



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, DECEMBER 3, 1981

MEMBERS PRESENT

Mr. Arlooktoo, Hon. George Braden, Mr. Curley, Ms Cournoyea, Mr. Evaluarjuk, Mr. Fraser, Mr. Kilabuk, Hon. Arnold McCallum, Mr. MacQuarrie, Mr. McLaughlin, Mr. Noah, Hon. Dennis Patterson, Mr. Pudluk, Mr. Sayine, Mr. Sibbeston, Mrs. Sorensen, Hon. Don Stewart, Hon. Kane Tologanak, Hon. James Wah-Shee

ITEM NO. 1: PRAYER

---Prayer

Speaker's Ruling

SPEAKER (Hon. Don Stewart): Before I proceed with the orders of the day, there was a question asked last evening that I said I would reply to as first order of business. At the outset, I wish to explain why I did not entertain any points of order or questions of privilege immediately preceding adjournment last night. The inclusion in the motion of the honourable Member for Keewatin South of the word "immediately" appeared to place this motion in the same category as an adjournment motion. Such motions may be advanced at any time, and are not debatable. Therefore, it appeared to be at that time that I could not permit any debate nor any further business of the House as the matter was still before the House.

Summarizing the events which occurred late yesterday, the honourable Member for Keewatin South moved in committee of the whole that this House dissolve immediately and call an election on constitutional development and division of the Northwest Territories. The wording of the Member's motion is critical to my decision; therefore, I have had the wording recorded by the Clerk Assistant, checked against the transcript produced by the court reporters, and the tape recording of the proceedings. These measures have confirmed the accuracy of the words recorded by the Clerk Assistant. The chairman of the committee of the whole, Mr. Noah, ruled the motion out of order on the grounds that this House does not have the authority to dissolve itself. The chairman's ruling was challenged by the mover of the motion. The committee rose and the chairman reported the matter to me.

As I stated yesterday, I chose not to make my decision until now because the question is a very complex one, and I wanted to take adequate time to consider my decision, to ensure that it was a proper one. The key elements of Mr. Curley's motion raised the question of who has the authority to dissolve this Legislative Assembly and to call territorial elections. These questions are answered in the Northwest Territories Act, which states, in subsection 8(2), "Every Council shall continue for four years from the date of the return of the writs for the general election and no longer, but the Governor in Council may at any time, after consultation with the Council where he deems such consultation to be practicable or, otherwise, after consultation with each of the Members of the Council with whom consultation can be effected, dissolve the Council and cause a new Council to be elected."

This subsection clearly indicates that each Assembly must live out its full term of four years, unless the Governor in Council or the cabinet exercises its authority to earlier dissolve the Assembly after consultation with either the Assembly as a whole or, if this is not possible, with as many MLAs as can be contacted. The subsection clearly also authorizes only the Governor in Council to initiate action to dissolve this Assembly. Subsection 8(3) states, "Writs for the election of Members of the Council shall be issued on the instructions of the Commissioner." It is clear from this subsection that only the Commissioner has the authority to call a territorial election.

Chairman's Ruling Sustained

I therefore sustain the chairman's ruling and find that the motion introduced by the honourable Member for Keewatin South in committee of the whole on December the 2nd is out of order, in that it proposes that this Legislative Assembly exercise powers which are outside those powers assigned to the Assembly by the Northwest Territories Act, and which are assigned elsewhere by that act. Put simply, the motion proposes that the Assembly contravene the provisions of the Northwest Territories Act.

This Assembly has only once in the past, to my knowledge, been dissolved prior to the expiry of its term. On that occasion, the Department of Indian Affairs recommended to the Commissioner that dissolution to overcome certain technical difficulties relating to changes in the Northwest Territories Act occur on August the 3rd, 1970, and requested the concurrence of the Council. By motion adopted on July the 24th, 1970, the Council indicated its agreement to this dissolution. The Member could attempt to achieve his objectives by bringing forward a formal motion which would ask the Commissioner to convey to the Governor in Council this Assembly's request that it be dissolved, and recommend a date for such dissolution. If such a motion was adopted and the Legislative Assembly was dissolved by the Governor in Council, the Commissioner, as a natural consequence, would instruct the chief electoral officer to issue writs of election calling a general territorial election in accordance with the prescribed procedures. This paper has endeavoured to point out the technicalities involved, and also the manner in which the Member may accomplish his desires as indicated by his motion.

We will return now, then, to the orders of the day.

Item 2, replies to Commissioner's Address.

Item 3, oral questions.

Item 4, questions and returns.

ITEM NO. 4: QUESTIONS AND RETURNS

Mr. Pudluk.

Question 54-81(3): Damaged Mail, Arctic Bay Post Office

MR. PUDLUK: Mr. Speaker, this question is directed to the Commissioner of the Northwest Territories. Large and small parcels ordered by the residents of Arctic Bay arrive by plane damaged. Even when the parcels are damaged, the post office insists the recipient collect their goods, even if the recipient does not want the parcel because of its damaged condition. My question is: Is this allowed or is there a policy regarding damaged goods and is the recipient obligated to pick up his parcel even if it is obviously damaged? Thank you.

MR. SPEAKER: Thank you. Are there any further written questions? Mrs. Sorensen.

Question 55-81(3): Mail Service To Fort Liard

MRS. SORENSEN: Mr. Speaker, I rise as a result of an urgent call from a Fort Liard airline company, Northern Commuter-Simpson Air, who went out of business last Monday. There is now no scheduled air service into Fort Liard and thus there was an interruption in mail delivery. As a result, a representative of the Canada Post in Fort Nelson phoned various airlines for bids on transporting the mail to Fort Liard. It is my understanding that the contract has since been awarded to Glen Air Service in Fort Nelson. I would request the Commissioner to obtain the following answers for the House: (1) Was the contract awarded to the lowest bidder? (2) Is there going to be a proper tender call for the delivery of mail into Fort Liard at some point in the future?

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

Question 56-81(3): Concerns Over Treatment Of Co-op Federation

MR. EVALUARJUK: (Translation) Thank you, Mr. Speaker. I have got quite a long question that I would like to put in front of the House. It is for the Minister of Economic Development and Tourism. I am sure that he will be able to answer my question when he gets into the House. Four years have passed since the Co-op Federation and CAP have held an annual general meeting with co-ops in the Northwest Territories. They have been very concerned about the supply of soapstone. Some communities do not have soapstone available. There has always been a representative for the co-ops from the Department of Economic Development. The Government of the Northwest Territories was involved in these concerns, and after the co-ops spent a tremendous amount of money, and asked for assistance, the government decided to say no. Why is this?

Another concern is that in 1975, the Co-op Federation got a loan from the government which the federation was going to pay on an instalment basis. The government said that if the federation was going to build a store, they would have to get approval from the government. Now the federation has requested a Northern Images store in Edmonton, and the government has refused. Why is this?

Thirdly, I think it was in the year 1980, the Legislative Assembly agreed that sewing centres that are administered by the government could be taken over by private enterprise or the co-ops including the sewing centre in Inuvik -- parka making centre. The government also said that whoever wants to do this can make an application. The co-ops made an application, and the government set a deadline for approval to July. After, it seemed that the co-ops were going to get the approval, they are now deferring it to January 1982. They now want to know a definite set date to approve applications for takeover. I am asking if applications for the sewing centre in Inuvik will be approved as soon as possible?

MR. SPEAKER: Thank you. Are there any further written questions? Mr. Kilabuk.

Question 57-81(3): Pangnirtung Community Freezer

MR. KILABUK: (Translation) Mr. Speaker, this is a question to the Minister of Local Government. The freezer in Pangnirtung is too small for the community. If we are going to be selling meat, we would need a larger freezer, and that was requested by the residents in Pangnirtung.

MR. SPEAKER: Written questions. Mr. Evaluarjuk.

Question 58-81(3): Assistance To Igloodik Co-op Board Of Directors

MR. EVALUARJUK: (Translation) Thank you, Mr. Speaker. First of all, I would like to tell you, Mr. Speaker, that this is not really a question, but I was requested to put it in front of the House. I think it is going to be better if I put it in on written questions, and I think somebody will be able to answer the question that I have got, and here it is.

Igloolik co-op board of directors have agreed that they would like assistance from the Legislative Assembly. These are the areas where we would like assistance. The unemployment situation in Igloolik is very high and they need money to pay their bills. The co-op purchases seal skins and carvings even though this is not a profit-making enterprise for the co-op. The reason why -- we almost went bankrupt when the co-op freezer broke down and we had to throw away a lot of frozen goods at the request of a health inspector on July 26, 1980, who came to Igloolik. The health inspector was accompanied by an RCMP officer. He did not have any papers to explain why he was doing whatever he was doing, nor did he have an expert along with him. That is why we do not believe him that he was supposed to close the freezer and throw away the frozen goods.

The board of directors and the co-op members have regretted this action that was carried out by the health inspector up to this day. We would like to see the future generation operate a co-op in Igloolik. We, the people of Igloolik, knew that the meat that was thrown out was still good. The Inuit can tell the difference between spoiled meat and edible meat because that is the main source of diet and it has been the main source of diet for generations and generations. The co-op is trying to get a reimbursement which amounts to \$10,760.82 for the goods that were lost.

We would like support from the Northwest Territories Legislative Assembly on this matter, and we are looking forward to getting a reply on your decision. If you are unable to do anything about our problem, we will be looking at other alternatives in order to solve this problem. Thank you for taking this into consideration.

MR. SPEAKER: Thank you. Are there any returns today? Mr. Braden.

Return To Question 39-81(3): Moratorium On Taxation Of Benefits

HON. GEORGE BRADEN: Thank you, Mr. Speaker. I have a return to written Question 39-81(3). It was asked by Mrs. Sorensen on December the 1st, and the reply was to be made by my colleague, Mr. Butters, but unfortunately he had to go to Ottawa yesterday to represent our government along with Mr. Munro at Treasury Board discussions concerning our budget. Therefore he asked me to bring in the following return. It concerns the question asked by Mrs. Sorensen on taxation of northern benefits. The return reads:

1. The extension of the moratorium on northern benefits applies only to those items identified in the original remission order; low cost housing benefits, housing allowances and travel assistance.
2. If changes to benefits are made in collective agreements negotiated after November 13, 1981, they will fall outside the remission order because they would not have been in force at November 13, 1981, the date of the budget. Negotiated changes or increases in these benefits are therefore expected to be taxable.

Our comments on the above are based on the budget papers which have been received and, while the administration feels that the above conclusions are correctly stated, they will be thoroughly reviewed when the legislation and regulations become available.

3. From contacts which have been made with the Department of National Revenue and the Department of Indian Affairs and Northern Development, we have not been able to learn of any direction which has been provided to the Department of Indian Affairs and Northern Development to develop an expenditure program, rather than a deduction or exemption from taxable income.

4. The Government of the Northwest Territories is maintaining communication with the Department of Finance to urge a viable resolution to this problem. On November 26, 1981, a letter was sent to the Minister of Finance and the issue was also placed on the agenda for the December 2, 1981, meeting of the financial management board. A follow-up with the Department of Finance is being scheduled. Thank you.

MR. SPEAKER: Thank you. Are there any further returns today? Mr. McCallum.

Partial Return To Question 42-81(3): Erosion Of Cemetery At Moose Factory

HON. ARNOLD McCALLUM: Mr. Speaker, I have a number of returns to questions that were asked of me over the past two or three days. I would have liked to have responded to the Member for Pine Point on the danger or the so-called danger that he became aware of from reading an article in the Weekend Magazine on the washing away of a cemetery in Moose Factory by the Moosonee River. I would like to indicate to him, of course, that we have some concern about the danger of the spread of a 200 year old bubonic plague into the Northwest Territories waters, the James Bay and, of course, the Hudson Bay. I do not put that much faith in the article itself because I think it may be simply a concern of a few doctors who want to investigate that particular concern, but I would want to assure the Member that it will not become a dead issue as far as we are concerned and I do not intend to inter it. We will keep in touch with the provinces, of course, upon whose shores the so-called waters of James Bay wash; that is Ontario, Manitoba and Quebec. However, the Member is not here and I would like to respond to him again, of course, when he is here.

Return To Question 35-81(3): Increase In Health And Welfare Positions, Inuvik Zone

Nevertheless, Mr. Speaker, there are some questions that have been asked by Members. The question I would like to respond to first is the question asked by the honourable Ms Cournoyea concerning the increase in positions by National Health and Welfare in the Inuvik zone. She queried as to what my feeling would be as to the creation of those positions and if in fact I can cite an improvement in the medical services.

Mr. Speaker, in the past the honourable Member for the Western Arctic has expressed concern about the administration of the Inuvik General Hospital. As a result of these expressed concerns, recommendations of an internal audit of the Inuvik General Hospital carried out in 1980, and an attempt by medical services branch of the Department of National Health and Welfare to improve administrative services in the Inuvik General Hospital and ultimately the ability of that hospital to improve service to the town of Inuvik and communities in the zone, these positions have been established and staffed.

It is my considered opinion that the Inuvik General Hospital and Inuvik zone lacked the required administrative staff to adequately deliver programs to the town of Inuvik and the Inuvik zone. The positions the Member has identified presently exist in other zones of medical services branch where hospitals exist. The assistant hospital administrator position is not yet staffed but was developed with the idea that this would be a training position, very possibly for a native person interested in learning the skills required to administer hospitals.

In addition, those positions whose function relates directly to the operation of the Inuvik General Hospital, namely the assistant director of nursing, the hospital administrator, the assistant hospital administrator and the zone finance and administrative officer, this officer provides service to both the hospital and zone, are all considered essential positions in hospital operations across Canada and should not be considered unique to the Inuvik General Hospital. The increased efficiency of the organization resulting from staffing of these positions will ultimately result in improvement in medical services to the area. This is not immediately measurable.

During the same period, the numbers of positions of clinical staff in the zone have not declined. There may from time to time be fluctuating numbers of clinical staff that may be more or less than an established figure at some time in the past. At the present time there are two positions unstaffed in the nursing stations, one in Aklavik and one in Fort Franklin. In the hospital all nursing positions are staffed with the exception of one supervisory position.

I have to indicate, Mr. Speaker, that because this is a responsibility of National Health and Welfare, I have to rely upon National Health and Welfare for the authenticity of the particular replies to her questions because that responsibility has not been transferred to the Government of the Northwest Territories as yet, although we are in the position of negotiating with National Health and Welfare for the administration of those services.

Return To Question 38-81(3): Patients' Permission To Leave Hospital

A second question, Question 38-81(3) was asked by Ms Cournoyea about the chronic care patient being refused permission to leave hospital and whether I intend that patients on the ward be held prisoner in that particular hospital.

An in-patient of any hospital in Canada is the responsibility of the hospital staff whether or not he has his full faculties. It is a legal requirement for the patient to sign a release form which releases the hospital from any responsibility should that patient incur injury when outside the hospital premises. If such a waiver is not signed, the hospital staff in fact are responsible for that individual when away from hospital premises. Such a waiver is required of all acute and chronic care patients and is standard procedure in hospitals across Canada.

Return To Question 40-81(3): Staffing Position, Inuvik Zone, National Health And Welfare

In reply to a further question raised by Ms Cournoyea regarding a staffing position in the Inuvik zone, Mr. Speaker, if the honourable Member would care to provide the name of this public servant in private, I have been assured by medical services branch that they will investigate the situation. In my opinion, it is unfair to make specific allegations against an individual public servant in this forum when that individual is unable to defend himself or herself.

AN HON. MEMBER: Hear, hear!

AN HON. MEMBER: Right on.

HON. ARNOLD McCALLUM: There are two further questions, Mr. Speaker, asked by two different Members -- the honourable Member Mr. Kilabuk and Mr. Noah, Keewatin North. They both refer to the same problem; that is, the problem of a request for an increase in nursing positions and/or the shortage of nurses in both Pangnirtung, in the case of Mr. Kilabuk and in Baker Lake, in the case of Mr. Noah. I have a similar reply to both of these Members and with your indulgence, sir, I will simply read one.

Return To Questions 41-81(3): Increase Of Two Nurses In Pangnirtung; And 51-81(3): Additional Nurses At Baker Lake

All nursing stations and the staffing of nursing stations in the Baffin region are presently the responsibility of the federal government, Health and Welfare Canada. The allocation of nursing staff is based on a nurse/population ratio. I will refer your request to the federal regional medical services office and ask that the current staffing situation be reviewed with regard to the workload being carried out by the nurses in Pangnirtung, to determine whether additional staff is required. This government is at present negotiating an arrangement with National Health and Welfare to take over the Frobisher Bay hospital and, of course, to take over the nursing stations and the nursing staff in that area.

---Applause

I would hope that we would be able to finalize that very quickly.

HON. DENNIS PATTERSON: Hear, hear!

HON. ARNOLD McCALLUM: It is the intention of this government to then pursue the takeover of nursing stations, the staffing of nursing stations in the Keewatin as a second step. Following that we will continue then to go into the Mackenzie area and take over the responsibility for the Inuvik hospital, the Fort Simpson hospital and other hospitals in the Northwest Territories, together with nursing stations and the staff, if the people of the Western Arctic concur with that. We have not taken over the Baffin hospital in Frobisher Bay without having, if you like, the concurrence of the people in that area. We have set up a board of management for the Frobisher Bay hospital and we would intend to do the same thing in the Keewatin and, of course, in the Western Arctic.

However, as I had indicated to both Members and to you, sir, the allocation of nursing staff is the responsibility, in the Keewatin and in the Baffin at the present time, of Health and Welfare Canada and that allocation of nursing staff is based on a nurse/population ratio. However, I will take the concerns that have been expressed by both Members and refer them to National Health and Welfare through their regional office here and if I do not get satisfaction there, then I would refer it to the federal level and ask that the current staffing requirements be reviewed with regard to the workload now being carried out by nurses in Pangnirtung and in Baker Lake to determine whether additional staff is required. Thank you.

---Applause

MR. SPEAKER: Thank you. Mr. Braden.

Return To Question 37-81(3): CBC Radio, Lake Harbour

HON. GEORGE BRADEN: Thank you, Mr. Speaker. I have a return to written Question 37-81(3). It was asked by Mr. Arlooktoo on December 1st and I am giving this reply on behalf of the Commissioner. It concerns a request for CBC radio broadcasting services at Lake Harbour. The return reads as follows:

The Department of Information installed satellite receiving and broadcast transmitting equipment in six communities this summer: Lake Harbour, Broughton Island, Clyde River, Repulse Bay, Lac la Martre, and Sachs Harbour. All communities are now receiving CBC television. However, modifications have had to be made to the radio receivers which are now undergoing testing. It is expected that the radio receivers will be ready for installation in approximately two weeks and Lake Harbour and the other communities will receive CBC radio service prior to Christmas.

---Applause

MR. SPEAKER: Are there any further returns?

Item 5, petitions.

ITEM NO. 5: PETITIONS

Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. Petition 1-81(3) is a petition from Lake Harbour. It is the same as the one I had addressed last year, but this year it is different than before. We have been wanting to get a school -- there is quite a bit to talk about with this. The Lake Harbour school we have does not have a gym. If it gets even a gym the people of Lake Harbour would be happy. Sometimes they use small places as a gymnasium. The reason why they are having this discussion is because they want the gym in the school. From last summer, the students of Lake Harbour went down to -- there were five families that went down. Maybe the Minister of Education would look into this, about this petition that was signed by 47 people. Thank you.

MR. SPEAKER: Thank you. Petitions.

Item 6, tabling of documents.

Item 7, reports of standing and special committees.

ITEM NO. 7: REPORTS OF STANDING AND SPECIAL COMMITTEES

Mr. Braden.

Report Of The Special Committee On The Constitution Of Canada

HON. GEORGE BRADEN: Thank you, Mr. Speaker. I wish to make a brief statement on behalf of your special committee on the constitution of Canada. This is only a short report on our deliberations and discussion to date.

In respect of a point raised in our second report, I wish to indicate that a productive meeting was held this morning with Dean Lysyk of the University of British Columbia law school. Discussions have not yet been completed; however I can report that Dean Lysyk has provided valuable advice on the many crucial issues facing this Assembly and the people of the Northwest Territories. I would ask, Mr. Speaker, that you formally recognize Dean Lysyk when my presentation has been completed.

Secondly, Ms Cournoyea and I wish to report that the constitutional resolution recently passed by the Canadian House of Commons, is currently being considered by the Senate of the Canadian parliament. Members of the special committee will recall that they did meet with many senators, they had very productive conversations and we found out that many senators were sympathetic to our positions -- or our position, rather, on paragraphs 41(1)(e) and (f) of the Canadian resolution.

Mr. Speaker, your committee has already initiated steps requesting that the Canadian Senate amend the constitutional resolution now before them to remove paragraphs 41(1)(e) and (f). As I indicated, Mr. Speaker, this is a very brief report and Ms Cournoyea and I will be following up tomorrow with more details respecting court action and provincial status. Thank you.

MR. SPEAKER: Thank you. The Chair would like to recognize His Worship Mr. Louis Pilakapsi.

---Applause

Between my pronunciation difficulties and Mr. Curley's writing, I had a little difficulty. Also, Dean Lysyk of the University of British Columbia.

---Applause

Reports of standing and special committees. Are there any other reports?
Mr. Sibbeston.

---Applause

MRS. SORENSEN: About time.

Report Of The Special Committee On Constitutional Development

MR. SIBBESTON: Mr. Speaker, we have some action for you, pursuant to the motion made by Lynda Sorensen on December 1st, requesting that the constitutional committee meet and report during this session on a plan of action for consultation with the people of the Western Arctic regarding constitutional development. I am pleased to report that a meeting of the committee was held shortly after the request was made, on December 1st, and the following plan of action has been agreed upon by the committee Members.

Firstly, that the constitutional development committee will convene a constitutional conference in Yellowknife on January 19th to the 21st, 1982. Invitations are being extended to the Dene Nation, the Metis Association, COPE, and the Northwest Territories Association of Municipalities. In addition to these organizations, there will be a general public invitation to all territorial organizations who may wish to participate in the conference. As well, all MLAs in the western Northwest Territories are invited to attend.

HON. DENNIS PATTERSON: What about Mr. MacQuarrie?

MR. SIBBESTON: Mr. Speaker, I am pleased to say that I have already had a response from both the Dene Nation and the Metis Association, indicating that they would be pleased to attend the conference.

The primary purpose of the conference will be to discuss the following:

- a) the processes or mechanisms which may be established to deal with future political and constitutional development in the western Northwest Territories;
- b) the various proposals for constitutional changes or public government as publicized by the Legislative Assembly of the Northwest Territories, the Dene Nation, Metis Association of the Northwest Territories proposal, and COPE's proposal;
- c) the possibility of reaching consensus on a future constitution for the government of the western Northwest Territories.

Secondly, the constitutional development committee considered whether it should begin making public tours to communities in the western Northwest Territories to obtain the views of the public on constitutional changes or various public government proposals. The committee decided to await the outcome of the constitutional conference to see if such a public consultative process was desirable or necessary. If such a consultative process was then deemed necessary, the committee will seek a broadening of its mandate at the next session of the Legislative Assembly. So, Mr. Speaker, here it is.

---Applause

MR. SPEAKER: Thank you. Reports of standing and special committees.

Item 8, notices of motion for first reading of bills. Mr. Braden.

HON. GEORGE BRADEN: No, it is okay.

MR. SPEAKER: Item 9, notices of motion.

SOME HON. MEMBERS: Where is the plebiscite bill?

MR. SPEAKER: There appear to be no notices of motion today.

Item 10, motions.

ITEM NO. 10: MOTIONS

Mr. Curley. Motion 13-81(3).

Motion 13-81(3): Report Of Rate Of Pay For Municipal Officials

MR. CURLEY: Thank you, Mr. Speaker.

WHEREAS the duties carried out by mayors and members of municipal councils throughout the Northwest Territories have become increasingly onerous and time consuming;

AND WHEREAS research undertaken indicates that there are inconsistencies in the levels of indemnities paid to elected municipal officials in various communities;

NOW THEREFORE, I move that this Legislative Assembly recommend to the Executive Committee that it undertake, through the employment of outside consultants, a report of the rates of pay of elected municipal officials in all communities in the Northwest Territories;

And further that such report include recommendations for scales of remuneration more reflective of the demands placed on these elected persons;

And further that this report be tabled in the Legislative Assembly at the next session.

MR. SPEAKER: Your motion is in order, Mr. Curley. Thank you. To the motion. Seconded by Mr. Fraser, was it?

AN HON. MEMBER: Right.

MR. SPEAKER: Seconded by Mr. Fraser. Mr. Curley.

MR. CURLEY: Yes, Mr. Speaker. Very briefly, I would just like to indicate to the House that whereas some of the elected positions have been taken seriously by this Assembly -- for instance, the Members of the Assembly have, I believe, by continuing generous indemnities paid to Members where they are in the special committees -- we normally receive special indemnities if we carry out our business through special committees of the Assembly, as well as our regular salary. My point is that the indemnities paid to municipalities are outdated and I believe it is time that they be put into proper levels today so that they can at least carry out their responsibilities with more -- in keeping with the kinds of demands placed on them. The practice so far is that the municipalities, according to the ordinance, are allowed to make recommendations through by-laws and that the Commissioner must approve that particular by-law. So, if the Commissioner chooses not to adopt that recommendation from the municipality, the municipalities, whether they be hamlets or not, cannot receive the kind of indemnities that they would like to see.

In my riding, for instance, many of the communities have now got to the position where the administrative responsibilities and the public demand for the mayors to carry out the business is so great that they do not have time to pursue their livelihood. These people do not have permanent jobs like the people in the western part of the Territories do and therefore they either have to pursue their livelihood through trapping or seasonal jobs and if they have been missing too many days from their seasonal jobs, they are normally laid off. So, it is unfair for the government to expect that the business of this government through the municipalities could be carried out. It is really not acceptable today. We must provide proper indemnities to those people.

I suggest that the only way we are going to get a decent report is through assigning or contracting with the consultant, other than the municipal officials, because municipal officials will say -- well, if they do come up with the recommendation of scales, that would be most significantly higher than the present formula which is something like \$35 a meeting. Whether you be meeting the whole day or not, you get \$35 that day. So, it is really out of date. So, my suggestion is that outside consultants would be more sincere and that they would not be prejudicing themselves.

The municipal superintendents, for instance, of the local governments normally say to me that if they were to increase that it would be an incentive for those who are less able to take a major role in leadership -- encourage them to get into these positions, but I say that is nonsense because communities and people

in the communities certainly will not vote for anyone who they think could not lead them. I would just like you to consider that and have it placed before us for our consideration before we approve the budget of the Department of Local Government. Thank you.

MR. SPEAKER: Motion 13-81(3). Mr. Fraser.

MR. FRASER: Question.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Mr. Noah.

MR. NOAH: (Translation) I will not be able to vote for this motion because of a conflict of interest, although I am fully in support of this.

SOME HON. MEMBERS: Question.

Motion 13-81(3), Carried

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

---Carried

Motion 14-81(3), Freedom of Information Bill. Mrs. Sorensen.

Motion 14-81(3): Freedom Of Information Bill

MRS. SORENSEN: Thank you. Mr. Speaker:

WHEREAS everything in public government should be considered public with some legitimate exceptions rather than everything confidential with some exceptions;

AND WHEREAS most MLAs in the Ninth Assembly have called for open government;

NOW THEREFORE, I move, seconded by the honourable Member for Frobisher Bay, that this Legislature recommend to the Executive Committee that it prepare a freedom of information bill;

And further that it table for discussion and approval said bill during the next budget session.

MR. SPEAKER: The motion is in order.

AN HON. MEMBER: Question.

MR. SPEAKER: Proceed, Mrs. Sorensen.

MRS. SORENSEN: Mr. Speaker, in the Northwest Territories we have no legal right to know and government has no legal duty to provide access to information gathered with public moneys. There is no law that recognizes the right of a member of the public to the information that has been compiled by the government at all levels.

Mr. Speaker, information is necessary for informed decision-making and without it, information which would enable the public to evaluate the performance of the government in a considered fashion can be arbitrarily withheld. The cornerstone of parliamentary democracy, the ability to express public confidence or contempt for the government at the ballot box, is eroded. I believe good government follows from open government, Mr. Speaker. It cannot rely on the mantle of secrecy to cloak poor judgment and costly mistakes behind the rubber stamp of "confidential". A strong freedom of information act would promote good and efficient government.

I believe that freedom of information is a civil right and not a special privilege and I seek, through this motion, to make government information more accessible to the public than is currently possible and to establish procedures for its release. An act, however, Mr. Speaker, must ensure the privacy of the individual, business and government. For instance, individuals under our freedom of information act may have access to their own personal file, but not to other people's personal records. Both the public and private interests should be similarly protected with respect to commercial enterprises. Those are legitimate exceptions. If documents which are requested under a freedom of information application contain trade secrets or information which would jeopardize the competitive position of a corporation, then the information would be withheld. Similarly, government planning information would also be withheld if its release would give a person a fiscal advantage he would not have except for the passage of the ordinance.

There would have to be other areas which would be exempt from the ordinance, however, Mr. Speaker, the basic understanding must be that each and every exemption must be justified. Rather than a system whereby everything is confidential and certain things can be released, our government must operate on the premise that everything is available and the exceptions are few and well justified.

Mr. Speaker, in conclusion I would like to quote from the federal green paper on the federal Freedom of Information Act written in 1977. The quote is as follows: "Open government is the basis of democracy. It is an essential consequence of the extension of the franchise to all adult citizens, for a democratic society is one in which the exercise of governmental power is undertaken not by an elite, according to its own precepts, but by an executive accountable to the public itself for the goals of government action and the effectiveness of government performance in their achievement." Thank you.

MR. SPEAKER: Thank you. The seconder, Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I am very pleased to be able to support this motion and speak very briefly to add to what Mrs. Sorensen has stated very well. I too believe that there should be no undue barriers to the public having information about the expenditure of public money. I am pleased to see that she agrees that there are clear limits on that access to public information and I think maybe this exercise of the preparation of a bill will provide clarification where there appears to be a lack of clarification, at least in some Members' minds, at present. At the moment, I agree there is no real method of compelling release, although I do believe that a convention does exist and should be clearly understood to exist...

MRS. SORENSEN: That is a sassy word.

HON. DENNIS PATTERSON: ...if a matter becomes an issue of confidence in a Minister, that this House does have the power to remove that Minister. So, I support this motion, because I believe we need to clarify these guidelines and I look forward to seeing the draft bill. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. To the motion, Motion 14-81(3).

MRS. SORENSEN: Question.

SOME HON. MEMBERS: Question.

Motion 14-81(3), Carried

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

---Carried

MRS. SORENSEN: Unanimously.

MS COURNOYEA: There are some people missing.

MR. SPEAKER: Motion 15-81(3), Narwhal Quota for Repulse Bay. Mr. Noah.

Motion 15-81(3): Narwhal Quota For Repulse Bay

MR. NOAH: (Translation) Thank you, Mr. Speaker.

WHEREAS the present quota of narwhals which may be taken by the residents of the Repulse Bay area is set at 25 animals;

AND WHEREAS it is desirable to increase this quota;

NOW THEREFORE, I move, seconded by the honourable Member for Foxe Basin, that this Legislative Assembly request the Executive Committee to convey to the federal Minister of Fisheries and Oceans its strong recommendation that the narwhal quota for Repulse Bay be increased to 50 animals annually.

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

MR. NOAH: (Translation) Thank you, Mr. Speaker. I am not sure of the first paragraph. It says 25 animals in the first paragraph. I am not sure if that wording is supposed to be animals.

MR. SPEAKER: Well, I think the intent of the motion, Mr. Noah, is quite obvious. I think it is a technicality. I think you could proceed.

MR. NOAH: (Translation) Thank you, Mr. Speaker. Since I have been a Member of the Assembly, they have been requesting an increase in quota, up to 50 annually. They recommended that they would call the federal Minister of Fisheries and Oceans if this government does not make an increase, because they mentioned that 25 animals is too small. I think this request is going to go on and on and it is always to the Legislative Assembly. They also stated that more and more dog teams are coming into Repulse Bay and because of that they want 50 animals annually as an increase. They use a lot of meat for the dog teams. Also, they have to increase that and the local hunters do not like to break by-laws up there, any ordinances, and they are concerned about the quota, which is too small. So, this was requested by the Repulse Bay people. I do not have anything much to say. Maybe the person who seconded this motion will have something to say or make comments on this because he is from that area. Thank you.

MR. SPEAKER: Thank you, Mr. Noah. Mr. Evaluarjuk.

MR. EVALUARJUK: (Translation) Thank you, Mr. Speaker. Maybe I will just speak briefly about this topic, because I was the seconder of this motion. My constituency was also Repulse Bay before, and they have been concerned about the narwhal quota. Before they had an ordinance, and when they had some dog teams up there, I think they used to get narwhals long before -- they never heard that narwhals are going -- so they come back and forth to Igloolik. They all know what is going on with the quota, so I am really in support of this motion. After they have studied this, I am sure you are going to be able to answer my question, but I am telling the Executive Committee to tell the Minister of Fisheries and Oceans about this problem. Thank you.

MR. SPEAKER: Thank you. Motion 15-81(3). To the motion. Mr. Kilabuk. Pardon me, Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Speaker. I would like to support the motion which is on the floor. It is very hard to try and get quota increases in the settlements. I think it is going to be better if they do not do any studies and just increase the quota, because the settlements are waiting. In Rankin Inlet,

they increased the narwhal quota without doing any studying. Since they are close to Igloolik, there were a lot of whales which were stranded on the beaches. To my way of thinking, I think there are a lot of narwhals up in that area and it is just a waste that they are dying on the beaches. Thank you.

MR. SPEAKER: To the motion. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, I would like to support this motion too. I think what underlies this motion and what has been spoken by other Members is that the real problem is that the federal fisheries department has not done the necessary work to establish the framework for setting quotas. As a result, people are entitled to request quotas, and the department has no justification for either acceding to the request or not acceding to the request, because they have not done the sort of work that it is their responsibility to do, to determine the narwhal population in the Northwest Territories. The estimate that I have heard is that there is a population of 40,000 to 50,000 narwhals, which live in the Lancaster Sound area, and if this is true, then the quotas are much smaller than they need to be. So I hope that by sending this request to the Minister of Fisheries and Oceans, we may provide some more encouragement for them to do the necessary work to prove that these sorts of increased quotas are, indeed, justifiable, and I think the Inuit, probably, know more right now about the narwhal population than the federal department which is supposed to be responsible for gathering this information. For my part, because I know they have not done their homework, I am willing to accept the word of the Inuit. Thank you.

MR. SPEAKER: Thank you. Motion 15-81(3).

AN HON. MEMBER: Question.

Motion 15-81(3), Carried

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

---Carried

Motion 16-81(3). Mrs. Sorensen.

Motion 16-81(3): Landlord And Tenant Ordinance Review

MRS. SORENSEN: Mr. Speaker:

WHEREAS certain parts of the Northwest Territories are experiencing an extreme shortage of rental accommodation;

AND WHEREAS as a result of such shortages some tenants could be placed at a disadvantage by some unscrupulous landlords;

AND WHEREAS some landlords are experiencing difficulties with unscrupulous tenants and have limited recourse under the ordinance;

AND WHEREAS certain tenants are experiencing large rent increases and have no recourse to establish whether these increases are justified;

AND WHEREAS the present Ordinance Respecting Landlords and Tenants is inadequate, outdated and incomplete;

AND WHEREAS landlords and tenants presently experiencing disputes under the ordinance must go to court to settle matters rather than to a rentalsman and/or a landlord-tenant advisory board;

NOW THEREFORE, I move, seconded by the Hon. Tom Butters, MLA for Inuvik, that the Legislative Assembly recommend to the Minister of Justice and Public Services that he:

- 1) review and update the Landlord and Tenant Ordinance;
- 2) appoint an individual or a body to disseminate information, mediate disputes, and make recommendations concerning the ordinance and its regulations.

MR. SPEAKER: Thank you, Mrs. Sorensen. Your motion is in order; however, Mr. Butters is not in the House. Do I have a seconder? Mr. Curley. Proceed, Mrs. Sorensen.

MRS. SORENSEN: As Members can see, Mr. Speaker, there are two parts to this motion. The first asks for a review and an updating of the ordinance, and the second calls for a specific person or a committee or board, whatever the government sees fit, to enforce the ordinance.

With respect to the first part, the ordinance was assented to in 1974, and it has never been amended. It is badly outdated, as I said, and needs revision, just to keep up with the times. However, Mr. Speaker, by far the greatest difficulty with this ordinance has been its lack of being enforced other than through the courts. Over the years, I have had occasion to use the ordinance many times, but it has always been difficult because the enforcement body has been the courts. We all know that the courts are very costly and time consuming, and the staff in Justice and Public Services, particularly in the consumer division, have often felt powerless and frustrated when they have no choice but to recommend to the consumer or to the landlord that he or she go to the court to settle and mediate disputes.

For instance, Mr. Speaker, I can give you a story that happened this winter. This winter I had a gentleman come to see me after he had just left the Department of Justice and Public Services in an absolute state of frustration. They had worked with him as they do well for three months to try to get his problem solved. His problem was simply that he had heat one day at about 90 to 100 degrees Fahrenheit, and the next day he would have heat at about 40 to 50 degrees. Letters had gone back and forth to the Edmonton landlord, the absentee landlord, but little action over three months had resulted. The government worker wrote letters, quoted the ordinance, but these were virtually ignored. Finally, the government dismissed the man by telling him to take the landlord to court. He then came to me and said, "Mrs. Sorensen, your ordinance is incomplete, because I do not have the money nor do I have the time to take this landlord to court. Could you do something about it?" I certainly agreed with him, because I had experienced the same kind of frustration.

In the provinces, research has revealed, Mr. Speaker, his case would have been handled first by a rentalsman with power to enforce the provincial landlord and tenant ordinance, and if further action was needed, such as a public hearing or investigation, such action would have taken place, and that is the situation in every province in Canada. There is no provision for such action within our ordinance.

Mr. Speaker, the gentleman who came to me eventually moved out of his apartment. He did not feel he could afford, as I said, the time or the money to take the matter to court. I believe that as a government, we really did let that tenant down. A rentalsman or an enforcement board could and should have helped him.

Deterioration Of Housing Situation

Since the episode, the housing situation in Yellowknife has deteriorated even more, and there is virtually nothing to rent in this community. In the meantime, someone has moved into that apartment, Mr. Speaker, is paying \$600 to \$700

a month rent, and is putting up with the erratic problems with the heating system. He has not complained, and the reason is that he is afraid of being evicted. When housing is tight, the landlord is king. The tenant, fearing eviction, must take what he can get, and that situation now exists in Yellowknife.

There are a lot of landlord-tenant problems in our capital city. Mr. Butters also, in seconding the motion, earlier had indicated that Inuvik suffers from the same kinds of problems and the same tight housing situation, and I am sure that there are other areas that are going to be experiencing the same, if not already.

We have an ordinance, and although it needs updating, it has a good base, but it does need an enforcing body. Mr. Speaker, I would ask that the government look at perhaps combining the two roles, that of a rentalsman and a landlord-tenant advisory body into one, because we are a small area; however, I am going to leave that up to the government, if this motion passes, to come in with its own recommendations. I would say that it is of an urgent matter and that the Executive Committee should move immediately to appoint an enforcing body. Complaints are coming in on a daily basis, and it is a serious situation. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mrs. Sorensen. As seconder, Mr. Curley. To Motion 16-81(3). Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Speaker. I would like to commend my colleague for Yellowknife South and my colleague for Keewatin South for bringing this matter to the House. I was informed by Mrs. Sorensen a month or so ago to begin examining the Landlord and Tenant Ordinance, and that review is under way. I think that this motion adds substance to her earlier request, and while I cannot say exactly whether the government can proceed with some of the aspects of her recommendations made today, I will give assurances that we will continue on with our review, and we will report back to the House when we reconvene in February. Hopefully, I will be able to report back to my colleagues even before that with some proposals. Therefore I would recommend that this motion be supported.

MR. SPEAKER: Thank you. Motion 16-81(3).

AN HON. MEMBER: Question.

Motion 16-81(3), Carried

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

---Carried

MR. SPEAKER: We shall turn now to Motion 18-81(3), Task Force on Dene Housing. Mr. Sibbeston. Motion 17-81(3) was dealt with yesterday, by way of unanimous consent.

Motion 18-81(3): Task Force On Dene Housing

MR. SIBBESTON: Mr. Speaker:

I MOVE, seconded by the Member for Great Slave East, Mr. Sayine, that the Executive Committee be urged to establish a task force on Dene housing for the people in the western part of the Northwest Territories with the overall purpose of:

a) finding out the housing priority of Dene and Metis people, particularly as regards to home-ownership in communities;

b) examining the existing housing situation amongst native people, examining recent programs and making recommendations on the programs, funding and delivery of housing programs in the Dene communities.

Further, that the task force include representatives from all of the five major Dene regions in the western part of the Northwest Territories and that the Executive Committee be requested to make funds available so that the task force can hire the required staff to perform its duties in an efficient and thorough manner;

And that the task force conclude its report and recommendations on or before March 1st, 1982, in time for the Legislative Assembly's consideration and possible adoption in the 1982-83 budget.

Finally, that the vice-president of the Metis Association of the Northwest Territories, Mr. Bob Stevenson, be requested to attend the Legislative Assembly as a witness during this session to address the Assembly on this matter of a task force on Dene housing.

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

MR. SIBBESTON: Mr. Speaker, I think it is time for the government to undertake a task force on native housing in the western part of the Northwest Territories. I have restricted this motion to native people's housing, because there is, I feel, a very serious problem with native housing in this part of the Northwest Territories, particularly in the smaller communities. I am not as concerned about native housing in the larger centres; I am directing my comments primarily at the smaller communities down the Mackenzie Valley.

This government, of course, has been in the housing business for quite a number of years, particularly as it relates to housing for native people. They have instituted a number of housing programs. The first was simply providing small houses for people. I recall as a young person seeing the government providing small little houses particularly for people who were not able to provide for themselves. Later on, the government provided low rental housing, and we see most of the housing in the communities of this sort. Then, in the last two or three years, the territorial government or the housing corporation has instituted what they call the SSHAG program where people can build their own houses out of logs. This is a home-ownership program.

Very recently, in fact in the middle of November, there was a large Dene and Metis housing conference here in Yellowknife, and I have all of the resolutions that were passed at that conference, and there are 31 suggestions or recommendations that had been made by people regarding housing. I would say this indicates that there is great concern about the housing situation among native people. One of the recommendations, number 11, suggests that a task force be set up, and so it is because of this that I am making this motion today. The motion suggests or wants the task force to begin almost immediately, and also that the report be done with and ready for this Assembly by March 1st so that we can incorporate any recommendations into the Housing Corporation's budget.

Finally, as you note, I ask that the vice-president of the Metis Association, Mr. Bob Stevenson, be asked to appear before this Assembly in this matter as a witness. I say this because I am aware that he has had a lot of experience in housing in this part of the North. He was involved with the housing on the Indian Reserve in Hay River. I am aware that he worked for the Housing Corporation. He has been involved in the Mackenzie Valley Housing Association, so I think it would be valuable to this Assembly to have him appear, even if it is very briefly, for him to provide some information for us. So, Mr. Speaker, I urge all Members to support this motion.

MR. SPEAKER: Thank you. Mr. Sayine, as seconder, do you wish to speak?

MR. SAYINE: Yes, Mr. Speaker, as seconder of the motion I fully support the motion, and as the mover of the motion has spoken to his motion very thoroughly, I have very little to add, but I also feel that this task force would be very important to the Dene people of the Western Arctic, and I fully support it.

MR. SPEAKER: Thank you. To the motion, 18-81(3). Do you wish to conclude the remarks, Mr. Sibbeston? To close debate? Do you wish to call question?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question is being -- I am sorry, Mr. McCallum.

Government Responding To Housing Requests

HON. ARNOLD McCALLUM: Mr. Speaker, I simply would like to indicate to the mover and the seconder of the motion just what has taken place as a result of the Dene-Metis housing conference that was held, as well as a result of the conferences that were held by the Housing Corporation within the past 12 months, one in Inuvik that was attended by all housing associations in that area as well as people from this particular area, and even south of the lake. As well, there was a further conference sponsored by the housing association in Hay River, dealing predominantly with people south of the lake. As a result of that, and as a result, Mr. Speaker, of requests that we have -- that is we, the government and the Housing Corporation have received from band councils, from Members, MLAs, to which we have responded I think in a very positive way -- that is, the government has responded in a very positive way, and has indicated and instructed the Housing Corporation to get more involved with the total question of housing, especially in the western part of the Territories. We have been able to enhance programs, whereby houses will be able to be upgraded, retrofitted, especially in the Mackenzie Valley. We worked with the Mackenzie Valley Housing Association, who is the vehicle by which this kind of work will be done in the Western Arctic.

I think that one aspect that I would be remiss in not referring to at this time during the debate on this motion would be the requests from two band councils, one along the south side of the lake in Fort Resolution, and one in the Mackenzie Valley, in Fort Good Hope, for a pilot project to enhance the SSHAG program. As Mr. Sibbeston has indicated, this is a program that has been established by the Northwest Territories Housing Corporation; it is a totally territorial program; and while the funding over the years and even today may not be sufficient, certainly we have, as a corporation, and as a government, responded to the request to increase that funding. The Executive and the corporation have had a request outstanding from the band councils of Fort Good Hope and Fort Resolution to carry out this pilot program of home-ownership. This program will be carried out in co-operation with the Housing Corporation. It will be developed by the people of Fort Resolution and Fort Good Hope, together with the corporation, and hopefully for advancement in other communities in the Territories. Now, we have not come to finally resolving the intricacies of the program; however, this new program that we will have will be fully discussed with the board members of the corporation, as well as the people of the band councils of Fort Resolution and Fort Good Hope. What we have been able to do, and I am very pleased to announce this today, Mr. Speaker, so that Members will know that we are, as a government, and as a corporation, doing something concrete about trying to promote home-ownership within the Territories. We have advanced a one million dollar increase to the Housing Corporation to carry out this pilot project in these two areas.

---Applause

I think, Mr. Speaker, that this is concrete evidence that we are now beginning to do something about home-ownership and promoting home-ownership in the communities, especially the communities along the Mackenzie Valley, because it is involved with the SSHAG program, and the materials are available here and people

have indicated a desire to own their own homes. I think that in these two communities, with the pilot project in co-operation, Mr. Speaker, with the Dene band councils of these two communities, we have been able to do something concrete now.

In addition to that, Mr. Speaker, we have already embarked upon the kind of suggestion that has been made by the mover and the seconder to look into the whole aspect of housing in the Dene areas. We are looking at the kinds of programs, as Mr. Sibbeston referred to, over a number of years, prior to the corporation's establishment, prior to the involvement of the Government of the Northwest Territories, and to try to determine just what were the commitments made, how we can better react to those commitments made by the federal government. When the Indian housing program -- that is, the northern rental housing program -- was introduced, and where we were involved with it we are talking about the involvement after the Territories moved north -- we were able to address this in the 1972 task force on housing, how the corporation has been able to respond to the demands and requests made by people in the western Northwest Territories in the desire to own their own homes. We are going to review it.

Finally, Mr. Speaker, as I had indicated, we are hopeful now that by injecting these one million dollars into a new program, a pilot program, that we will then have the concurrence of this House when we come to the Housing Corporation's budget, that we will be able to enhance that so that we will be able to keep that in a base in succeeding years, and quite possibly to enlarge upon it so that we will be able to respond to those requests, individually or collectively, from the band councils in the western Territories. Hopefully we would be able to then take that program with enhancement and move it into other areas of the Territories so that people will be able to then own their own homes, get into the home-ownership plan, rather than get into a low rental or a rental program. These homes will, of course, be built by the individuals for whom the program is intended. Thank you.

---Applause

MR. SPEAKER: Thank you. Motion 18-81(3). Mr. Curley.

MR. CURLEY: Thank you. Mr. Chairman, I certainly agree with the motion that there should be a task force to inquire into the home-ownership possibilities in those communities, but I do not agree that it should be restricted to Dene and Metis only. Mainly I say that because unlike the honourable Member's view that the Eastern Arctic may have better housing in that part -- I do not think so, because we have much, much more difficulties in getting supplies and materials as far as the housing is concerned. So, I would like this motion to have a lot more thorough consideration given by the Members and if there is to be a task force, I do not think it should be restricted to one particular part of the population in the Territories, because home-ownership is the wish of all the tenants in the Territories.

Motion To Refer Motion 18-81(3) To Committee Of The Whole, Carried

So, Mr. Chairman, I would like to move that this motion be referred to the committee of the whole for consideration.

MR. SPEAKER: I have a motion to move this into committee of the whole. Is there a seconder? Mr. Patterson. To the motion to move it into committee of the whole.

MR. CURLEY: Question.

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

---Carried

We will recess for 15 minutes for coffee. We are a little late.

---SHORT RECESS

MR. SPEAKER: The Chair recognizes a quorum and calls the House back to order. We will proceed now to the orders of the day. Motion 19-81(3), Public Inquiry to School District No. 2. Mr. MacQuarrie.

Motion 19-81(3): Public Inquiry To School District No. 2

MR. MacQUARRIE: Thank you. Mr. Speaker:

WHEREAS a group of ratepayers and parents in Yellowknife School District No. 2 was concerned about the manner in which that school district was being managed under the authority of the school board and asked the Minister of Education to initiate an inquiry into the matter;

AND WHEREAS the Minister of Education regarded their concerns seriously enough that he engaged a Mr. J. Coady to make such an inquiry;

AND WHEREAS said group of ratepayers and parents, despite repeated requests addressed to the Minister's office and to the chairman of Yellowknife School District No. 2, from themselves, from the NWTTA local number two, whose members teach in that district, and from others who were asked by those parties to assist them, have been unable to secure the results of that inquiry;

AND WHEREAS the Minister refuses to release Mr. Coady's report only because he apparently made a promise to the board not to do so;

AND WHEREAS it is ironic that those very people who called for an inquiry have been left ignorant as to its results;

AND WHEREAS the Minister professes to be a proponent of open government;

NOW THEREFORE, I move, seconded by the honourable Member for Yellowknife South, that this House urge the Commissioner under the Public Inquiries Ordinance to conduct an inquiry that addresses the concerns raised by a group of ratepayers, parents and teachers associated with Yellowknife School District No. 2, and that the Commissioner release the report resulting from that inquiry to the public.

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

MR. MacQUARRIE: Thank you, Mr. Speaker. There is no doubt at all in my mind that in raising this matter I cannot possibly avoid accusations of being involved in politicking and that is regrettable because that is not my motivation at all. I have no axe to grind whatsoever with respect to who runs the separate schools in Yellowknife. In fact, just to clarify at the outset, I will say that when the matter was raised first in the spring and certain people came to me looking for encouragement and support, there were at least two issues upon which I disagreed with them. One was with respect to the dismissal of a teacher for religious reasons and my advice to them was that without making any judgment on the law or without making any judgment on the wisdom of pursuing such action by the separate school board, it was clear to me that in the law that school board has the right to hire on the basis of religion if it wishes. So, I did not support or encourage them in that matter.

Again, I was approached by some who were concerned that one board seemed to be overturning the policies of another and again I offered no encouragement or support, but told them that it was my view that very clearly any elected body has the right to overturn policies that a previous elected body had implemented. I cited as a specific example the very first act of this Assembly when it overturned the political development position of the Eighth Assembly.

I cite those examples to demonstrate that it is not out of antagonism toward the board itself that I have raised this matter. I have raised it rather because over the summer there have been new developments which have led to a situation which does concern me. Two principles have arisen out of this dispute which draw my attention, which are very important principles, which give me cause for concern and which I think should give all Members in this Assembly and all people in the Northwest Territories cause for concern and that is why I will be appealing to this House to support the motion that I have placed before it.

Public Institutions Should Be Open To Scrutiny

The first of those two principles is whether people in a democracy who are concerned about any public aspect of the operations of government -- and by that term "government" I certainly include all of the boards in the Northwest Territories that are established under the authority of this government -- whether people who have concerns about the operations of government have the right to information that pertains to their concerns. I believe that the answer to that, quite clearly in a democracy is yes, that they ought to have the right to that information. Otherwise, what does democracy mean? Publicly operated institutions ought to be open to the scrutiny of the public with the exception of certain personal matters and in all of this nobody is calling for the disclosure of personal reports on teachers or that sort of thing at all. What is in question is the manner in which the system is being managed and surely, if that is not a matter for public concern, what is?

Now, as I said, certain people who were associated with that system raised certain concerns. I will not pass judgment now on the validity of those concerns. I only point out to the House that because of those concerns those people approached the Minister, expressed their concerns and asked him to conduct an inquiry. I can only suppose -- since I would not want to accuse the Minister, as somebody has done very publicly, of simply being weak and mounting the inquiry because he was pressured to do so -- despite the unkind things he said about me yesterday I will not -- I do not think that that is the case. I can only believe that when he heard the concerns that were expressed, that he felt -- I think in law they say there was a prima facie case. In other words, it appeared that there was some reason to hold an inquiry.

MR. CURLEY: He has more important things to do.

MR. MacQUARRIE: So, he conducted an inquiry and I would point out to Members that in fact, if that was not the case, if he was just too busy and did not really think that the concerns were of consequence, then it is scandalous that he mounted an inquiry because an inquiry is a serious kind of thing and one ought not to do that whimsically. So, I can only conclude that he decided there was some good basis for an inquiry and proceeded to conduct one.

Having agreed to make that inquiry it is ironic in the extreme that the people who expressed those concerns and saw the Minister take them seriously enough to ask for an inquiry are thereafter denied the opportunity to find out the results of the inquiry. That is just incomprehensible.

So, regardless of the Minister's statement to the contrary in the House about a week ago, I say that it is patronizing of anyone to give legitimacy to concerns by mounting an inquiry such as the Minister did and then simply offering personal assurances later on that everything is okay.

HON. DENNIS PATTERSON: Do you not trust me?

MR. MacQUARRIE: It is not a question of whether I trust you or not. This is a matter that comes up then. It is simply true that every group in the world, every institution, every department in government that wants to deny public

information to people mounts some reason for doing so and the reason is often, "Well, I am an honest person. Do you not believe me? Trust me. I will look after things for you," the way the federal government looked after our interests in negotiations in Ottawa.

MR. CURLEY: Quit crying over spilled milk.

MR. MacQUARRIE: Everybody mounts some reason and what the Minister seems to be saying here is he supports open government but he has good reasons for not disclosing certain information. Well, I think that that is not good enough, because everybody in the world can give you some reason or another as to why they should not divulge public information to the public.

A Lapse In Judgment

The Minister, I think, maybe in good faith, had reason to believe that the report would be released by the board itself when it was concluded, when the investigation was concluded. At worst he may have had a lapse in judgment by agreeing with the board that he would not release it and as I have said before, all of us have lapses in judgment, so that is no grievous sin. Do not think that this motion, if it passes, therefore is a matter of confidence in the Minister. He says that he has a certain personal sense of honour, that once he gave his word he does not want to retract it. I can sort of understand that, but there is a way nevertheless to mount the inquiry where his honour is not breached. So, if he is sincere in his proclamations about desiring open government, it will be very easy for the Minister to support this.

So the first principle is whether people will have access to information that they are entitled to. The second principle that...

MR. CURLEY: You have only two? Do you not have more than that?

MR. MacQUARRIE: ...all Members of this Assembly and all people of the Northwest Territories ought to be concerned about -- is Mr. Curley having a problem understanding what I am saying again?

MR. CURLEY: I thought you had more than two principles.

MR. MacQUARRIE: Mr. Curley is a very...

MR. SPEAKER: Gentlemen, order.

MR. MacQUARRIE: Yes, Mr. Speaker. I would just refer the honourable Member to -- I know that he is a religious man -- to a passage in the Bible, Matthew 7:6.

---Laughter

It has to do, Mr. Curley, with pearls and swine.

MR. CURLEY: Are you preaching to me or are you speaking to the motion?

MR. MacQUARRIE: I invite you to get somebody to help you understand that.

---Laughter

Precedent Could Be Set

The second principle is whether this sets a precedent of non-co-operation. The Minister said that he agreed not to release the report because when he wanted to mount the inquiry, he was told that the board would not co-operate if it was going to be made public. Now, that is a very serious thing, Mr. Speaker, because if that is a legitimate reason for not going ahead with inquiries -- we must

realize that we have numerous boards in the Northwest Territories; Workers' Compensation Board, the Northwest Territories Housing Corporation Board, the Liquor Control Board and numerous school boards. Surely they are all expected to conduct their business along certain fundamental democratic principles that we all approve of in society and that if at times their operations seem not to accord with what people generally can accept, that they ought to be open to scrutiny.

So, it simply cannot be accepted if any board says, "We will refuse to co-operate," that is sufficient reason for not proceeding with a public inquiry. The Commissioner has the authority to proceed anyway and if any Minister or the Commissioner believes that an inquiry is necessary -- and again I point to you, it must have been that Mr. Patterson believed an inquiry was necessary -- then there is a legal right for the Commissioner to proceed to hold an inquiry in accordance with law. I suspect that the fact of non-co-operation would be noted as a factor in that report, as it very well should be if it is a public board, because that non-co-operation certainly says something about the operation of any public board in a democratic society.

What I remind all Members is that I have raised the issue as a Member from Yellowknife, because an incident has arisen in Yellowknife, but I invite you to think about the fact that the same kind of thing could happen in any community in the Northwest Territories with any board and that there is an important principle at stake here. I urge you to go along with this motion and have the inquiry out fully, as it ought to be, because if you do not you will be setting a precedent that others will point to later and perhaps when there is some issue which you feel ought to be looked into -- and not only you, but a significant number of others -- you will be unable to do anything about it because the Assembly says it is not necessary to go ahead with things like that, because a Minister says, "Trust me and I will look after your interests. I assure you that things are all right," and that certainly is not acceptable in a democratic government.

I honestly expect that the Minister will be able to support my motion because he has said that he supports open government, because he has said that he is not releasing the report only because he promised someone not to do so. I think he will support it because he has already agreed that it is unfortunate that the people who asked for the inquiry cannot get to see the results and, as a matter of fact, on the radio urged the school board to release it and in this House gave the school board his permission to release it. So, with all of that I can only conclude that the single reason he has not proceeded to release the inquiry is because of his personal word that he would not, but that he really thinks something like that should be public.

MR. CURLEY: Already read it.

MR. MacQUARRIE: So, given the opportunity to mount an inquiry that could be made public, I can only believe that he will accept it. If he does not I would have to wonder about his logic or his honour or something else. I remind you that even the chairman of the separate school board in a letter says that the Coady inquiry was incomplete. A further reason for not releasing it is given, that some people who gave information gave it on the understanding that the report would be confidential. So an open inquiry, where they know ahead of time what the terms are would be desirable. But incidentally, with respect to that last matter, I have also been told by teachers who say that to the contrary, they would prefer that the report be released so that they can see how what they said was used and know whether it was distorted or used in wrong ways and have some opportunity to answer to it. But they cannot even see it in confidence, never mind in public and they have asked for that specifically too. They said, "At least let us see it in camera," and have not been allowed.

So, I ask all Members to support this motion to mount a new inquiry. It is not to get anybody, it is not a witch hunt, it is not a vendetta, it is not a political ploy, but it is a question of being able to clear the air and to start fresh and if it is not done ill will certainly will be perpetuated. The question, really, that faces all Members now is, will you vote in a way that will enable the people of these Territories to respect the Assembly and the boards that the Assembly establishes by assuring them that where there are legitimate public concerns the public will have no difficulty getting answers to their concerns? I remind you that less than an hour ago you passed a motion which calls for a freedom of information bill. I support that, I hope that the Executive will see fit to bring it in, I will be very interested in it, but I say to all of you now that you will make a complete and utter mockery of that motion and that bill if on the first opportunity -- rather than mouthing general platitudes, you have an opportunity to illustrate in a very clear and specific way that you do support it. If you pass up that opportunity, if you vote against my motion, then I say you will be making a mockery of this House and the things that it tries to do. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. MacQuarrie. Mrs. Sorensen, the seconder.

MRS. SORENSEN: I have no comments.

MR. SPEAKER: To the motion. Mr. Patterson.

Matter Was Not An Inquiry But An Investigation

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. In his preamble to the motion, Mr. MacQuarrie says that those people who called for an inquiry have been left ignorant as to its results. I have said several times in this House and in public, and I will say it again now that the results of the inquiry showed an adequate standard of instruction in the separate school district in question. I do ask Members to take my word for that.

Secondly, Mr. MacQuarrie, throughout, has used the word "inquiry," so have others. It was not an inquiry, Mr. Speaker. Our Law Clerk has made that clear as well. It was an investigation within my powers under the Education Ordinance, section 4(1)(b) and section 4(3). These investigations, Mr. Speaker, go on regularly. They may be initiated as a result of presentations made to me or the superintendent, publicly or otherwise. Very often these matters relate to subjects that I am sure all Members would agree should not be the subjects of public discussion such as possible problems with students or employees of the education system. I agree that this motion will set a precedent but may the Lord help us if every investigation conducted under my powers and my responsibility for education in the Territories, could or should result in a public inquiry.

Now this matter was an investigation. This Legislative Assembly has already initiated a public inquiry into all aspects of education in the Northwest Territories. In fact, I think it was our 43rd or 44th public hearing that we completed last night. Now I understand that no concerns were expressed during the two series of public hearings in Yellowknife regarding the subject of this motion. In fact, the mover of this motion, Mr. MacQuarrie, who gave a lengthy, and as usual, well thought out presentation in September at this public inquiry made no reference to this problem at all, the very problem which now in December he is suggesting should be the subject of a public inquiry.

The terms of the investigation, Mr. Speaker, were not that it be a public inquiry. Questions were asked in confidence. Had the report of Mr. Coady disclosed the need for a public inquiry, there would have been a public inquiry. I am satisfied from the report that there was and is an adequate standard of education and neither myself nor the Commissioner have received anything since that report

which would indicate that this is not still the case, or would indicate that a public inquiry must be held. The report showed no cause for concern. It was not as if the report was not released at all, Mr. Speaker. It was released to the duly elected representatives of the Catholic ratepayers, and the board, in their wisdom, have made use of that report and decided that it is not in the best interest of education that that report be released to the public, and I respect that decision.

Investigation Dramatized For Election Purposes

Mr. Speaker, the tool of the public inquiry is not to be used so lightly. I do have the authority to have an investigation take place and I have exercised that authority, but this motion calls for a public inquiry not into a matter of public concern, but rather, because Mr. MacQuarrie is using the back doors to get this report released to the public.

MR. MacQUARRIE: It calls for a new inquiry.

HON. DENNIS PATTERSON: He has not said that there is a problem in the school system of Yellowknife. He has reverted to the problem of the release of the report but he has given us no indication to believe that there is a problem of urgent public concern other than this principle that he is asking us to espouse. Rather than clearing the air, Mr. Speaker, I think that if this Assembly were to urge the Commissioner to hold a public inquiry, it would cast a pall on the operations of the school board and the system right in the middle of an election campaign and I cannot assume that Mr. MacQuarrie is unaware of the fact that there is an election campaign going on, and I find his dramatization of this small, routine matter to be highly irresponsible and show a lack of respect for the democratic process.

MR. MacQUARRIE: Sit down.

HON. DENNIS PATTERSON: If the issue is respect, I have respected the board. I have given them the report that concerned their operation and I respected the interests of the public by telling them that I am satisfied with the adequacy of the education standard in that system. In fact, I think we would be proud if the kind of school system that existed in both boards in Yellowknife were in place all across the Northwest Territories. This is the last place where we need a public inquiry into the operation of a school. So I ask this House to respect me and not waste any more time on this topic. Thank you, Mr. Speaker.

---Applause

MR. SPEAKER: To Motion 19-81(3). Mrs. Sorensen.

Coady Report Inadequate

MRS. SORENSEN: Mr. Speaker, I feel I must rise in response to what our Minister of Education has been saying. I believe that the call for a separate, public inquiry that really has nothing to do with the Coady report -- we will put that on the shelf and file it forever -- is really a compromise because I think it was the Wednesday, December 2, 1981, Yellowknifer paper that printed a letter from Mrs. Simons, the chairman of the school board, and within that letter Mrs. Simons referred to the Coady report by saying, and I quote from her letter:

"...I have a great deal of difficulty in seriously considering the report due to what I perceive as the incompleteness of the report, the fact that board members were not contacted, and the fact that many personal comments and accusations were not substantiated. He strayed from the terms of reference and had to be brought back on course by the legal representatives."

Mr. Speaker, the Minister of Education has assured us that he is happy with the report, that he has assured the many people who asked for the official investigation, he has assured them that there is nothing in the report. But here we have someone who has read the report, the chairman of the very school district that the report concerns, telling us publicly in the newspaper that the report is not adequate, that the official investigation is a sham.

HON. DENNIS PATTERSON: So why do you want to see it?

MRS. SORENSEN: So because there is a dichotomy, Mr. Patterson, because between what you, the Minister of Education, are telling us and what the chairman of the school district is telling us and the public has a right to know who is telling us the truth.

MR. MacQUARRIE: Hear, hear!

HON. DENNIS PATTERSON: Trust me.

MR. MacQUARRIE: Oh, sure.

MRS. SORENSEN: With respect to various individuals and groups that asked for the official investigation, I know of one group, the very group that is representing the employees of the school district, who initially wanted the report publicized or put out to the public, but then out of their consideration for the agreement that was made asked if they could have an in camera session with the school board, and they were refused. So they were not even able to find out what was in the report in a private in camera session. So I feel that that group had acted responsibly in going to the board and requesting information and keeping it private.

With respect to whether it is an election issue or not, I feel very strongly that it is an election issue because you are not releasing it. You say there is nothing in there to be concerned about. Release it then, because if there is nothing in there, then it will not be an election issue. It is an election issue now because nobody knows what is in it.

MR. CURLEY: Let us not tamper with it.

MRS. SORENSEN: Therefore, I would also recommend that Members support this motion. We are not trying to be malicious against the Minister. We are only trying, in one way, to appease the board itself that does not feel that it has had a comprehensive review and trying on the other hand to appease the people -- the representatives of the employees, the representatives of the parents' group, in their need to feel comfortable with the events that occurred over the last few months. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. To Motion 19-81(3).

MR. CURLEY: Question.

MR. SPEAKER: One moment. Is there any further speaker? Mr. MacQuarrie, apparently there is no further speaker. You have the right to finish.

Minister Avoiding The Issues

MR. MacQUARRIE: Thank you very much, Mr. Speaker. I see that the Minister of Education has said that he will not vote for the resolution and I can only say that logic demands then, the conclusion that somewhere along the way the Minister has not told the truth. He says that he supports open government; he regrets the people did not find out what is in the report; he only has not released it because he said no. Well, there is something funny about it if he has an opportunity to repeat the process without that promise and still will not take advantage of it. The Minister is using the word now "investigation" instead of inquiry and I say that that is a convenient dodge. It is crap, that is what it is.

HON. DENNIS PATTERSON: It is in the ordinance.

MR. MacQUARRIE: That is the kind of language that is always used by people who are trying to avoid issues. I can only suppose that the Minister has decided not to support the motion because it would be an embarrassment to him if it were to proceed and that is regrettable if our Minister in this government is going to conduct his business because of that, or with that kind of motivation. I may be lots of things, but I am not a frivolous and impetuous man. He is making it sound as though I could not wait to get such a motion on the floor. Why am I asking for an inquiry? Well, that is a good question. Why am I? I do not particularly want it. I would simply like to see the report released that was already done and I have tried for a week to get the information in that report and have not gotten it.

Members ought also to know that I stated specifically to Mr. Patterson that I would not proceed with this motion if he were to agree to release that report after the election so that it would not be an election issue because I do not want it to be an election issue. But I did not secure that and that is why I have proceeded. It is not because I am frantic to get things on the floor. It is simply that important.

One very final and one very, very important -- well, first, yes, he did say that I did not mention this in my education brief to the special committee. One reason is that I tried to address the broader concerns of education in the Northwest Territories which the committee is, presumably, dealing with. And besides, this issue had not come into focus as it has now because, as I said, I was not one who was not earlier saying that the board was making wrong decisions. That was not an issue for me. What is an issue for me is the right to information and precedent with respect to how boards will be run and whether this government has the right and authority to proceed to investigate, if that is the term that he wishes to use, when it appears that they are not doing so. But the all-time ridiculous argument that he makes is that, well, the report has actually been released because the school board was given the report. You know, that is as ridiculous -- it is as ridiculous as if Mr. McDonald from the McDonald inquiry, if he had kept the report confidential but turned it over to the RCMP, and the public say, "Can we not see it?" He says, "Trust me, it is okay. But it has been released. The RCMP have it." You know, that is absolutely ridiculous.

MR. CURLEY: Come on, you are wasting our time. You are wasting our time.

MR. MacQUARRIE: Mr. Curley, I will send you back to Matthew 7:6.

---Laughter

MR. CURLEY: I did not know you had a Bible.

---Laughter

MR. MacQUARRIE: With respect to that last point, Mr. Patterson was a lawyer -- is a lawyer, I do not know.

---Laughter

At any rate, I just wonder if when he was practising in Frobisher Bay, someone ever came to him and said, "You know, I was arrested last night and I was abused by the police."

MR. CURLEY: To the motion.

MR. MacQUARRIE: It is to the motion. And so, Mr. Patterson asks for an inquiry and the chief of police makes an inquiry and says, "Trust me, it is all okay, no problems at all." Now, if Mr. Patterson, on behalf of his client, had accepted that as a reasonable explanation and gone away and done nothing more, then I can see why he is not practising law anymore.

People who ask -- not just some people -- if the democratic public which has concerns and asks that they be looked into -- the final point -- surely, they have the right to find out what the results were in the end. If they do not, I really do not know what kind of country we live in.

MR. SPEAKER: That concludes the debate on Motion 19-81(3). The question. All those in favour?

MR. MacQUARRIE: Recorded vote, Mr. Speaker.

Motion 19-81(3): Public Inquiry To School District No. 2, Defeated

MR. SPEAKER: A recorded vote, Mr. Clerk. All those in favour of the motion please stand.

CLERK OF THE HOUSE (Mr. Remnant): Mrs. Sorensen, Mr. MacQuarrie.

MR. SPEAKER: Opposed to the motion. All those opposed please stand.

CLERK OF THE HOUSE (Mr. Remnant): Mr. Arlooktoo, Mr. Patterson, Mr. Sibbeston, Mr. Sayine, Mr. McLaughlin.

MR. SPEAKER: Abstentions.

CLERK OF THE HOUSE (Mr. Remnant): Mr. Evaluarjuk, Mr. Kilabuk, Mr. Pudluk, Mr. Tologanak, Mr. Curley, Mr. Noah, Mr. Wah-Shee, Mr. Fraser.

MR. SPEAKER: Will you read the results, please?

CLERK OF THE HOUSE (Mr. Remnant): Mr. Speaker, the motion is defeated by three.

MR. SPEAKER: Thank you. The count indicates that the motion has been defeated by three votes. Will you give me the total votes for and against please? The vote: Two for, five against, eight abstentions. Motion 19-81(3) has been defeated.

---Defeated

This concludes motions for today, I believe.

Item 11, introduction of bills for first reading.

ITEM NO. 11: INTRODUCTION OF BILLS FOR FIRST READING

Mr. Braden.

First Reading Of Bill 20-81(3): Plebiscite Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I move that Bill 20-81(3), An Ordinance to Provide for the Holding of Plebiscites, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. McCallum. All those in favour? Opposed, if any? Bill 20-81(3) has had first reading.

---Carried

Item 12, second reading of bills.

ITEM NO. 12: SECOND READING OF BILLS

Mr. Braden.

HON. GEORGE BRADEN: Mr. Speaker, I move that Bill 20-81(3), An Ordinance to Provide for the Holding of -- oh, Mr. Speaker, do I need unanimous consent to read this?

AN HON. MEMBER: Sure do.

MR. SPEAKER: No, you do not need unanimous consent. If two or more Members oppose the second reading on the same day...

Second Reading Of Bill 20-81(3): Plebiscite Ordinance

HON. GEORGE BRADEN: Okay. Thank you, Mr. Speaker. I move that Bill 20-81(3), An Ordinance to Provide for the Holding of Plebiscites, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide for the holding of plebiscites on questions of public interest in the Territories.

MR. SPEAKER: Is there a seconder? Do we have a seconder? Mr. Fraser. Are there two or more Members objecting to the second reading of this bill?

AN HON. MEMBER: Question.

MR. SPEAKER: Question is being called. All those in favour? Opposed, if any? Bill 20-81(3) has had second reading.

---Carried

Item 13, consideration in committee of the whole of bills, recommendations to the Legislature, and other matters.

ITEM NO. 13: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

Report of the special committee on the constitution of Canada; Bill 18-81(3), Council Retiring Allowances Ordinance; Bill 20-81(3), Plebiscite Ordinance; Tabled Document 5-81(3), Our Land Our Future, discussion paper on political and constitutional development; 12th report of the standing committee on finance; and matters relating to the Arctic Pilot Project. We will resolve into committee of the whole with Mr. Fraser in the chair. Mr. McCallum, will you give us government direction on your preference today?

HON. ARNOLD McCALLUM: Mr. Speaker, I would like to deal with Bill 18-81(3) and Bill 20-81(3) in that order.

MR. SPEAKER: Mr. Sibbeston.

MR. SIBBESTON: Mr. Speaker, on a point of order, my Motion 18-81(3), Task Force on Dene Housing, was referred to committee of the whole today, and I seek unanimous consent to have the matter dealt with as a first matter today.

MRS. SORENSEN: Did you not vote on my motion a few minutes ago?

MR. SIBBESTON: Vote on the merit of the issue, rather than past voting patterns.

MR. SPEAKER: Basically, Mr. Sibbeston, on checking your motion, your motion refers the matter to the committee of the whole and having a person present, but it is not a day certain. It would normally be put on the orders of the day for tomorrow, so I presume what you are really asking for is to go back to -- I am sorry, the whole matter has been referred to the committee of the whole, but there was no definition of when, so I presume that -- just one moment, please. Mr. Sibbeston, if you can get unanimous consent to add that motion to the orders of the day, because it is not listed...

MR. MacQUARRIE: No.

MR. SPEAKER: ...and secondly, requesting that it be put at the top of the order paper.

MR. SIBBESTON: That is the request that I have.

MR. SPEAKER: Request for unanimous consent.

MR. MacQUARRIE: No.

MR. SPEAKER: The request has been denied.

MR. SIBBESTON: Shame, shame!

MR. SPEAKER: So Bill 18-81(3) and Bill 20-81(3), and then I think that we should look at matters relating to the Arctic Pilot Project, because we have people here. Is that agreeable?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: In that order?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Fraser.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 18-81(3), Council Retiring Allowances Ordinance; Bill 20-81(3), Plebiscite Ordinance; Report of the Standing Committee on Legislation; Matters Relating to the Arctic Pilot Project, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 18-81(3), COUNCIL RETIRING ALLOWANCES ORDINANCE; BILL 20-81(3), PLEBISCITE ORDINANCE; REPORT OF THE STANDING COMMITTEE ON LEGISLATION; MATTERS RELATING TO THE ARCTIC PILOT PROJECT

CHAIRMAN (Mr. Fraser): The committee will come to order. We will take a 15 minute coffee break.

---SHORT RECESS

Bill 18-81(3), Council Retiring Allowances Ordinance

CHAIRMAN (Mr. Fraser): The committee will come to order. We will deal with Bill 18-81(3), An Ordinance to Provide Retiring Allowances on a Non-Contributory Basis to Persons Who Have Served as Members of the Council of the Northwest Territories. Mr. Braden, any opening comments?

HON. GEORGE BRADEN: Mr. Chairman, I believe that Mr. McCallum is going to make some opening comments. I would indicate, however, that Bill 18-81(3) has been prepared, by and large, on the direction of Mr. Laing, the expert on pension schemes. With that I will turn the floor over to Mr. McCallum. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, this is a bill that has been worked on for a couple of years. I think it has been reviewed by all Members. It has gone through the standing committee. There may be some amendments that the standing committee may want to make. I think the purpose is pretty basic and it is outlined in the Members' handbook on legislation. I think that we may require some expertise, as Mr. Braden suggested, since Mr. Crawford Laing has been involved with the standing committee as well as giving advice at other times. I would ask for consent to have Mr. Laing appear before the committee as a witness.

CHAIRMAN (Mr. Fraser): Thank you, Mr...

HON. ARNOLD McCALLUM: Smith.

CHAIRMAN (Mr. Fraser): I will try again. Thank you, Mr. McCallum. Is it agreed that Mr. Laing appear as a witness? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Sergeant-at-Arms, will you see that Mr. Laing is seated at the witness table? We have Mr. Crawford Laing as a witness on Bill 18-81(3). We will go right into the bill. Clause 2, interpretation. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, as the chairman of the standing committee on legislation, Mr. Chairman, I would just like to say that we have reviewed the bill quite thoroughly in the standing committee, with the assistance of Mr. Laing, and like the Elections Ordinance, there are many technical things. Since having reviewed it there will be a few technical amendments that I will move as we reach various parts, the first one being clause 10, so that is it.

CHAIRMAN (Mr. Fraser): Ready to go into the bill clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 2, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 3, duration of Legislative Assembly. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 4, when a person ceases to be a Member. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 5, Legislative Assembly retiring allowances fund. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 6, voluntary contributions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 7, revocation of election. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 8, when contributions not to be paid. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 9, calculations on contributions paid by a Member. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 10, allowances generally. Mr. MacQuarrie.

Motion To Amend Clause 10, Bill 18-81(3), Carried

MR. MacQUARRIE: Mr. Chairman, I would move that subclause 10(2) be amended by deleting the words "subsections 15(2) and (3)" and substituting the words "subsection 15(3)" in line one; and by deleting the word "recipient" in line three and substituting the words "recipient during his lifetime".

CHAIRMAN (Mr. Fraser): To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question is called. All in favour?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Carried.

---Carried

Clause 10 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 11, retiring allowance based on current service. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 12, retiring allowance based on salary. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 13, retiring allowance based on contributions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 14, withdrawal allowance. Mr. MacQuarrie.

Motion To Amend Clause 14, Bill 18-81(3), Carried

MR. MacQUARRIE: Mr. Chairman, I will move that clause 14 be amended by deleting, in line six, the words "at his option"; and by adding after the word "allowance" in line seven, the words "in a lump sum equal to the sum of his contributions and interest thereon"; and by deleting paragraphs (a) and (b).

CHAIRMAN (Mr. Fraser): To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question is being called. All in favour?

SOME HON. MEMBERS: Agreed.

---Carried

CHAIRMAN (Mr. Fraser): Clause 14 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 15, allowances to surviving spouse and children. Mr. MacQuarrie.

Motion To Amend Clause 15, Bill 18-81(3), Carried

MR. MacQUARRIE: Mr. Chairman, I move that subclause 15(3) be amended by deleting, in lines three and four, the words "as defined in the Age of Majority Ordinance".

CHAIRMAN (Mr. Fraser): To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question being called. All in favour?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Carried.

---Carried

Clause 15 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 16, allowance to designated beneficiary. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 17, where no survivors or designated beneficiaries. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 18, supplementary retirement benefits. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 19, retirement before 55 years. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 20, retirement after 55 years. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 21, regulations. Mr. MacQuarrie.

Motion To Amend Clause 21, Bill 18-81(3), Carried

MR. MacQUARRIE: Mr. Chairman, I move that paragraph 21(g) be amended by adding, as line four, the words: "another person on his behalf".

CHAIRMAN (Mr. Fraser): To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question. All in favour?

SOME HON. MEMBERS: Agreed.

---Carried

CHAIRMAN (Mr. Fraser): Clause 21 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 22, report. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 23, transitional provisions apply. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 24, transfer of Council retiring allowances account. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 25, recipient under previous ordinance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 26, persons entitled to allowance under previous ordinance. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 27, repeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 28, commencement. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 1, short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Report Bill 18-81(3) ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Is it the committee's wish we go to Bill 20-81(3)?

SOME HON. MEMBERS: Agreed.

---Agreed

Bill 20-81(3), Plebiscite Ordinance

CHAIRMAN (Mr. Fraser): Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. Before I make some general remarks I would ask that the committee agree to having Mr. Lal, the deputy minister of Justice, sit as a witness.

CHAIRMAN (Mr. Fraser): Thank you. I forgot to thank Mr. Laing, he got away on us. Thank you very much for your help.

---Laughter

Is it agreed that we bring Mr. Lal in as a witness?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Agreed.

---Agreed

Sergeant-at-Arms, see that Mr. Lal is brought in. Mr. Braden, Bill 20-81(3), any opening remarks?

HON. GEORGE BRADEN: Thank you, Mr. Chairman. The bill that Members have before them is a general piece of legislation. I guess you could term it "enabling legislation" in some respects, in that it makes provision for the Commissioner to hold or conduct plebiscites on questions of major interest or major significance to the Northwest Territories as a whole.

I am sure that Members are very familiar with the background to this particular bill. It obviously has to do with the plebiscite on division of the Northwest Territories. Without going into detail on a number of the logistics concerning the appointment of a chief plebiscite officer, a deputy returning officer and so forth -- I think I could perhaps leave that to Mr. Lal -- but I would go right away to the major aspect of the bill. You will see, Mr. Chairman, in clause 4, a reference to schedules "A" and "B" which I have attached to the bill. In the schedule for the particular issue that we will be addressing in the near future, and that is division, there is a proposal for a preamble and a question on division of the Northwest Territories. Schedule "B" sets out the residency requirements for people of the Northwest Territories in order that they can vote on this plebiscite.

The purpose of approaching the matter from this particular angle is that it allows for the conduct of a plebiscite on a particular issue and once that plebiscite has been completed, in the case of division, for example, the schedule "A" and "B" are no longer in effect in law. The next time that the Assembly desires to hold a plebiscite on a major issue of the Northwest Territories, they can, by law, amend this general or enabling bill to attach the question to be considered as well as residency requirements and other matters they feel are of significance. That is basically all I have to say on the draft bill, Mr. Chairman. I would ask if my deputy minister of Justice has any comments to make.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Mr. Lal, have you any remarks before we go into the bill?

Explanation Of Schedule "A"

MR. LAL: Thank you, Mr. Chairman. Generally the Minister has covered the most important aspects of the proposed bill, however I would like to point out to the committee clause 4 of the proposed bill. Clause 4, Mr. Chairman, makes specific reference to the question to be asked under schedule "A" to the bill. After the plebiscite is held, schedule "A" will be spent and will be rendered redundant. Should this ordinance be used at a future date for a subsequent plebiscite, it would be necessary to append another schedule to the ordinance at that stage. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Is it the wish of the committee then to proceed with the bill, clause by clause; or do we want to open the bill for general comments? What is the wish? Mrs. Sorensen.

MRS. SORENSEN: I have a question referring to what you just said, Mr. Lal, and that is that if the government then were to bring in another schedule, would that schedule have to be brought into the House for this House's approval, or is that like a regulation where only the Commissioner and the Executive Committee make those decisions?

CHAIRMAN (Mr. Fraser): Mr. Lal.

MR. LAL: Mr. Chairman, it would, I believe, be necessary to bring another schedule to the House, and it would not be done by regulation.

CHAIRMAN (Mr. Fraser): Any further comments?

HON. KANE TOLOGANAK: Clause by clause.

CHAIRMAN (Mr. Fraser): Clause by clause?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 2, interpretation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 3, plebiscite. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 4, plebiscite on division of Territories. Agreed?
Mrs. Sorensen. Clause 4.

MRS. SORENSEN: Just a question for our legal adviser or for the Minister. If clause 4 is adopted now by the Assembly as agreed to, does that mean we also agree to schedule "A" and schedule "B"? Is this the proper place to discuss the residency clause and the question?

CHAIRMAN (Mr. Fraser): I am sorry, Mrs. Sorensen. Is that for the Law Clerk?

MRS. SORENSEN: To you, Mr. Chairman -- through you -- oh, no, well, no, it is to Mr. Lal. Through you to Mr. Lal.

CHAIRMAN (Mr. Fraser): That is better, thank you. Mr. Lal.

MR. LAL: Yes, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Any further questions? Clause 4.

SOME HON. MEMBERS: Agreed.

MRS. SORENSEN: Wait a minute.

CHAIRMAN (Mr. Fraser): He said, "yes".

MRS. SORENSEN: This is the place to discuss it? Well, then, I want to discuss it, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Go right ahead. Clause 4. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, obviously this is the area where we are going to get into the debate concerning the actual residency clause and the question. Now, I have some concerns about the question, but I think that generally most Members have accepted that that is a fair question; but I do have some concerns about the residency clause. The government has proposed in their bill that that residency clause be three years, and as Members know, I tried in caucus to make my colleagues understand that in my opinion we were jeopardizing the entire plebiscite by putting ourselves in a position where a legal challenge might be made on the basis of disenfranchising certain Canadian citizens who perhaps have lived here three years or less.

Length Of Residence Not Related To Commitment

Well, three years, obviously, is a compromise to 10 years, and even a further compromise down from five years. I really do feel that we are disenfranchising some northerners who might have every bit or even more of a commitment to the North than some of the long-term residents, and even more of a commitment than some of the people who have been born here. I do not think that you can determine commitment by where you were born nor by the colour of your skin, and I think that it is important that we allow all the residents of the North to take part in this vote. I can accept a one year residency clause because I think that convention has it that a certain residency is required for any vote. We certainly have a one year residency clause for territorial elections, and I think that I could accept one year for this vote. At a public meeting recently, the discussion took place there with respect to the Dene Nation's residency clause of 10 years. The Dene were not able to respond to the question of the Yellowknifer who had a sincere wish to find out why they chose 10 years. Their answer was, "Well, we could have chosen 20, we could have chosen 25, but we chose 10." That Yellowknifer was the one that raised that whole issue of commitment, and he said that commitment can be made in two days to the North, or it can never be made.

Now, Mr. Chairman, I would like to perhaps offer a compromise on this. I feel that because it is an expression of opinion, why not move within our plebiscite to get the expression of opinion from everyone in the North, but in so doing, why not do it in a way that distinguishes who is voting? We could do that through an identification under the question of how long each person who votes has lived here. We could have a section that they check off under the question after they have answered yes or no, that says, "Check off the appropriate one: I have lived here one to four years, I have lived here five to 10 years, I have lived here 10 to 20 years, I have lived here more than 20 years, or I have lived here a lifetime", and that will, I think, identify the key people that you wish to identify, and yet not disenfranchise anyone.

That will avoid the possibility of a complicated legal battle that will hold up and perhaps delay for a long time the actual plebiscite. I think that that is a fair compromise to the dilemma that I face, because members of my constituency who have been here less than three years but who feel a great and tremendous commitment to the North will not be able to vote, and I have talked to them. They have had their children born here. They have purchased houses. They do not necessarily work for the government. They make work in private industry. They are contributing to the welfare and to the economy of the North, and they have chosen to live here.

Motion To Add Section On Residency To Schedule "A", Bill 20-81(3)

So I feel, Mr. Chairman, that I would like to make that motion, that we add to schedule "A" a section that determines how long the voter has been in the Northwest Territories, and we designate five areas: one to four years, five to 10 years, 10 to 20 years, more than 20, and lifetime.

CHAIRMAN (Mr. Fraser): Could we have a copy of that motion, please, Mrs. Sorensen? While we are waiting for a copy of that motion, I would just like to clarify one thing with the witness. I understand that if we deal with clause 4, then schedule "A" and "B" go through as being dealt with. Is that right? I think that was the question that was put earlier; to deal with schedule "A" and "B" here, in this section, and if clause 4 is approved, then schedule "A" and "B" are also automatically approved. Is that right? Could you correct us on that, please?

MR. LAL: Thank you. Mr. Chairman, no, I understood Mrs. Sorensen to ask whether this was the stage where she could talk about the question of residence, and I assumed that she was referring to general comments on the bill as a whole, including the schedules.

CHAIRMAN (Mr. Fraser): I see. Okay, thank you. Do we have a copy of that motion, Mrs. Sorensen?

MRS. SORENSEN: I am a bit confused.

CHAIRMAN (Mr. Fraser): Yes, Mrs. Sorensen.

MRS. SORENSEN: My question was if we approve this section, would we also be approving the schedules?

CHAIRMAN (Mr. Fraser): That is what I understood, too.

MRS. SORENSEN: That was my question. You said "yes", and that is why I felt I had to put my motion now.

CHAIRMAN (Mr. Fraser): Could you clarify that, please, Mr. Lal?

MR. LAL: Mr. Chairman, I apologize if I misunderstood Mrs. Sorensen's question. The approval of clause 4 will not automatically mean the approval of schedule "A" or schedule "B". When the committee deals with those schedules and approves those schedules, that is when they would be approved.

CHAIRMAN (Mr. Fraser): Thank you. Do you want to withdraw your motion, Mrs. Sorensen?

Motion To Add Section On Residency To Schedule "A", Bill 20-81(3), Withdrawn

MRS. SORENSEN: Yes, with the understanding that I will repeat it...

CHAIRMAN (Mr. Fraser): All right. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 4. Mr. Curley. Mr. McLaughlin. Clause 4.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Mr. Lal, clause 4.

MR. LAL: Mr. Chairman, while we are on clause 4, I would also like to refer to another question that Mrs. Sorensen asked, which was whether it would be necessary to bring in a new schedule at the time when a new plebiscite is to be held. I believe my answer was "yes". That answer is correct to the extent that if it was intended that the new question for the new plebiscite be also governed by legislation adopted in this House, then it would be necessary to bring in a new schedule "A". However, under subclause 3(1) of the bill, there is an authority given to the Commissioner to conduct plebiscites on any questions that he determines are of importance to the Northwest Territories. I trust this clarifies it for Mrs. Sorensen.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Clause 4. Mr. Noah.

MR. NOAH: (Translation) Thank you, Mr. Chairman. I do not have the Inuktitut version.

CHAIRMAN (Mr. Fraser): Mr. Remnant, can you see that Mr. Noah gets an Inuktitut version?

MR. CURLEY: Question.

CHAIRMAN (Mr. Fraser): Have any of the other Members got the translated version of the bill? Mr. Noah, do you want to just wait until you get the translated version, or do you want to keep on? I think they have gone to get one. What is your wish?

MR. NOAH: (Translation) I do not want to wait. I can go back to the English version, but I am worried about the Inuit MLAs.

CHAIRMAN (Mr. Fraser): Clause 4, plebiscite on division of Territories. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 5, effect of plebiscite. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 6, who may vote. Mr. MacQuarrie, clause 6.

MR. MacQUARRIE: Yes, Mr. Chairman, I would just like to point out that this was one area when the standing committee dealt with this bill. Where in paragraph 6(2)(c), length of residency had been left as a matter for regulation, the standing committee asked that it be changed so that it would be a matter of law and voted upon in the Assembly. Paragraph (c) now reflects that; that is, the residency requirement would be set out as it is in schedule "B".

CHAIRMAN (Mr. Fraser): Thank you. Clause 6. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 7, plebiscite. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 8, chief plebiscite officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 9, duties of chief plebiscite officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 10, returning officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 11, duties of returning officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 12, deputy returning officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 13, poll clerk. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 14, disqualifications for plebiscite officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 15, duties of chief plebiscite officer on issue of proclamation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 16, posting of proclamations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 17, official list of voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 18, location of polling stations. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 19, disabled voters. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 20, duties of deputy returning officer at poll. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 21, voting by proxy. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 22, time to employees for voting and advance polls. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 23, secrecy and peace and good order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 24, loitering. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 25, native languages. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 26, counting of votes. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 27, objections. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 28, oaths. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 29, summarizing results. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 30, announcing results and official count. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 31, retention of election documents. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 32, executory contracts. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 33, contracts and payment of accounts. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 34, offences. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 35, penalties. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 36, limitation. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 37, regulations. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 38, limitation on regulation powers. Agreed?
SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Schedule "A".

MRS. SORENSEN: Mr. Chairman.

CHAIRMAN (Mr. Fraser): Mrs. Sorensen, schedule "A".

MRS. SORENSEN: Okay. I have an amendment for schedule "A" and an amendment for schedule "B".

CHAIRMAN (Mr. Fraser): We shall deal with schedule "A" first, Mrs. Sorensen.

Motion To Amend Schedule "A", Bill 20-81(3)

MRS. SORENSEN: Okay. That schedule "A" be amended to contain a section that determines the residency of the voter in the following method: one to four years; five to 10 years; 10 to 20 years; more than 20 years; and lifetime.

CHAIRMAN (Mr. Fraser): We are dealing with schedule "A", Mrs. Sorensen?

MRS. SORENSEN: Yes, Mr. Chairman. Maybe if I could just explain...

CHAIRMAN (Mr. Fraser): You will have to.

MRS. SORENSEN: I would like to have a section underneath the question that determines how long the person who is answering the question has lived in the North, and in order to do that, there will be five little boxes, and next to each of the little boxes will be one to four years, five to 10 years -- Mr. Chairman, are you listening?

CHAIRMAN (Mr. Fraser): Yes, I am listening, I am listening.

MRS. SORENSEN: Ten to 20 years, more than 20 years, and lifetime, so that when the person answers "yes" to division, he then checks off how long he has lived in the Territories. He is expressing his opinion about division, and then telling us how long he has lived here. The same thing applies if he votes "no", Mr. McLaughlin. Now, Mr. Chairman, I do intend to amend schedule "B" to make the residency clause requirement one year...

CHAIRMAN (Mr. Fraser): We shall deal with schedule "A" first. Could we have a copy of that amendment? Schedule "A". Just for some clarification then Mr. Clerk, will you read the -- I understand there are a number of changes in the ballot sheet, and the Clerk will read out the changes and where they go in. Mr. Clerk.

CLERK ASSISTANT (Mr. Hamilton): The motion is that schedule "A" be amended to contain a section that determines the residency of the voter in the following method: one to four years; five to 10 years; 10 to 20 years; more than 20 years; and lifetime.

CHAIRMAN (Mr. Fraser): To the motion. Mrs. Sorensen, to the motion.

MRS. SORENSEN: Mr. Chairman, before this session, Mr. Braden and myself held a constituency meeting for the residents of Yellowknife North and the residents of Yellowknife South. It was one of the best constituency meetings that I had ever attended. The reason for that was because we began to discuss issues, and we had a very good dialogue going with our constituents.

CHAIRMAN (Mr. Fraser): Did you have more than 10 or less than 10?

MRS. SORENSEN: I think you are out of order, Mr. Chairman. During that constituency meeting, the question of residency came up, and we discussed it for some time, because people could accept that there was concern, particularly among the native people, with respect to foreigners, so-called foreigners, coming into the North and taking over by sheer numbers, but on the other hand, we discussed the fact that this was an expression of opinion, and why not get an opinion from everyone in the Northwest Territories?

MR. CURLEY: Why?

Plebiscite Should Be Representative Of All Northern People

MRS. SORENSEN: And in order to do that, why not attempt through the question itself to determine who were your supporters and who were not, with respect to the question of division itself? This came from a long-term resident of Yellowknife South, a person whom I very much respect, and who has a deep commitment to the North, but who has been here for some 12 years. Her concern was not that she would be disenfranchised, but that it was raising a legal problem that the question in the plebiscite was important, and why deteriorate into racial conflict over something that does not need to be a conflict. Because that is what certain people are going to say. That is what certain people are going to say. They have already said it.

I think that there is nothing to be frightened of with seeking an opinion on division from all the people of the North, and in order to do that, it can be accommodated through a delineation or a separation, and having the people check off how long they have lived here. I think that it is an important precedent. I think that our trip to Ottawa showed that all of us could work together, that we could be as committed as each other -- and I know Mr. Curley will probably very quickly raise the issue that I lack commitment myself, because I am trying to do something that he does not agree with, but I am merely trying to introduce a little bit of logic into this argument. I am trying to compromise on an issue that I know will be a hot issue among my constituents, and among the people of Yellowknife, and among the people of other regions in the Northwest Territories. I think that, as I said before, that commitment really does not come at three years, nor does it come at five, nor does it come at 10, and I have known people who have lived here their lifetime, and they sincerely lack a commitment to the North. So I think that this is a way of compromising, it is a way of avoiding a problem that might arise, that surely, we have been warned of will arise, and it is a way of appearing to be a responsible and legitimate body that represents all the people of the North, not just those who have resided here longer than three years. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Before I put another speaker on I would like to recognize Bill Lyall, a past Member, and Dave Nickerson, MP.

---Applause

I have next Mr. Stewart.

Technical Aspects Of Marking Ballot

HON. DON STEWART: Yes. I would like to ask Mrs. Sorensen a question if I may, Mr. Chairman, through you. Who is going to mark these little squares relative to the time or the period that they have been resident in the Territories? Is this going to be done in the poll booth by the voter or is it going to be done by the polling clerk on presentation of an affidavit of some sort or just how do you -- the technical aspects -- how are you going to work this thing?

CHAIRMAN (Mr. Fraser): Thank you, Mr. Stewart. Mrs. Sorensen, would you care to answer that?

MRS. SORENSEN: Well, we are going to have to go on trust I guess. Certainly, those people will be enumerated who have lived here longer than one year, so we know that everyone who votes will have lived here longer than one year and we will just have to go on trust, but remembering, Mr. Stewart, that it is just an expression of opinion and it is not quite the same as a regular vote in terms of voting for a political candidate, but we would have to take a fair amount of trust with this. You would have to trust that people who lived here for a lifetime will not put down one to four years or vice versa.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. Stewart, supplementary?

HON. DON STEWART: Well, no. Now that that is clear I could not support such a motion because I think that it is valueless. I do not think that it is going to add anything. People who have been here a longer time, their vote is going to count for more than people who have been out here a lesser time. I think you are asking people to go into the polling booth and be dishonest and mark the thing. I think you might find everybody is a lifetime member of the Northwest Territories if you have a situation like that. I could see a system, possibly, if it was being attested to and marked by the polling clerk and you have a ballot that indicates the length of time you are there, but there has to be some method of proof, not just left to the person that is inside the little cubicle by themselves. I think you are just asking for trouble and I do not think that the facts that you are going to get out of that are going to be worth anything.

MRS. SORENSEN: Mr. Chairman.

CHAIRMAN (Mr. Fraser): Mrs. Sorensen.

MRS. SORENSEN: I hear what you are saying, Mr. Stewart, and I think that that can be accommodated just as you suggest. I would not like to see you vote against this because I have not thought it well enough through. I would like to see a means whereby we can make sure that these people are legitimate when they put down one to four years or lifetime. I think that our Law Clerk or Mr. Lal can tell us how that could be done. If, for instance, the "yes" or "no" question was secret -- that was hidden, then checking off of the residency area could be, perhaps, sworn to at the time that they vote or else through the enumeration. There could be, could there not, some method of distinguishing the two so that the democratic principle of secret ballot would be maintained but the residency clause would be correct in terms of where they checked off the box?

MR. CURLEY: We do not need a legal adviser for that.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. Curley.

MRS. SORENSEN: No, I asked Mr. Lal if he could tell us.

CHAIRMAN (Mr. Fraser): We are dealing with a motion, Mrs. Sorensen.

AN HON. MEMBER: This is not the finance committee.

CHAIRMAN (Mr. Fraser): Yes.

MRS. SORENSEN: Mr. Chairman, I asked a legitimate question of Mr. Lal. That is why he is here.

MR. CURLEY: To the motion.

MRS. SORENSEN: It is concerning the motion and the question that Mr. Stewart had.

CHAIRMAN (Mr. Fraser): Yes, Mrs. Sorensen. We have about 10 speakers here to speak to this motion before we vote on it and your question was whether you could do this or you cannot do it?

MRS. SORENSEN: Well, Mr. Lal knows the question, I think.

CHAIRMAN (Mr. Fraser): Mr. Lal, briefly, please. Yes or no.

---Laughter

Additional Section Would Complicate Matters

MR. LAL: Mr. Chairman, the enumerator can obtain that information when he is drawing up the voters list. However, if Mrs. Sorensen is suggesting that we have a series of boxes on the ballot, I would be very careful and cautious about that. I think that when a voter goes into a booth it is hard enough to decide, for him to say, "yes" or "no", without having to fill out additional boxes. It will just complicate matters. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Mr. Curley.

MR. CURLEY: Thank you, Mr. Chairman. I cannot support the motion, mainly because it is an attempt to complicate the simple procedure. Schedule "A" has to do with a simple question. Do you think that the Northwest Territories should be divided? We should not mix how long that person has been residing in that community to be eligible to vote for that. I would like to suggest to the Member that maybe she should work for Statistics Canada or Census Canada, because they are the ones that did that kind of thing and they did one very recently. If she is so interested in what the population breakdown of the Territories is she should ask Census Canada, because I believe that information is now available as to how long the residents of the Territories have been living up here. So, I simply am not going to support that particular motion. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I believe everything that I was going to say was either said by Mr. Stewart or Mr. Curley and I do not believe that I can support such a motion unless we are going to go one step further and have somebody sign the ballot, because I do not believe that you can count on people putting down the residency requirement as a truth in itself unless there is some way of checking and that becomes so complicated it will just slow down the process. I maintain that the real concern expressed in the motion is a residency requirement and I believe that we should deal with that when we get to that section and leave a simple vote alone.

MR. CURLEY: Hear, hear!

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. McLaughlin.

MRS. SORENSEN: I did not say that.

CHAIRMAN (Mr. Fraser): Ms Cournoyea. I am sorry.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I too would like to oppose the motion to amend the schedule because some of the communities are so small that -- the other people that Mrs. Sorensen is always advocating and she is worried about them getting the vote and how long they have been here -- there are so few in some of the communities that if they indicated on the ballot, everybody in the community would know how they voted, for a starter. Maybe they should put down what sex you are, religion -- did your dad fight in World War II? You know, it is getting carried away.

---Laughter

MRS. SORENSEN: I will tell Pine Point that.

MR. McLAUGHLIN: I will send them a copy.

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

Analysis Of Results Would Invite Discrimination

HON. DENNIS PATTERSON: Yes. Thank you, Mr. Chairman. I agree with all the points that have been made in opposition to the motion and I would add one more. That is, how do we analyse the results? To my mind it invites the very kind of discrimination Mrs. Sorensen is concerned about. Do we give more weight to the long-term residents and less weight to the short-term residents?

CHAIRMAN (Mr. Fraser): They get two votes.

HON. DENNIS PATTERSON: What if the long-term residents vote one way and the short-term residents vote another way? I think this invites problems and I also agree that the people who mark "lifetime" will in many communities automatically be identified as the native people and this will invite the very sort of racist connotations and problems that Mrs. Sorensen is concerned about.

The other matter I would like to raise, Mr. Chairman, without taking up too much more time, is that we have debated this matter at length in Frobisher Bay. You, Mr. Chairman, will particularly recall the hours that were spent on the unity committee report and the extensive debate that was applied to the question of the residency requirement. I really think Mrs. Sorensen is asking us not to defeat her motion because it is not well thought through. Well, she has had over a year to prepare this amendment and it is not satisfactory at all and I will not support it. Thank you.

CHAIRMAN (Mr. Fraser): Did I hear question? Mr. Sibbeston, to the motion.

MR. SIBBESTON: Mr. Chairman, I cannot help but get a little angry with Mrs. Sorensen in suggesting that people who have been here only one year should have a vote on a plebiscite. Mrs. Sorensen should know that this Assembly, when they were dealing with the unity committee report, wanted a five year residency clause. She knows the Dene Nation wants a 10 year residency clause. I cannot help but think that she ought to know there is no support for this one year notion. I think she must have a martyr complex. She knows she is going to lose, but Mrs. Sorensen, as long as she has had a little publicity during the day, her day is made.

Mr. Chairman, I feel a plebiscite ought to be a vote by people of the North, people who have a commitment now and a commitment to the future. That is why I personally think that the residency requirement should be at least five years. So, I think the idea of having it one year is absolutely asinine. There is no public support for that position and we ought to just show our feelings about it and just absolutely defeat it.

CHAIRMAN (Mr. Fraser): To the motion. Question? Mr. Noah, to the motion.

MR. NOAH: (Translation) Thank you, Mr. Chairman. I am not going to support the motion, when she says to have a one year residency requirement. I am sure that some people, like from Saskatchewan and Manitoba, will just be coming up to vote in the plebiscite and then return down south. I would have supported the motion if the long-term requirement -- all those who have been up North for years to be able to vote in the plebiscite. I would like you to know that I am not going to support the motion. Some of them will probably just come up here, vote in the plebiscite and return down south. Thank you.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Thank you. Question is called. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, I absolutely reject the comments made by the honourable Member on the other side.

SOME HON. MEMBERS: Which one?

---Laughter

MRS. SORENSEN: The position that I take has absolutely nothing to do with publicity -- absolutely nothing to do with that. What it has to do with is representing the people that put me here in the first place and there are a significant number of those people in my constituency who have been here less than three years but who feel that they have made a commitment to the North...

CHAIRMAN (Mr. Fraser): Order.

MRS. SORENSEN: ...and I quite frankly resent the Member insinuating that I am doing this for no other reason than self-gain, because it has nothing to do with publicity.

CHAIRMAN (Mr. Fraser): To the motion. Let us get to the motion.

MRS. SORENSEN: I am speaking to the comments that Mr. Sibbeston made in response to the motion.

MR. CURLEY: Mr. Chairman, point of order. I just want the record to show that when the Member from the other table accuses a Member she should be specific. Otherwise, she could insinuate it is one of us here.

---Laughter

MRS. SORENSEN: Pray tell, I would never do that...

CHAIRMAN (Mr. Fraser): Question.

MRS. SORENSEN: ...but Mr. Sibbeston, I have been elected to represent a certain section of the community and I shall do it at every opportunity. Now, some of us in this Assembly have chosen to take a back seat, abstain on nearly everything or hide when the vote is being taken. I refuse to do that and I am not afraid of you. I am not afraid of the Dene Nation...

SOME HON. MEMBERS: To the motion.

MRS. SORENSEN: ...and I am not afraid of Tagak Curley...

---Laughter

...and I will take positions that I feel are correct morally and democratically.

CHAIRMAN (Mr. Fraser): To the motion. Let us go. Mrs. Sorensen, to the motion.

MRS. SORENSEN: I am finished.

---Laughter

CHAIRMAN (Mr. Fraser): Question is called. All in favour?

MRS. SORENSEN: A recorded vote, please.

Motion To Amend Schedule "A", Bill 20-81(3), Defeated

CHAIRMAN (Mr. Fraser): A recorded vote being requested. All in favour, please stand.

CLERK ASSISTANT (Mr. Hamilton): Mrs. Sorensen.

CHAIRMAN (Mr. Fraser): Opposed, please stand.

CLERK ASSISTANT (Mr. Hamilton): Mr. Evaluarjuk, Mr. Kilabuk, Mr. Patterson, Mr. Pudluk, Mr. Tologanak, Ms Cournoyea, Mr. Curley, Mr. Noah, Mr. Sibbeston, Mr. Sayine, Mr. McCallum, Mr. Wah-Shee, Mr. Braden, Mr. McLaughlin, Mr. MacQuarrie, Mr. Stewart.

CHAIRMAN (Mr. Fraser): Abstentions.

CLERK ASSISTANT (Mr. Hamilton): Mr. Arlooktoo.

CHAIRMAN (Mr. Fraser): The motion was defeated.

---Defeated

Let us go to schedule "B". Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Schedule "B". Mrs. Sorensen, schedule "B". Try again.

---Laughter

Motion To Amend Schedule "B", Bill 20-81(3)

MRS. SORENSEN: I would like to amend schedule "B", Mr. Chairman, to replace "three" with "one" in section 1 and "three" with "one" in section 2.

CHAIRMAN (Mr. Fraser): Mr. Patterson, to the motion.

MRS. SORENSEN: Mr. Chairman.

CHAIRMAN (Mr. Fraser): Mrs. Sorensen, do you want to speak to that? Okay, go ahead.

MRS. SORENSEN: Mr. Chairman, I will repeat, in the hopes of convincing people like Mr. Braden, who was at the constituency meeting where there was concern expressed, and a few other Members, like Mr. MacQuarrie who represents a significant number of residents who have lived less than three years in Yellowknife, and people like Mr. McLaughlin, who also has some constituents who have lived less than three years -- Dennis Patterson does not represent his people anyway, so I will not ever try to convince him -- try to convince them that they are only harming themselves. You are only putting the plebiscite in jeopardy, because there are people -- and they do not necessarily live in Yellowknife -- there are people in the Northwest Territories who will challenge...

MR. CURLEY: We can take care of ourselves.

MRS. SORENSEN: Our own government told us that we had less chance of being challenged if we went from five to three years, but a challenge specifically was there -- would be there -- a 50/50 per cent challenge that we would have to go to court on this. Our own government told us that and yet we have chosen to go ahead with three years. I really feel that we are putting the whole plebiscite in jeopardy. We are only hurting the people whose expectations have been raised that they are going to have the vote and that things are going to go ahead and that we are going to do something about division, I guarantee you that we will just end up in court and I do not want to see that, because I want to see an orderly...

MR. CURLEY: Oh boy!

MRS. SORENSEN: ...want to see an orderly vote taken whereby everyone gets an opportunity to express their opinion and that we move ahead. I am quite anxious to move ahead on this issue. I do not want it to end up in the courts for months and months and months and I guarantee you it will.

MR. CURLEY: Let the majority rule.

MRS. SORENSEN: Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. Patterson.

Short-Term Residents Of Frobisher Bay

HON. DENNIS PATTERSON: Mr. Chairman, I have a large number of non-native people in my constituency. They are about half, perhaps a little more. I am sure more so than Yellowknife, a very high proportion of transient people who live in Frobisher Bay, people who have been resident in the community for, say, less than three years, and although my authority or ability to represent my constituents has been questioned, I would like to none the less humbly offer this House the results of my public meetings on the subject and my inquiries on this subject. What I have found, and it is surprising that the results are in contrast to those of Mrs. Sorensen's transient constituency, is that the people who have not spent enough of a period in Frobisher Bay to feel that they have a right to vote are quite respectful of the right of those long-term residents to vote. In fact, very often when one takes a public position or advances an issue publicly in Frobisher Bay, the people ask, "Well, how long have you been here?"

That is a common question that people ask those who advance positions during public debate because it is a very important factor in the minds of ordinary people, as to the legitimacy of a person to speak on a particular issue. The short-term residents in my community have said "We fully accept that we do not have a right at this point in time to determine the long-term future of the Northwest Territories, it is such a different place to where we have come from. As we are newcomers, we want to earn our right to have a voice." Those people will have a voice if they stay.

This Assembly has set a precedent for public opinion or decision making through the plebiscite, and there will be other subjects of this plebiscite. There will be the issue of boundaries. There will be issues relating to other matters of constitutional development, and I am sure that some of those people who have just got off the plane in Yellowknife will have the right to vote within the next three years and within the next 10 years. But another point, Mr. Chairman, that these people that I have spoken to in Frobisher Bay -- and I am concerned about the short-term residents in my constituency as well and I do feel I have to represent them -- is that they can participate in this debate. They can participate in this election. They are free to offer their opinions in the media, at public meetings, to write letters to the newspapers, to read the impact report. They are as free to participate as any others. We still have freedom of speech in the Northwest Territories.

I think that we all ought to recognize that those people who have been here for a decent period of time have a more legitimate interest in the long-term future of the Territories than those who have been here for a short period of time. In fact, transiency is one of our most plaguing problems in the Northwest Territories. Also, Mr. Chairman, this is not a vote that is going to be binding. This is not irrevocably going to decide the future. In that respect, I really wonder whether it is a right to vote we are talking about, or a right to be sampled in an opinion poll, and that is a different matter. We are not talking about an election where the result is going to be binding on the electorate. We are

talking about a sampling of opinion, and I do wish that Members would have respect for the clear majority of this Assembly. Mrs. Sorensen has talked in a very pious way about unity, and yet she is consistently opposed to the principle of division in Frobisher Bay, and now she is opposing the clear will of this representative Assembly. I am not going to support her motion, Mr. Chairman, and I am confident that most other Members will not. I wish she would begin to have a little respect for democracy. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Patterson. Ms Cournoyea.

A Compromise Has Already Been Made

MS COURNOYEA: Mr. Chairman, I cannot support the motion because we have already made a compromise. If you talk about the historical representation that native people have been making, you will find that that historical recommendation has forced people to come down from the aboriginal right to 10 years residency, to five years residency, and now one year residency. I would like to spend some time, without spending the expense of this Legislative Assembly, with Mrs. Sorensen to explain why the 10 years was suggested in the first place in the Nunavut proposal. There is a clear rationale in terms of the historic changes in this Canadian North, and the 10 years was selected because major changes had been taking place in that particular period of time when new Canadians had been coming up into the Northwest Territories.

There are other rationales, such as commonality of interest, lifestyle, the will and the future of the generations of the people who commit themselves to living here and who intend to retire and die in this country. The 10 year residency has been debated for many years, and there is much more argument to the rationale of 10 years, but I will not take up this Legislative Assembly's time to deal with that in detail.

Now, the concern that I have in the argument that we should reduce ourselves to a one year residency, is that the people who have been here one year would be accused of unbalancing the vote, and I do not think that the short-term residents would want to be accused of that. The clear decision of three years is a compromise already. We have knocked down the whole idea of what, really, is behind the desire to have these long-term decisions made by the native people and the very long-term residency requirements that we have put forward in the past.

I cannot understand, with all the discussions and all the compromises that have been brought about in the last few years that anyone -- anyone in the Northwest Territories would want to challenge a three year residency requirement, least of all the ones who have been here under three years, because they have nothing to gain by it. If they do, then there is a clear indication that these people do not support the aspirations of the aboriginal people, and they feel threatened that the decisions made by these aboriginal people, which are the majority of people, are not in their best interests, but they are and that is where the clear understanding and the decision in everyone's mind must take place. Three years, I believe, will never be challenged, because I have that faith in the people who have been here less than three years that they would not want to do that.

SOME HON. MEMBERS: Hear, hear!

MS COURNOYEA: I have some constituents in my area who have been there under three years, and they said they do not really wish to be involved with it, because it would jeopardize their position in respecting the wishes. When I talked to them, we were talking about five years; they were not concerned about that. So the clear decision on three years, I think, is an adequate compromise, and I think it serves the people who are here under three years to protect them and give other people the due respect of their length of time and their commitment.

CHAIRMAN (Mr. Fraser): Thank you, Ms Cournoyea. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. Mrs. Sorensen is right when she points out that I certainly have in my constituency many people who would be here less than three years. I have many, many apartments in my constituency, and I have no doubt that many of the people who live in them have lived here for less than three years, and so it is a simple fact that probably nobody politically has more to lose than I have if I support a three year residency clause. Yet, I am going to support a three year residency clause and vote against this amendment, and I would like the chance for a few minutes to say why.

Representatives Must Live With Consequences Of Decisions

Being a representative in a public institution such as this demands that representatives try to the best of their ability to represent the interests and the expressed desires of their constituents, but there is always another demand as well, and that is, from time to time, on matters of conscience, that representatives have to make a judgment about an issue on their own. If it does not entirely accord with the wishes of their constituents, then they have to make the judgment, make the decision, and live with the consequences. In this matter, I am willing to do that, because I believe it is a matter of fundamental importance.

A three year residency clause is discriminatory, but so is a one year residency clause. So is every residency requirement discriminatory in one way or another, and discrimination is not necessarily a bad thing. I can remember when I was young that if someone were said to be a discriminating person, it was taken as a compliment, meaning that they made a thoughtful selection among choices. There is still an element of that whenever one discriminates if one does it with good reason; and so that is the question that has to arise whenever you impose residency requirements. Is there a good reason for doing so? I think in the matter of voting in municipal elections or territorial elections or whatever, a residency requirement is established so that there can be at least a reasonable amount of certainty that the people who are voting have had a chance to apprise themselves of the new situation in which they are living, and to become acquainted with the issues that are going to be dealt with.

So now we are dealing with an issue that involves fundamental changes to the nature of our territory, whether it is to be divided and over the next year or two years what kind of government we will have, and so on. I believe, very deeply and very sincerely, that it does take some period of time to become fully apprized of the issues, and to really appreciate the nature of the concerns that people are raising. I say that because, if I may be allowed two or three minutes to relate a personal experience, a personal kind of growth that resulted for me -- I was raised in a home where my parents always tried to act on principle, and one of the principles that they inculcated in me was that I should never discriminate on the basis of race, that I should judge people always on their personal merits. So I grew up believing quite sincerely that we ought not ever to recognize distinctions like that, and just meet people as they are as individuals. So when I came to the North in 1966, that was the philosophy of life that I had, and I thought it was the right philosophy of life, and I thought that it ought to be appreciated and understood by everybody. So I was somewhat taken aback when I encountered native people who said, in essence -- this is not what they actually said to me, but what would have been implied -- is, "It is all right for you to say that we are all the same and that we are all equal, but as I go through life I find sometimes that that is not the case, that I am looked upon as being different because I have a different colour skin, or whatever, and in fact that I am distinctive. I come from a people who has a language of its own and a way of life of its own, and while I do not ask to be regarded in a better way than other people in this country, I still want the chance to be regarded as a member of a particular group to which I belong by birth."

The reason I stated that is because I did not fully appreciate that or understand that right away. I still thought that it was a kind of racism, or something; that we are all Canadians, and just let us all be Canadians and talk about things like that. I do not think that I am slow-witted, and yet it took me several years to fully appreciate what these people were trying to say. So I believe that in fundamental matters, it does take some time for people to grasp these kinds of things, and so a time requirement is a reasonable thing in fundamental matters. There is no guarantee that as the years go by, there will be that kind of understanding. I have heard it said before and it is very true, somebody can live some place for 12 years and it does not mean that they have 12 years experience, but one years experience, and they repeat it 12 times. So a length of time in an area is no guarantee of understanding, but at least it may aid in understanding.

Support For Longer Residency Requirements In Fundamental Problems

It is simply true that in the North, statistically there is a great deal of transience, and it is reasonable to assume that many people who have not been here for at least three years do not yet fully appreciate the nature of the concerns that are involved in this issue or in other fundamental issues, and for that reason, I do not hesitate to support a longer residency requirement than is normally expected, but I serve notice now that in the future, once our fundamental kinds of problems are sorted out in the North -- division, new style government -- that I would not be a supporter at all of extended residency requirements for ordinary things such as voting in municipal elections, where the by-laws that are passed have a direct and immediate impact on people, or for school boards, and so on. I would want no more than ordinary residency requirements to apply in those cases, but I am willing to support longer requirements in these fundamental matters. I will vote against the amendment and in favour of a three year residency.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I believe in the past few years we have made progress in terms of people of the North getting along much better and I think this Assembly has done a lot to do with that. I believe we came here, many of us, as a reaction to the past Assembly; as a reaction to the status quo that was in existence, and the people who sat on here -- this Assembly in the past, many of them are not here and thank goodness because...

CHAIRMAN (Mr. Fraser): Take it easy, now.

---Laughter

MR. SIBBESTON: And since then, there has been a whole new group of people and we have done a lot to better the relations between people, various people in the North. So, northern society, in my view, is changing. There are a lot of young white people in the North who are beginning to understand the native people. There is more give and take as it were. Northern society has changed tremendously in the last two years and I think this is exemplified by the fact that there is much more willingness to understand things like the Dene Nation proposal, ITC proposal and so forth. People appear more interested in having changes in government. There is some understanding. So, I think we have made some progress.

Native people are crying for understanding saying that this government, as it was, as it is to a certain extent yet, is not acceptable to them; and they are crying and wanting change. They want a change so that whatever is set up is more appropriate to them, more in tune with their thinking. I just feel that in order to have this understanding, it has taken a number of years. It took a number of

years for people to understand one another, and I believe that people who come into the North from the South -- but it takes a number of years for them to know the issues, get to know the people, the land, and get into society. I would say that it takes three to five or 10 years. I feel that us being here, the changes that have occurred in society the last few years have been a reaction against the past, against the status quo that was in existence; and I feel that Lynda Sorensen, in suggesting her one year residency clause is trying to return to the old days; trying to maintain or bring back the bad past. All the bad feelings will come venting up again and so forth; and I feel that there will be more conflict if we end up with a one year residency clause.

Support For Status Quo

I guess I am more convinced then ever that Lynda Sorensen does support the status quo. She makes speeches occasionally, tries to give the impression that she is right in there, she supports change and so forth, but from watching her making the motions that she does, I feel that she is supporting the status quo, she is supporting the people that just come in from the South, step off the plane. She wants them to have the same right as people like us who have lived here all our lives; and I believe if Lynda Sorensen keeps it up, she is quickly going to rise up and be the number one enemy of the people of the North. The only people that would be pleased with her are the people that just come in from the South who have been here one year; who have no commitment, no intentions to stay in the North, yet, Lynda Sorensen is willing to give them the same status as all of us which I believe is nonsense. So, I think I am just so disappointed with Lynda Sorensen. I thought she was the group of young white people who were beginning to understand the native people of the North; who, you know, after being here a number of years seemed to be understanding the northern people and northern society, but her action today, the motion she made indicates to me that she is simply trying to maintain the status quo. And of course, apart from that, she is doing a little bit of publicity stunting.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. Mr. Curley.

Agreement In Frobisher Bay On Five Year Residency

MR. CURLEY: Very briefly, Mr. Chairman, I cannot support the motion put forth with that because we went through this exercise already very extensively one year ago in Frobisher Bay and it was agreed then that the residency requirement for any plebiscite should be at least five years. That was adopted by this House. So, this particular legislation compromises with many of us here and now asks for three year residency. It is not a binding legislation forever, it just poses a question to the public about the possible development in the Territories. I could not see why this particular legislation should be more superior than any other legislation that this government has ever enacted. For instance, the Wildlife Ordinance has a particular residency requirement when issuing general hunting licences, and the particular subsection 17(1) states that: "A general hunting licence shall not be issued to any person except a person who", and subparagraph 17(1)(c)(i) states, "has lived in the Territories continuously for the five years immediately preceding his application for the licence...."

That is one condition. So, I cannot see how this particular Plebiscite Ordinance should be any more different than any piece of legislation that this government has continued to enforce and enacted. So, I say that the three year residency requirement is pretty fair and it should be able to at least give this Assembly the direction that it wants in carrying out the plebiscite and I will be voting against the motion. Thank you.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, Mr. Sibbeston has said that he feels that I am fast becoming the number one enemy in the Northwest Territories. I vowed when I got into this job...

CHAIRMAN (Mr. Fraser): Let us get to the motion.

MRS. SORENSEN: ...I would never be a white native. I would never be a native crusader and that I was never going to take the position that I was here to save the native. I admire and respect very much the native people who stand up and speak for their people...

MR. CURLEY: Sometimes.

MRS. SORENSEN: They do it very well, and that is not my job in this Legislature to stand up and speak for the native people. That is your job and I admire and I respect you for doing it just as I do Mr. Curley.

MR. CURLEY: Who do you speak for?

MRS. SORENSEN: Now, I do not always agree with your positions and so I make that disagreement known. I think that that is my right and I think that in doing that I pay you the highest compliment because I do not say, "Ah, poor native. He does not know what he is saying." I say, "I will meet you head on. I do not like what you are saying. I do not agree with your position." Then I will make sure that, for the purposes of the record, for the purposes of debate, I will put forth my position.

MR. CURLEY: Who do you speak for?

MRS. SORENSEN: I am not afraid to vote against you. I am not afraid to stand up and make my views known.

AN HON. MEMBER: To the motion.

MRS. SORENSEN: Now, with respect to what Ms Cournoyea said, that I should not feel threatened by aboriginal rights, I maintain that I do not feel threatened by aboriginal rights; but the question of division is a powerful...

CHAIRMAN (Mr. Fraser): You have got to get to the motion, Mrs. Sorensen.

MRS. SORENSEN: The question...

---Applause

...of division, Mr. Chairman, is a public government decision and if the question is in the...

CHAIRMAN (Mr. Fraser): If you want to go back to the bill, okay we will go back to the bill, but right now you have got a motion on the floor.

MRS. SORENSEN: I am speaking to the one year residency clause.

CHAIRMAN (Mr. Fraser): Let us get to the motion.

MRS. SORENSEN: The question of division, Mr. Chairman, is a question on which I feel that anyone who has lived in the North more than one year should have an expression of their opinion because it is the first step toward political and constitutional development. It is separate and apart from the aboriginal rights question. I feel sincerely that we can incorporate aboriginal rights into public government; but that public government must respect the people who have been here -- all of the people that have come here and have been here.

Now, we just finished spending a week in Ottawa being very proud of the fact that we were a part of Canada. We said that; we used that. We are a part of Canada...

CHAIRMAN (Mr. Fraser): That has got nothing to do with the motion.

MRS. SORENSEN: It does, Mr. Chairman, because I am trying to show that we are attempting to disenfranchise a certain number of Canadians who are a part of Canada and are Canadians.

CHAIRMAN (Mr. Fraser): The motion is a one year clause. Let us get on with the motion.

MRS. SORENSEN: Mr. Chairman, I fundamentally believe that we do not improve our own situation by doing away with the rights of minorities and I think the native majority in this Assembly has to respect the fact that there are people in this community and in the North that are in the minority...

MR. SIBBESTON: You are right on top, though.

MRS. SORENSEN: ...and that a sign of maturity and good governing is a government that protects its minorities and I would ask the Members to think carefully about what they are doing today by disenfranchising those people who have been here longer than one year but less than three. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Fraser): Question being called. You had your hand up once before and you were not in here, Mr. McLaughlin. Go ahead.

MR. McLAUGHLIN: That is because you as chairman have not seen fit to build water closets under all our seats.

---Laughter

CHAIRMAN (Mr. Fraser): To the motion.

MR. McLAUGHLIN: I would like to speak to the motion because when Mrs. Sorensen first started out, she implied that I was not worried about the residency clause, how it affected my constituency. When I was talking last time I was not talking about schedule "B", I was talking about schedule "A" and I was just worried about some Goldfarb motion that she was trying to make, some ballot paper that nobody could figure out what the purpose of it was. Now, I would like to speak to the motion re schedule "B".

CHAIRMAN (Mr. Fraser): It is about time.

MR. McLAUGHLIN: I am concerned that there might be a few people in the Territories who have lived here for less than three years that might like to vote and I have a little sympathy for those few people, but for the large part, I really believe that after only living three years in the Territories -- or not quite three years, those people do not really know the major issues. They probably have not travelled around the Territories very much and I do not think that they do really have the situation where they could make a knowledgeable opinion in this area. This is just a plebiscite. It does not bind the government to do anything. If this was a referendum where binding legislation was implied, I would want those people with one year residencies to be able to vote because this could affect their democratic rights; it could affect their day to day living; but this plebiscite is going to deal with a broad issue for which long-time northern people have a greater feeling than short-term residents and I am not worried at all about what the people in my constituency -- the short-term residents may feel about this. They have only been here three years -- or less than three years in some cases and I am sure that this is not going to do them any kind of harm not getting to vote in this plebiscite. So, I am against the amendment.

CHAIRMAN (Mr. Fraser): You are against the amendment, or you are against the motion? There is no amendment yet.

HON. KANE TOLOGANAK: Question.

CHAIRMAN (Mr. Fraser): Question. Mr. Noah. To the motion.

MR. NOAH: (Translation) Thank you, Mr. Chairman. Now last year, or a few years ago, they would say a residential thing -- a year ago, up to three years, it would have been better and also other organizations and other outsiders, if they would vote. It would be very sad. I do not like that very much. Also the Assembly should not urge the people to vote. I do not think it is going to help if we do that. Also the people who wanted to vote -- the people who had three years residency, if they want to, can go ahead with the vote. I do not think we have to skip anybody, any one person, like telling him to vote or not to vote. I do not think we can do that, even if he is a different race. All that matters is that if he is a Canadian, that you can vote. Nobody should tell me, you have got to vote or not to vote.

CHAIRMAN (Mr. Fraser): To the motion. Question.

MRS. SORENSEN: Recorded vote.

MR. CURLEY: What a filibuster.

Motion To Amend Schedule "B", Bill 20-81(3), Defeated

CHAIRMAN (Mr. Fraser): Recorded vote called for. To the motion. Please stand. I am sorry. It is a motion.

CLERK ASSISTANT (Mr. Hamilton): Mrs. Sorensen.

CHAIRMAN (Mr. Fraser): Down. Do you feel lonesome? Against, please stand.

CLERK ASSISTANT (Mr. Hamilton): Mr. Evaluarjuk, Mr. Arlooktoo, Mr. Kilabuk, Mr. Patterson, Mr. Pudluk, Mr. Tologanak, Ms Cournoyea, Mr. Curley, Mr. Noah, Mr. Sibbeston, Mr. Sayine, Mr. McCallum, Mr. Wah-Shee, Mr. Braden, Mr. McLaughlin, Mr. MacQuarrie.

CHAIRMAN (Mr. Fraser): Abstentions, please stand.

CLERK ASSISTANT (Mr. Hamilton): Mr. Stewart.

CHAIRMAN (Mr. Fraser): The motion is defeated.

---Defeated

Schedule "B". Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 1, short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): And now report the bill ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): We will just pause for a minute here until we see -- what is the wish of the committee? Did you say report progress? Mr. Evaluarjuk.

Motion To Extend Sitting Hours, Carried

MR. EVALUARJUK: (Translation) Thank you, Mr. Chairman. The session here we are having -- I would like to extend it because we have some witnesses, and they have to leave tomorrow. I would like to get it over with these people. Thank you.

MR. CURLEY: Agreed.

CHAIRMAN (Mr. Fraser): There is a motion to extend. All in favour? Opposed? Well, we will proceed with the Arctic Pilot Project.

---Carried

Arctic Pilot Project

Mr. Patterson. I think this is your motion. You wanted to speak? Opening remarks?

HON. DENNIS PATTERSON: Mr. Chairman, I would just like to thank the House for agreeing to extend the sitting hours. I believe that the witnesses have been here for two days now, and Mr. Amagoalik, the president of ITC, has to leave tomorrow morning, so I would suggest, Mr. Chairman, that we invite the witnesses to the table and hear their presentation. Thank you.

CHAIRMAN (Mr. Fraser): Is it agreed that we ask the witnesses in?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Will you see the witnesses in to the table, Mr. Williamson? Mr. Patterson, could you introduce the witnesses, please? Perhaps you could provide their names to the court reporters after a while.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I am pleased to introduce John Amagoalik, president of Inuit Tapirisat of Canada, who is in the centre; Mr. Simon Awa, who is president of the Baffin Region Inuit Association, to his right; and Mr. François Bregha, who is a consultant to ITC from Canadian Arctic Resources Committee, on Mr. Amagoalik's left.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Patterson. What is the wish of the committee? I imagine the witnesses have some lengthy presentations. I have a couple of indications that we should maybe have a coffee break and then come back, or...

SOME HON. MEMBERS: No, no.

CHAIRMAN (Mr. Fraser): Well, what is the wish? That we go right into the presentations?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Okay. Thank you. Mr. Amagoalik, do you want to start it off, please?

Mr. Amagoalik's Presentation

MR. AMAGOALIK: Thank you, Mr. Chairman. First of all, I would like to thank the House for inviting us to appear before you to speak on a very important issue. In the past, the Inuit Tapirisat of Canada and this House has had differences, and I think those differences have resulted from two main reasons: number one, I believe, is in the past, the overwhelming influence of the Commissioner on the policies of the government; and number two, policies of this government were usually incompatible with the aims and objectives of the aboriginal organizations. I think for those two main reasons, there have been past differences between the ITC and this Assembly. As a result, the aboriginal organizations boycotted the Assembly and brought to question the legitimacy of the government. That boycott was lifted to elect the Ninth Assembly, and I believe that the lifting of this boycott has begun to bear fruit.

The first significant step that this Assembly took was the agreement in principle on division, which this Assembly made in October last year in Iqaluit. Another major achievement in the life of this Assembly was made in Ottawa recently. Our presentation has three purposes: number one, to inform the Assembly of the views of its Eastern Arctic and High Arctic constituents in regard to the Arctic Pilot Project; number two, to inform the Assembly of our misgivings about the project and to share our findings with you; number three, to seek your moral and financial support.

Now, the ITC and the Baffin Region Inuit Association have reasons for opposing this project. Number one, it is a major industrial development in advance of a land claims settlement. It also represents a commitment by industry and, perhaps, by government, to a single major industrial use for an enormous area of Inuit land use and occupancy. Now, we believe that such a commitment from government makes a mockery of any notion of sound land and marine management planning that would seek to accommodate Inuit rights and interests, and environmental values as well as possible industrial use.

Environmental And Socio-Economic Concerns

Number two, we oppose it on environmental and socio-economic grounds. Impacts from continued ice cover disruption and noise, on marine life, are bound to be significant; after all we are talking about the most powerful ships that have ever been built; and it is bound to have consequential impact on the renewable resource economy and therefore the Inuit lifestyle. The applicant insists that environmental impacts are going to be minimal and are not to be feared. They promise a research and monitoring program to evaluate its effects, but we worry that this will only be like locking the door after the convict has escaped. They will never stop the project because of the environment. Once it is going the economic momentum will be such that environmental values will be discounted. Even advocates of a marine transportation system should want to know more about all this before going ahead.

Now, we feel that research should come first, and not later when it is already too late to do anything about it. The Government of the Northwest Territories intervention provides qualified support for the project, but we acknowledge that the qualifications you express are close to our own, and those qualifications are that aboriginal rights should not be prejudiced, that environmental impact deserves better consideration, and we are concerned about the effects on the renewable resource economy. We also agree that there needs to be comprehensive land and marine use planning for the region. We are also concerned that the Arctic Pilot Project is a precursor to oil shipments. These were identified as being issues of concern to this Assembly, and they are our concerns as well. We do think it is entirely consistent with your position to investigate these issues thoroughly in the hearings.

As some of you may know by now, we are here -- as I said in the beginning -- to solicit your moral support, and we are also here to ask for financial support. We cannot continue without more money, and we urge the Assembly to help us in protecting the interests of their constituents. Now, some of you may ask why do the Inuit deserve more public money to oppose this project, but I think it is important to remember that the proponents of this project have already spent millions and millions of dollars of public money for this project. I think people must remember that. Through the superdepletion allowances, through incentive programs, Petro-Canada, Dome, Panarctic, and all these companies have been using public money for years, millions of dollars of it, to prepare for this project, and we feel that it is only fair that we be given some money to make sure that everybody understands both sides of the story, and there are very serious concerns that we have.

Year-round shipping in the Northwest Passage, what will it do? What does it mean to animal migration? As we all know, caribou and other animals in the High Arctic regularly migrate between islands, because the vegetation in those islands is so scarce that animals have to spend different years in different islands to be able to survive. Year-round shipping through the Northwest Passage, now what is it going to do to the migration patterns of animals? What will the noise do to the marine life? Now, we are leaving you with a brief, and it is done in both languages. It has newspaper clippings, it has maps of the routes, and it has pictures of the ships, and we urge everyone to spend some time to go through it.

At this time, I would like to introduce to you François Bregha of the Canadian Arctic Resources Committee, who is a consultant to ourselves, and he will describe to you the project. He will discuss its strategic importance, and he will also discuss its energy policy considerations. At this time, I would like to turn the microphone over to Mr. Bregha.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Amagoalik. Mr. Bregha.

Mr. Bregha's Presentation

MR. BREGHA: In my presentation, Mr. Chairman, I shall outline some of the implications of the Arctic Pilot Project proposed for the Northwest Territories and for Canada as a whole. The Arctic Pilot Project, as you undoubtedly know, is a venture to transport liquefied natural gas from Melville Island by two class seven icebreaking tankers which would sail through the Northwest Passage and then south to eastern Canada. As Mr. Amagoalik just said, these tankers...

CHAIRMAN (Mr. Fraser): I am sorry, you are going to have to slow down. We have the translation here and you will have to slow down. Just talk a little slower. Thank you.

MR. BREGHA: As Mr. Amagoalik mentioned in his presentation, these would be the most powerful ships in the world. The liquefied natural gas will be regasified at a terminal in eastern Canada and marketed there. This would free up an equivalent volume of Alberta gas for the export market. That Arctic Pilot Project has thus applied to export this Alberta gas for a period of 20 years. The total volume applied for export is in excess of two trillion cubic feet. The cost of the project, taking inflation into account, will be over 2.5 billion dollars.

The 20 year duration of the export commitment and the very large cost of the project make it clear that this is not a small scale experiment. The project is not a pilot in the common sense of the word, notwithstanding its name. It will not be abandoned unless it proves to be technically unworkable. If approved, the APP would exert far-reaching implications, both as an energy project and as a transportation project. The proposed demonstration of year-round navigation capability through the Northwest Passage makes the APP a seminal project in much the same way as the Canadian Arctic Gas pipeline of the Mackenzie Valley would have been.

Arctic Pilot Project Energy Supply Risks

Now, I will start by considering the energy implications of the project first. The APP is a risky project. It is risky because it is a technological pioneer, of course, but also because of the very nature of its design. If a liquefied natural gas ship is disabled or sinks, the APP gas through-put would be severely affected until the ship could be repaired or replaced. This, by the way, is a much greater risk than that faced by pipeline. A pipeline is relatively easy to repair, even in remote locations. If the hull of a carrier, one of the APP ships, is damaged on the other hand, it is likely that a carrier would have to be dry-docked; and because the ships would be built abroad, this means that the ships would also have to be dry-docked abroad.

The supply risks that the APP poses mean that the delivery of Arctic gas to eastern Canada may need to be backstopped by maintaining the capability to supply gas from Alberta to eastern Canada. This will entail some additional costs to the project.

A second risk that the APP raises is that it may kill the Polar Gas pipeline. The Polar Gas pipeline would rely on the same reserves that the APP will use. It is noteworthy that the companies behind the Polar Gas project, with only one exception, are the same ones sponsoring the APP. The Polar Gas management therefore is captive to the APP and its project will not be heard by the National Energy Board as an alternative to the APP. I note in passing that the Government of the Northwest Territories in its intervention before the National Energy Board hearing has expressed some concern on this very point. Now I hasten to add that the issue here is not that the Polar Gas project has proven itself superior to the Arctic Pilot Project. I am not advocating the construction of the Polar Gas pipeline. The only point I wish to make is that in the late 1990s when Canada will need frontier gas, the Polar Gas project may constitute a better supply option than the APP. The abandonment of the Polar Gas project, of course, would have major implications for the Northwest Territories since the pipeline's impacts, both positive and negative, would be considerably greater than the APP.

The third risk that the APP raises for Canadian energy policy involves the length of the export contract which, as I stated earlier, is 20 years. The risk, of course, is that we may export too much. We all remember what happened in the 1970s when we feared that there would be gas shortages in the country. Can we predict, with confidence, trends in energy supply and demand over the next 20 years? Is there not a possibility that 10 or 15 years after the APP would be approved that we will want to use the gas ourselves?

The last energy policy issue I wish to raise concerns the role of the APP main sponsor and that is Petro-Canada. Petro-Canada will have to spend a lot of money as its share of the APP costs, perhaps an addition of \$400 million. As taxpayers we all have a stake in Petro-Canada and the question we need to ask is whether this is the best use of our tax money. Would Canadian energy policy goals be better met if Petro-Canada was to spend the same money in drilling for oil off the east coast instead of sponsoring a gas export project?

Arctic Pilot Project As Precursor Of Marine Transportation Projects

Now, I want to turn to the APP strategic implications and its implications particularly as a transportation project. There can be little question that, if successful, APP would exert a large influence on northern development. It would accelerate the pace of resource extractive activities by pioneering a new transportation method for both hydrocarbons and hardrock minerals. It is not surprising that the APP has been compared to the construction of the CPR. The APP has tried to alleviate some of the concerns that have been raised about its project by suggesting that no other marine project should be allowed to follow it for five years in order to allow the implications of marine navigation to be evaluated.

This on the surface is an attractive proposition but we should not be deluded by it. First, of course, it is not in the APP's power to freeze other development. Second, the project that may follow in the APP's footsteps, of course, would be Beaufort Sea oil. Canada needs oil. It is inconceivable that the federal government would block the transportation of Beaufort Sea oil in order to await what the effects on the environment of the APP are. The APP therefore cannot be viewed in isolation. If it goes ahead, it is likely to be the first of many marine projects.

I have behind me a map of the Northwest Territories that shows some of these projects. You will see on that map a series of lines that show the projects that have been proposed so far by a number of companies to transport Alaskan oil and gas by ship through the Northwest Passage, to transport Beaufort Sea oil and gas by ship through the Northwest Passage, the Arctic Pilot Project, of course, also proposals to bring natural gas converted into methanol from King Christian Island by ship, and proposals to bring crude oil from the Arctic Islands by ship. All of these projects add up to several hundred round trips a year by the turn of the century. The Ministry of Transport, in a document that it prepared earlier this year, indeed forecasts that by 1995 -- so only 14 years from now -- there could be up to 900 transits through Lancaster Sound. This is a very large rate of increase from present traffic levels and it raises numerous questions about our level of preparedness to deal with the policy issues raised by such development. One of them, of course, is the Lancaster Sound regional plan which is still being drafted. The risks of increasing environmental damage by proceeding in an ad hoc fashion was, of course, the very reason for the green paper exercise in Lancaster Sound being initiated in the first place.

Effect Of Noise On Marine Mammals

Among the most worrisome implications raised by Arctic marine navigation are environmental ones. A great deal of scientific controversy still exists as to the environmental consequences of year-round navigation. The Environmental Assessment Review Panel which heard the APP application last year recognized that more information was needed before the environmental implications of the projects could be assessed. An issue of great concern is the effect of noise on marine mammals and here I would like to quote from a document that was prepared by the Arctic Pilot Project working group which is a committee composed of representatives from the APP, the Canadian government, the Greenland government, and Denmark. This report in September of last year stated, I quote: "In fact, this noise..." referring to the noise that the ships would make "...would be audible in the entire Baffin Bay. This will reduce the range of acoustic signalling by marine mammals to one per cent or less. For example, a baleen whale which before could be in touch with other concentrations within 100 kilometres will now have a range of 0.1 to 1 kilometre." The implications of year-round traffic for marine mammals may therefore be very great.

In conclusion, Mr. Chairman, I wish to restate the APP is not a pilot. If it goes ahead, it will inevitably bring about other development, including Beaufort Sea oil tankers, in its wake. We just have to look to the Mackenzie Valley to see what happens when a seemingly small project is approved. Here I am referring to the Norman Wells pipeline which was approved only this year and already Esso Resources is considering applying for a Beaufort Sea pilot pipeline which would run along the entire length of the Mackenzie Valley. That application may come before the end of next year. Although we are not saying that there should never be any year-round marine traffic through the Northwest Passage, we are saying that the implications of such traffic need to be understood more clearly before the APP is approved.

CHAIRMAN (Mr. McLaughlin): Thank you, Mr. Bregha. Mr. Awa.

Mr. Awa's Presentation

MR. AWA: (Translation) Thank you, Mr. Chairman. I will be speaking in Inuktitut. First of all, the BRIA expressed concerns, especially -- maybe if I can say first something which John Amagoalik has said -- the things that are being developed here in the Northwest Territories should not be approved before land claims are settled because there could be many reasons -- the chief one would be if the land claims were ever settled, it would not make sense at all any more.

All the oil people would have taken over the land and we will not be able to get our land claims. The BRIA have thought up to now that they want developed non-renewable resources. We have been looking at them for quite some time -- Nanisivik was developed, Arvik Mine was developed and the Arctic Pilot Project is now being considered and now Dome is getting an application. Looking at all these applications, they seem to be splitting up the Northwest Territories. If there is no regional planning for the whole of the Northwest Territories -- they make us run around as if our heads were cut off. It should not be like that.

I also would like to say that the concerns of the High Arctic people concerning the Arctic Pilot Project -- I will say one thing, a quote by somebody from Arctic Bay. The people were questioned about why they were opposed to the Arctic Pilot Project. One person that was asked said this: "We are not in favour of the Arctic Pilot Project because our lifestyle will be changed. Looking at the Arctic Pilot Project, what they have done so far, they have not given us anything; they are saying that they have done a lot of study on it or how they are going to keep it running smoothly. To us this means that the people from the South are just pushing the Inuit people, using the Arctic Pilot Project. We are against this because we are not running this. They want to go through Lancaster Sound but we do not like that proposal because it would destroy the animals we hunt." That was the answer from this Arctic Bay person.

Also I would like to say how the people from Greenland feel toward this matter. There are some people from Greenland coming here because of the Arctic Pilot Project. The people from Greenland are against the Arctic Pilot Project, because they try to make their income from the land and from the sea and it is mostly ice in Greenland, as you know. So what they are making comes from their hunting on the land or from the sea.

Also, the people from the circumpolar conference will be answering whatever questions will be asked. We also have to know the Inuit Circumpolar Conference -- the Inuit from Alaska and Russia. They represent Inuit from Russia, Alaska and all that and if this goes -- also while we were back in Greenland in the spring season, the Government of Greenland came out with some minister -- they helped us a lot and they supported us. They also were approaching the APP and they also made some recommendations. Also the Government of Greenland made recommendations to ITC to support it and up to now -- maybe I can make a small summary of what we have done. We have managed to have a judge and also we had some legal advisers and some consultants who know about minerals and such things. It would be most of the time on mineral mines but we ran over the whole thing and he is helping us. He is opposing the people he was working with before. Also, talking about consultants, we have one of them, from spring up to now. We have let him do his job and asked him how much money they would pay if they proceeded with APP. Of course we have to know how much money they will be using if we are going to be opposing APP.

About environmental and socio-economic development, they will have to do some study on that, some research in the ocean so that will help us to oppose the Arctic Pilot Project. Further, we also had some interviews from the High Arctic. If somebody is going to be supporting -- support from the High Arctic -- I would also like to emphasize to you that one of the people who would take the notes was from Pond Inlet and he also was asked why he opposed the Arctic Pilot Project. He said; "We have many reasons. First of all, we are concerned about the Lancaster Sound. They do not have to do study on that. For instance, the Arctic Pilot Project -- we are all aware that that project will change the animal life but before the whole thing is brought up by the Arctic Pilot Project -- we the Inuit have to have our own culture. We also want our own voice to say "no" and "yes".

The Arctic Pilot Project, if it is approved, Dome or the other companies, they will be more dangerous toward the animals in the Lancaster Sound and the Inuit culture will be facing danger in the future. The people that come over to our land -- nobody who will be coming up here to work -- nobody is talking about who has to live up north and if they are going to have any problems up north when these people come up here. They will be killing our animals and our land and then our culture will be really changed because of the Arctic Pilot Project. We are objecting to the Arctic Pilot Project because our Nunavut proposal is not settled and the other land claims are not settled at all. Lastly, the Inuit are objecting to the APP or we know our culture and our life will be destroyed.

Also, Mr. Chairman, we also have to support all the -- we need some financial assistance towards this, the program that we are trying to do. How much they are going to pay, we have to pay too. How much they will be using, about the same amount, we have to have the Arctic Pilot Project -- if they would show us the amount of money...

Concerning the National Energy Board, they informed us that they would have a public meeting. Thank you, Mr. Chairman.

CHAIRMAN (Mr. McLaughlin): Thank you, Mr. Awa. Mr. Amagoalik.

MR. AMAGOALIK: Just to make some concluding remarks, by way of condensing what we have tried to say, this Ninth Assembly has tried to do things to correct past situations in which the policies of the government have been contradictory to the wishes of its constituents and we feel it must continue this process. Canada has unfinished business in the High Arctic -- not just in the High Arctic, in the whole North. It has unfinished business, and that is the settlement of aboriginal claims. It must deal with this unfinished business before these massive projects are considered.

Support Requested To Protect Fragile Environment

Canada has absolutely no environmental or conservation strategy in the North. It wants to go blindly ahead it seems at any cost. Now, we need your support in trying to make sure that costly mistakes are not made. We feel that the High Arctic is a place, a very special place, that is extremely fragile to outside forces. We are asking your support, your moral support, your financial support, if you can give it, in making sure that Canada does not go ahead with something that they may be sorry for later on. As a lot of you may realize, the High Arctic is a desert. It has an extremely fragile environment and it is an environment that seems to change from time to time. We cannot really predict what is going to happen because, as I say, it seems to change from time to time. Animals migrate, climate changes. What does year-round shipping mean to the High Arctic? These are frightening questions. The people of that region are justifiably afraid of what could happen. We feel that all these questions need to be answered and the only way that they will be answered is if we are given the opportunity to tell the other side of the story. We can only do that if we have the necessary resources and the support of this Assembly. This concludes our remarks and we would be happy to try and answer any questions that you may have.

---Applause

CHAIRMAN (Mr. McLaughlin): Thank you, Mr. Amagoalik. Do any of the Members wish to make any comments or have any questions for the witnesses? Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I know it is late. I will just ask one question, because I do not know that it was really covered in the presentation. Do you see any implications for Canadian sovereignty in the Arctic Islands by

this project and I am particularly wondering whether this project might possibly be a precedent to open the Northwest Passage to foreign powers, foreign interests and perhaps even foreign military traffic? Would you have any comments on that? Thank you, Mr. Chairman.

CHAIRMAN (Mr. McLaughlin): Is this a legal question, Mr. Patterson?

HON. DENNIS PATTERSON: Whoever wants to answer it.

CHAIRMAN (Mr. McLaughlin): Mr. Amagoalik. Mr. Bregha.

MR. BREGHA: Mr. Chairman, I will try to answer that question to the best of my abilities. There can be no doubt that if Canada proceeds with year-round shipping through the Northwest Passage that it will not be able to impede other nations from exerting the same right. Canada has never declared its sovereignty over the Arctic waters. It has declared jurisdiction. These two issues have been confused in the past, but we have never told other countries that they could not sail through the Northwest Passage. All we have asked is that they respect the regulations that we would pass. No country has tried to do so in the past because there was no commercial incentives to do so and the technology did not exist. If the technology becomes proven through the transportation of Canadian oil and gas through to Canadian installations -- if that technology then becomes available to other countries, one can very clearly expect a resurgence in interest by other countries to use the waters of the Northwest Passage. There have been a number of proposals already to ship Alaskan oil and gas around Prudhoe Bay or in the Alaskan section of the Beaufort Sea through the Northwest Passage by submarine or by icebreaking tanker. There is little doubt in my mind that if Canada pioneers the technology that other countries with the commercial interest to do so will wish to follow Canada's example.

CHAIRMAN (Mr. McLaughlin): Does that answer your question, Mr. Patterson? Mr. Curley. Mr. Amagoalik.

MR. AMAGOALIK: Thank you, Mr. Chairman. Just to add to that a bit, as some of you may know the Inuit of Grise Fiord and the Inuit of Resolute Bay were moved to those communities -- we were moved to that location and we were told -- as a matter of fact, I was one of those original people who were moved from northern Quebec to Resolute Bay -- we were told that we were being moved up there because the hunting was better, because we would have more opportunities for employment and things like this. We have found out since then that the main reason why we were relocated was to assert Canadian sovereignty in those islands and because of that we feel -- I feel that the people of Resolute and the people of Grise Fiord and all the people of the High Arctic deserve better consideration when these things are being proposed. We were used to assert Canadian sovereignty and we should not be ignored when these things are being proposed.

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

Benefits Of The Project Doubtful

MR. CURLEY: (Translation) Thank you, Mr. Chairman. I would like to thank the witnesses here and I know that they made a good presentation to the Legislative Assembly. The project that has been taken up here in the last -- and it has been supported by the Canadian people, and the Legislative Assembly of the Northwest Territories should be well informed about the gas process and if it is going to be making us better in the future. For example, if a ship is going to be going up there every year, is it going to be a help to the people? Is the project going to be supported? Are the residents of the Territories going to have good employment up there or is it going to be good or is that ship going to be affecting some hunters, like where the people still have wildlife?

So, I think we will have to ask about the people, for instance to ITC or other organizations. They are all aware that the ships -- they are going to be doing some studies up there. I do not think it is going to be very useful up there. Also the gas that will be taken from up there will not be given to Canada. I do not think we have to wait any longer, but maybe we will support them after they have made a good successful project. So, if it is not like that we, as MLAs will not support them. I know now that the ship that is going to be going up there every year will be damaging the territorial land and it is just damaging and beginning to scare our people. Also, I do not think that that ship is going to do any good, after it ships down to southern Canada or if they are going to be very useful and if they will be helping us. I would like to make a motion, Mr. Chairman.

CHAIRMAN (Mr. McLaughlin): Go ahead, Mr. Curley.

Motion To Endorse Position Of ITC And BRIA In Arctic Pilot Project Intervention

MR. CURLEY: (Translation) The motion reads: I move that this Assembly endorses the position of Inuit Tapirisat of Canada and the Baffin Region Inuit Association in their intervention concerning the Arctic Pilot Project before the National Energy Board.

CHAIRMAN (Mr. McLaughlin): Mr. Curley, could I have a copy of your motion, please? Mr. Evaluarjuk would you like to speak now or would you like to wait until after this motion is dealt with? Yes, I was wondering if Mr. Evaluarjuk would like to speak to the motion or if he would like to wait until after. Just to make sure that he is clear, I will reread the motion: "I move that this Assembly endorses the position of the Inuit Tapirisat of Canada and the Baffin Region Inuit Association in their intervention concerning the Arctic Pilot Project before the National Energy Board." Mr. Curley, would you like to speak to your motion?

MR. CURLEY: Mr. Chairman, very briefly I would like to state again that we have nothing whatsoever to gain -- this government or this Assembly -- by continuing to either not support or not have any position with respect to the Arctic Pilot Project. All we have is the fact that we would lose. We would lose in terms of conservation for the wildlife and we are definitely going to lose possible future revenue that this government should be concerned with. Therefore, I think we should take the position that the Arctic Pilot Project is very serious and very dangerous to that part of the Northwest Territories. Therefore, we should be active interveners to the National Energy Board, but in case we are not active interveners, then we definitely should take the position that we support the organizations like ITC and the Baffin Region Inuit Association in opposing the application, because the North is not going to gain anything out of it. We are going to lose the possible future revenue that is sitting right at our own doorstep, right in the middle of the land that this government has a responsibility for. So, I would urge that each Member here support this motion. Thank you.

CHAIRMAN (Mr. McLaughlin): Mr. Curley, there is a small technical problem with your motion that has been pointed out to me. Would you agree that your motion should more correctly read, "I move that this committee endorses..." rather than "this Assembly"? Otherwise it would be technically out of order, because we are in committee of the whole right now. Mr. Curley.

MR. CURLEY: Could I have legal advice on that? We are still an Assembly, are we not?

CHAIRMAN (Mr. McLaughlin): Yes, but we are in committee of the whole right now. Mr. Stewart.

HON. DON STEWART: Possibly I could help Mr. Curley on that matter. I think if you would change the word to "committee" then when we go back to finalize the thing this evening you adopt it formally in formal session and then it becomes "Legislative Assembly".

Motion To Endorse Position Of ITC And BRIA In Arctic Pilot Project Intervention, Reworded

MR. CURLEY: Yes. I agree that we change the word "Assembly" to "committee".

CHAIRMAN (Mr. McLaughlin): To the motion. Mr. Evaluarjuk.

MR. EVALUARJUK: (Translation) Mr. Chairman, I really support this motion, but before the motion was made I raised my hand. Maybe if I would withdraw that for a while. However, I would like to ask the witnesses a question. If we want to go on with the motion, maybe we can go back after this motion is dealt with.

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

HON. DENNIS PATTERSON: Mr. Chairman, I am aware that our government has intervened in the National Energy Board hearings and I am sure the witnesses are also aware of that. What I would like to know is, is the position that ITC and BRIA have taken at the National Energy Board hearings congruent with the position that the Government of the Northwest Territories has taken? Are you and the Government of the Northwest Territories saying the same thing in the hearings?

CHAIRMAN (Mr. McLaughlin): Mr. Amagoalik.

MR. AMAGOALIK: Well, I think as I indicated earlier in our brief, the Government of the Northwest Territories in their submission to the National Energy Board supported the Arctic Pilot Project, subject to certain terms and conditions. The difference there is that we the ITC and the BRIA, do not support the Arctic Pilot Project, but the certain terms and conditions that were attached to the support of the application by the Government of the Northwest Territories, those conditions are exactly the same as our concerns. If we were to support the APP, those are the very conditions and terms that we would have identified, but the difference is that because of the communities, because of the international considerations that we must take in regard to Greenland, and perhaps to Alaska, we find it necessary to oppose this pilot project fully, unlike the qualified support that this government has given.

CHAIRMAN (Mr. McLaughlin): Mr. Patterson, anything further to the motion?

HON. DENNIS PATTERSON: Mr. Chairman, supplementary to that, I take it though that the concerns of the ITC and the BRIA are the same as the concerns of the Government of the Northwest Territories. Is that correct?

CHAIRMAN (Mr. McLaughlin): Mr. Amagoalik.

MR. AMAGOALIK: Yes, they are.

CHAIRMAN (Mr. McLaughlin): To the motion.

SOME HON. MEMBERS: Question.

Motion To Endorse Position Of ITC And BRIA In Arctic Pilot Project Intervention, Carried

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

---Carried

Is it the committee's wish to continue with discussions? Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you. I am very aware of what the APP is trying to do because I live in that area. I live in a place where it is real close to the route; so also do Grise Fiord residents. They are opposed to this development that is going to be going on in the future. We know that these organizations are working hard to stop this program. We are going to find out at the hearing what they are going to be doing. I support the ITC and BRIA for what they are trying to do and we know that they are going to be working hard on it and I would like to support them in their goal. They were asking for financial assistance and I would like to know what amount they are asking for to help them with their project.

CHAIRMAN (Mr. Fraser): Mr. Awa.

MR. AWA: (Translation) Thank you, Mr. Chairman. Before I tell you about how much money we want, I would like to say that we all probably know that the MLAs and the consultants -- if we are going to be working to try and stop this project, I would like you to know that we would like the same kind of consultant that APP has and we are going to be paying them the same amount that APP is paying their consultant. We have used \$80,000 since the beginning of the project and we have not had a hearing yet. The reason we used \$80,000 was -- they stated they heard the application and at the end they talked about shipping oil down to the Americans and later the National Energy Board did a reverse thing. They put the shipping of gas through the straits first and then they put the APP project last. Following the hearing, we were preparing and after that they changed their mind and that is why we used \$80,000. For the hearing our estimate is that we will be using \$160,000 on top of the \$80,000 because the person who is going to be holding the hearing will be there for four weeks up to three months. For that reason we are asking the Legislative Assembly to give us \$100,000. The other kind of finance that we are going to be getting -- we are going to be asking for more money from other organizations. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Awa. Mr. Pudluk.

MR. PUDLUK: Yes, Mr. Chairman. I want to move a motion. Mr. Chairman, this motion is going to be -- in some places I am going to have difficulty pronouncing. There are some words. We did not have time to translate it into Inuktitut. It is only in English. There is a correction in that motion. Instead of saying "Assembly", I am going to be using "committee".

Motion To Grant \$100,000 To ITC And BRIA Re Arctic Pilot Project

Whereas the Arctic Pilot Project, a consortium of companies headed by Petro-Canada and including Dome Petroleum, NOVA, an Alberta corporation, and Melville Shipping, is seeking approval from the National Energy Board to produce gas from Melville Island, to ship it south in icebreaking liquefied natural gas tankers and to export it by displacement;

And whereas it appears to this committee that this is a major development project in advance of a land claims settlement and in advance of comprehensive land and marine management planning;

And whereas the resource development committee of the Government of the Northwest Territories has stated in a document entitled "Resource Development Projects: Government of the Northwest Territories Positions and Processes" dated January 7, 1981 that the Government of the Northwest Territories is "Well aware of its responsibilities to the residents of the Northwest Territories to ensure that resource development takes place in a manner consistent with the goals and aspirations of northern residents;"

And whereas this committee is deeply concerned about the effects these extremely powerful icebreaking tankers will have on the marine environment of the High Arctic and the Inuit renewable resource economy;

And whereas representation by Inuit leaders, John Amagoalik and Simon Awa, made to this committee, has made it clear that Inuit in the High Arctic communities and Inuit Tapirisat of Canada and Baffin Region Inuit Association are profoundly opposed to this project;

And whereas this committee recognizes its responsibility to ensure that the troubling issues raised by the Arctic Pilot Project, with respect to the environment, with respect to the Inuit and with respect to further icebreaking tanker proposals, are fully investigated;

And whereas this committee recognizes that ITC and BRIA have already put themselves at pain and expense, have retained legal counsel and consultants, have obtained testimony from community-chosen Inuit witnesses and have been pursuing an intervention before the National Energy Board in a dedicated manner;

And whereas this committee considers it essential that ITC and BRIA be enabled to conclude the valuable work that they have begun in preparation for the National Energy Board hearings;

And whereas this committee fully expects that the research being conducted by ITC and BRIA and the evaluation by them of the application of the proponent of the project will be of direct relevance to future marine transportation proposals of critical interest to the Northwest Territories;

Now therefore, I move that this committee strongly recommend to the Executive Committee that ITC and BRIA be granted \$100,000 by the Government of the Northwest Territories to continue this important work;

And further that this committee ensure that the intervention before the National Energy Board of its own government be pursued vigorously and thoroughly with full regard for the concerns of this committee for a just settlement of land claims, for the environment and for the well being of the renewable resource economy. Thank you.

CHAIRMAN (Mr. Fraser): Mr. Pudluk.

Motion To Grant \$100,000 To ITC And BRIA Re Arctic Pilot Project, Reworded

MR. PUDLUK: Yes, Mr. Chairman. Down at the bottom line, I would like to make a correction: "And further that this committee urge that the Executive Committee ensures that the intervention before the National Energy Board", and I would like to take this out: "of its own government". Take these four words out.

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

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I am not going to make a long speech, but we know that BRIA and ITC would like financial assistance, and we know that it is going to be very hard, because they are not going to be talking to only one community, they are going to be talking throughout all the communities, and I think we all know that it is very expensive with transportation and also the other things that they are going to be dealing with are going to cost a lot of money. I would like to be supported on my motion. Thank you.

CHAIRMAN (Mr. Fraser): Mr. Pudluk, before I let anybody talk to the motion, we would just like to get it clear here. Could I have the Clerk read it, and you can verify that this is the way you want it? Is that agreed? Proceed, then, Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I cannot speak for the Executive Committee on this motion, of course, but I am pleased to hear that the concerns of the two major organizations affected, representing aboriginal peoples, have been paralleled by the intervention of the Government of the Northwest Territories, and I do like to, wherever possible, see the Government of the Northwest Territories working in partnership with the native organizations concerned. I do believe that if we have the Government of the Northwest Territories and the legitimate representation of the aboriginal people, of that part of the Northwest Territories concerned, saying the same thing to the National Energy Board, this will, indeed, be a most powerful influence on that body, in order that conditions are put into this project which would result in justice and the safeguard of the interests of the people of that area. I consider my constituents to be affected just as significantly as the people who live closer to the actual shipping route, because as it is known, Mr. Chairman, the environmental implications of disturbing the environment of Lancaster Sound are felt in a ripple effect all down the eastern coast of North America. Thank you, Mr. Chairman.

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

MR. CURLEY: Yes, Mr. Chairman. I am speaking in support of the motion. I would just like to say that I am speaking not only as an aboriginal person, but I believe that that part of the area -- the rich part of northern Canada -- is rich in wildlife and all the other areas that must be protected not only should be the concern of the organizations but of this Assembly. You know, we have a lot to protect in that part and we have a pretty rich area in terms of wildlife which should be protected for generations to come. So, I am urging not only the aboriginal people to support this motion and let the record show that we are interested in keeping that part of the area for future generations. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): To the motion.

SOME HON. MEMBERS: Question.

Motion To Grant \$100,000 To ITC And BRIA Re Arctic Pilot Project, Carried

CHAIRMAN (Mr. Fraser): Question is called. All in favour? Down. Against? Abstentions? The motion is carried.

---Carried

What is the wish of the committee now? Report progress? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Could I thank the witnesses then for...

MR. CURLEY: Mr. Chairman, a point of privilege.

CHAIRMAN (Mr. Fraser): Mr. Curley, a point of privilege.

MR. CURLEY: Yes, Mr. Chairman. Before we do break I have one more motion I would like to introduce. It is a very short one regarding the project.

CHAIRMAN (Mr. Fraser): Regarding the -- okay. Carry on.

Motion To Initiate Study On Revenue Implications Of Project, Carried

MR. CURLEY: Yes, Mr. Chairman. I move that this committee recommend that the standing committee on finance conduct a study on the revenue implications to this government or future governments as a result of removing Arctic oil and gas by tanker rather than by pipeline.

CHAIRMAN (Mr. Fraser): Could we get a copy of that, please? Your motion is in order, Mr. Curley. To the motion.

MR. CURLEY: Mr. Chairman, it is short guidelines to the standing committee on finance to look into possible loss of revenue that this government would have to bear if the tanker were to be accepted by the governments in the future. So, I think it is important that we have this kind of study done by the standing committee so that we can have a document that we can look at as we assess the future impacts of the resource development in the Arctic. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question being called. All in favour? Down. Opposed? The motion is carried.

---Carried

I would like to thank the witnesses for appearing before the Assembly. Thank you very much.

---Applause

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF BILL 17-81(3), ELECTIONS ORDINANCE, 1978; BILL 1-81(3), SUPPLEMENTARY APPROPRIATION ORDINANCE, 1981-82; REPORT OF STANDING COMMITTEE ON LEGISLATION; TABLED DOCUMENT 8-81(3), REPORT OF THE WORKERS' COMPENSATION TASK FORCE; TABLED DOCUMENT 5-81(3), OUR LAND OUR FUTURE; BILL 18-81(3), COUNCIL RETIRING ALLOWANCES ORDINANCE; BILL 20-81(3), PLEBISCITE ORDINANCE; MATTERS RELATING TO THE ARCTIC PILOT PROJECT; REPORT OF THE STANDING COMMITTEE ON FINANCE

MR. FRASER: Thank you, Mr. Speaker. I have two reports for the House, Mr. Speaker. Due to the interruption in the proceedings of committee of the whole yesterday the chairman was unable to report. I now make that report. Your committee considered on December the 2nd and wishes to report that Bill 1-81(3) is now ready for third reading; Bill 17-81(3) now ready for third reading as amended; also Tabled Document 8-81(3), Report of the Workers' Compensation Task Force and wishes to report this matter concluded; and Our Land Our Future, and wishes to report progress.

Mr. Speaker, I also wish to report your committee has considered today Bill 18-81(3), now ready for third reading as amended; Bill 20-81(3) now ready for third reading; and matters relating to the Arctic Pilot Project, with three motions being adopted as amended to the proceedings of this House. Thank you, Mr. Speaker.

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

Motion To Have Report Of The Committee Of The Whole Concurred In By Assembly,
Carried

MR. CURLEY: Yes, Mr. Speaker. I move that the report of the committee of the whole as just presented by the chairman be concurred in by this Assembly.

MR. SPEAKER: I have a motion on the floor. Do I have a seconder? Ms Cournoyea. To the motion.

SOME HON. MEMBERS: Question.

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

---Carried

ITEM NO. 14: THIRD READING OF BILLS

Could I have the indulgence of the House to give third reading of Bills 1-81(3), 17-81(3) and 20-81(3) and then have assent and then we can meet again tomorrow at 1:00 o'clock. If not, we will have to start in the morning, but it should not take five minutes to do this, if we could get it out of the road.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Agreed.

---Agreed

Bill 1-81(3). Mr. Braden.

Third Reading Of Bill 1-81(3): Supplementary Appropriation Ordinance, 1981-82

HON. GEORGE BRADEN: Mr. Speaker, I move that Bill 1-81(3), An Ordinance Respecting Additional Expenditures for the Public Service for the 1981-82 Financial Year, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Kilabuk. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question. Question being called. All those in favour? Opposed, if any? Bill 1-81(3) has had third reading.

---Carried

Bill 17-81(3). Mr. McCallum.

Third Reading Of Bill 17-81(3): Elections Ordinance, 1978

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 17-81(3), An Ordinance to Amend the Elections Ordinance, 1978, be read for the third time.

MR. SPEAKER: Do I have a seconder? Mr. Pudluk. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question. Question being called. All those in favour? Opposed, if any? Bill 17-81(3) has had third reading.

---Carried

Bill 18-81(3). Mr. McCallum.

Third Reading Of Bill 18-81(3): Council Retiring Allowances Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 18-81(3), An Ordinance to Provide Retiring Allowances on a Non-contributory Basis to Persons Who Have Served as Members of the Council of the Northwest Territories, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Evaluarjuk. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question. Question being called. All those in favour? Opposed, if any? Bill 18-81(3) has had third reading.

---Carried

Bill 20-81(3). Mr. Braden.

Third Reading Of Bill 20-81(3): Plebiscite Ordinance

HON. GEORGE BRADEN: Mr. Speaker, it gives me great pleasure to move that Bill 20-81(3), An Ordinance to Provide for the Holding of Plebiscites, be read for the third time.

MR. SPEAKER: Do I have a seconder? Mr. Patterson. Discussion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any? Bil 20-81(3) has had third reading.

---Carried

---Applause

My, we can get an awful lot of work done at times. We go on to Item 15 on the orders of the day, the assent to bills. Would you see if the Commissioner is ready, please, Mr. Clerk?

ITEM NO. 15: ASSENT TO BILLS

COMMISSIONER PARKER: Be seated. As Commissioner of the Northwest Territories I assent to the following bills: Bills 1-81(3), 2-81(3), 3-81(3), 4-81(3), 5-81(3), 6-81(3), 7-81(3), 8-81(3), 9-81(3), 10-81(3), 11-81(3), 12-81(3), 13-81(3), 14-81(3), 15-81(3), 17-81(3), 18-81(3), 19-81(3) and 20-81(3). Thank you very much.

---Applause

MR. SPEAKER: Mr. Clerk, any announcements?

CLERK OF THE HOUSE (Mr. Remnant): Yes, Mr. Speaker. Friday, December 4, 9:30 a.m., caucus meeting in Katimavik A.

MR. SPEAKER: Orders of the day, please.

ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Orders of the day, Friday, December 4, 1:00 p.m.

1. Prayer
2. Replies to Commissioner's Address
3. Oral Questions
4. Questions and Returns
5. Petitions
6. Tabling of Documents
7. Reports of Standing and Special Committees
8. Notices of Motion
9. Motions
10. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Report of the Special Committee on the Constitution of Canada; Tabled Document 5-81(3), Our Land Our Future; 12th Report of the Standing Committee on Finance; Motion 18-81(3)
11. Prorogation

MR. SPEAKER: Thank you. This House stands adjourned until 1:00 p.m., December the 4th.

---ADJOURNMENT

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