same rights? And if the Minister does, Mr. Chairman -- this will be a little more difficult to draft because the paragraph is not in front of us...

MR. MacQUARRIE: It ain't flying, anyway.

MR. RICHARD: ...but I think I better put a feeler out there anyway first and see if this goodwill, tremendous goodwill -- almost made up for yesterday -- is going to continue for another half hour.

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

HON. RED PEDERSEN: Thank you, Mr. Chairman. The Minister does not agree with the Member this time. I think we would have, potentially, a very awkward situation if we sent, for instance, a deputy minister to Ottawa to negotiate a financial or whatever, arrangement with his own party that may be the federal government. I would not be able to support an amendment here.

CHAIRMAN (Mr. Gargan): Thank you. Clause 4. Mr. Ballantyne.

HON. MICHAEL BALLANTYNE: Just to support what the Minister has said, it would give us, I think, some tremendous problems. I see our problem in a very small jurisdiction and where we have our excluded officials in very sensitive tasks and we are doing so much negotiation. Those people in that excluded class are in so many very sensitive negotiations with the federal government that I can see potential for conflict, whether it is appearance of conflict or conflict in reality, giving us a lot of problems. So we would have a very difficult time supporting an amendment, Mr. Richard.

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

MR. MacQUARRIE: Yes, I would just like to note that this clause does involve a significant change from the present in which restricted employees, if they were to wish to be candidates, would be compelled to resign from the public service before becoming candidates. That clause is being repealed and the next one makes it possible for them to get a leave of absence, with the Minister's approval. So it is a significant change in the act as well, Mr. Chairman.

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Gargan): Clause 5, leave of absence. Mr. MacQuarrie.

Leave Of Absence

MR. MacQUARRIE: I would like to note that there is a change in the bill at this point from the time it was considered in the standing committee on legislation. At that time the bill would have required all employees, restricted and non-restricted, to specifically -- it would leave the Minister discretion as to whether or not they could get the leave of absence. The committee Members in the majority felt that that certainly was important in the case of restricted employees who may be playing a very critical role in government affairs and it could be that there is some very good reason why they ought not to be given leave of absence at a particular time. But the committee felt that that really should not apply at all to workers in various departments whose role is not critical in that same sense, although the work they do may be very important, nevertheless. The committee felt that in that case those employees should have a right to a leave of absence without pay, of course, and the government has made that change and it is appreciated.

CHAIRMAN (Mr. Gargan): Thank you, Mr. MacQuarrie. Clause 5, leave of absence. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

MR. RICHARD: Thank you, Mr. Chairman. I am going to ask that there be another clause added to further allow civil servants to have the same political rights as other people. This, Mr. Chairman, deals with another section of the act, which is section 46. My motion will be to have section 46 repealed. Section 46 of the act, Mr. Chairman, prohibits any money that is paid into an employees' association like the PSA from being used directly or indirectly on behalf of any political party or a political candidate. That, Mr. Chairman, to me is a very paternalistic attitude for an employer to take with its employees and their association. When I say paternalistic I mean that simply that union members or PSA members or employees should be able to decide for themselves how their union funds are spent, or their membership fees, if you will. The government is not prohibiting the union from spending their funds for other things like supporting striking workers in the province of British Columbia, because to do that would be paternalistic. The government, as an employer, is not prohibiting its employees or their union organization, for example, to spend moneys in aid of famine victims in the third world countries, nor should they. That would be paternalistic. Similarly, Mr. Chairman, it is my view that they should not be paternalistic in telling the employees that they cannot use collective funds in support of political parties or political candidates. They should allow them to decide yes or no.

Motion To Add New Clause 7, Bill 34-87(1)

So, Mr. Chairman, I would move that Bill 34-87(1) be amended by adding immediately after clause 6 the following clause 7: "7. The act is further amended by repealing section 46." Thank you.

HON. GORDON WRAY: Point of order, Mr. Chairman.

CHAIRMAN (Mr. Gargan): Thank you, Mr. Richard. I would like to get a copy of your motion, please. I would like to take five minutes to get a legal opinion and advice from the Clerk with regard to this motion. Mr. Wray, your point of order.

HON. GORDON WRAY: Thank you, Mr. Chairman. We do not have the Public Service Act in our books. All we have got are the clauses that were to be amended. We do not have the act in our books.

CHAIRMAN (Mr. Gargan): The Chair is going to be recessing for five minutes for an opinion. Thank you.

---SHORT RECESS

The committee will come back to order. The Chair requires more time to make a ruling on this motion and will entertain a motion of progress. Ms Cournoyea has made a motion to report progress. All those in favour? Opposed, if any?

---Agreed

I will rise now and report progress. I would like to thank the Minister and his witnesses.

MR. SPEAKER: Mr. Gargan.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

REPORT OF COMMITTEE OF THE WHOLE OF BILL 15-87(1), LOCAL AUTHORITIES ELECTIONS ACT; BILL 34-87(1), PUBLIC SERVICE ACT

MR. GARGAN: Mr. Speaker, your committee has been considering Bill 15-87(1) and Bill 34-87(1) and wishes to report that Bill 15-87(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. Thank you.

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

SOME HON. MEMBERS: Agreed.

---Carried

MR. SPEAKER: Mr. Clerk, announcements and orders of the day. I am sorry, Mr. Erkloo.

MR. ERKLOO: Thank you, Mr. Speaker. I am seeking unanimous consent to return to Item 12, notices of motion.

MR. SPEAKER: Unanimous consent is being requested to return to Item 12, notices of motion. Do I hear any nays? You have unanimous consent, Mr. Erkloo. Proceed.

ITEM 12: NOTICES OF MOTION

Notice Of Motion 26-87(1): Igloolik Curling Rink

MR. ERKLOO: Thank you, Mr. Speaker. I give notice that on Friday, June 5, 1987, I will move the following motion: I move, seconded by the honourable Member for Natilikmiot, that the Legislative Assembly support the efforts of the people of Igloolik in obtaining a curling rink facility; and further, that the Legislative Assembly recommend to the Executive Council that it allocate \$90,000 toward the cost of purchasing and shipping materials to Igloolik. Thank you.

MR. SPEAKER: Thank you, Mr. Erkloo. We are on notices of motion. Are there any further notices of motion?

Mr. Clerk, announcements and orders of the day.

CLERK OF THE HOUSE (Mr. Hamilton): Announcements, Mr. Speaker. There will be a caucus meeting at 6:00 p.m. this evening. There will be a meeting of the special committee on rules, procedures and privileges at 9:30 tomorrow morning.

ITEM 20: ORDERS OF THE DAY

Orders of the day for Thursday, June 4th at 1:00 p.m.

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

17. Consideration in Committee of the Whole of Bills and Other Matters: Bills 9-87(1), 5-87(1), 33-87(1), 34-87(1), 4-87(1), 16-87(1), 22-87(1), 23-87(1), 32-87(1), Fourth Report of the Standing Committee on Public Accounts
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, June 4th at 1:00 p.m.

---ADJOURNMENT

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