



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, NOVEMBER 4, 1982

MEMBERS PRESENT

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

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Thursday, November the 4th. Item 2, replies to the Commissioner's Address. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, may I rise on a point of privilege to simply indicate I think a very important announcement made on behalf of the Government of the Northwest Territories and the federal government?

MR. SPEAKER: Proceed, Mr. McCallum.

Announcement Re Signing Of Agreement On New National Training Act

HON. ARNOLD McCALLUM: Mr. Speaker and Members of the House, yesterday at approximately 1:00 o'clock an agreement was signed on behalf of the Government of Canada and the Government of the Northwest Territories through the federal Minister of Employment and Immigration, the Hon. Lloyd Axworthy, my colleague, the Hon. Dennis Patterson, Minister of Education, and myself, which will bring into effect the new National Training Act that we believe will meet territorial skill requirements for the next three years. The agreement calls for expenditures of up to \$3.4 million in federal funds during 1982-83 for the provision of training in the Northwest Territories...

HON. GEORGE BRADEN: Hear, hear!

HON. ARNOLD McCALLUM: ...and in addition, Mr. Axworthy has provided \$1.3 million in federal funding for 1982-83 for training in special projects. I think this particular agreement reaffirms our beliefs in the Territories' economic development as being dependent upon the development of skill and knowledge of our labour force. Mr. Axworthy has remarked that it is the beginning of a new era of co-operation between our governments and this very vital area of human resource development and I know that my colleague, the Hon. Mr. Patterson will agree that this particular arrangement strengthens the territorial training institutions and their ability to deliver training which is responsive to the changing needs of the people of the North. This agreement is the culmination of many months of extensive negotiations between our governments and now increasing numbers of residents of the Northwest Territories will be able to get the type of training which will lead to well-paying jobs and I believe that over 800 people will benefit from the training in the year 1982-83.

"It will benefit workers who need to be retrained because their skills have become obsolete", said Mr. Axworthy, and he also indicated that he is particularly pleased that the new training program will facilitate training opportunities for women, disabled people and other minority groups who are entering into the economic mainstream of the country. This agreement, Mr. Speaker, I suggest to you should clearly show this government's commitment to joint ventures to improve the social and economic conditions through the development and training of Northwest Territories residents and, Mr. Speaker, I would like to distribute among Members the news release itself and the background information to this particular agreement. Thank you very much.

---Applause

MR. SPEAKER: Thank you, Mr. McCallum. For announcements of this nature in the future, inasmuch as this is not a point of privilege, the proper procedure would be to ask consent to make a very important and significant comment, rather than a point of privilege, because really it is not a point of privilege. Thank you for the information.

HON. ARNOLD McCALLUM: I had to work it in.

MR. SPEAKER: You managed to have your purpose satisfied. Replies to the Commissioner's Address. There appear to be no replies today. Item 3, oral questions.

ITEM NO. 3: ORAL QUESTIONS

Mr. Butters.

Question 7-82(3): NCPC Fire Affecting Inuvik Power Supply

HON. TOM BUTTERS: Mr. Speaker, might I ask the Minister responsible for reporting to the House on the affairs of NCPC; I understand that yesterday evening there was a fire at the NCPC plant in Inuvik and while the manager responded very quickly and effectively and the town put its emergency measures plan into operation there is some concern that that plant will be able to supply the town with adequate power over the winter months ahead.

MR. SPEAKER: Thank you. Mr. Braden.

Return To Question 7-82(3): NCPC Fire Affecting Inuvik Power Supply

HON. GEORGE BRADEN: Mr. Speaker, just to inform my colleague and others in this House that I have very recently been given responsibility for emergency measures. I do not have responsibility for reporting to this House on Northern Canada Power Commission. Just to apprise Members of the House, Mr. Speaker, last night, shortly after 10:00 we received a call indicating that the old Northern Canada Power Commission plant in Inuvik was burning, obviously causing loss of normal operating power capability in that community. We were advised at the time, Mr. Speaker, that units available in the new plant would probably be able to handle requirements, though steps were taken in the following buildings to ensure that they would go on their emergency power and thus relieve some of the strain on the system. The buildings included the Samuel Hearne school, the town office, the DND and the hospital. So I understand that NCPC in Inuvik was to contact -- this was last evening, sir -- the deputy mayor to apprise him of the situation, as well as to make the request of the regional director for manned equipment and support, asking for people to reduce power consumption and to take other measures necessary.

I received the following report this morning, sir, which indicated that the old NCPC plant in Inuvik had indeed been on fire and there had been damage done and a three hour power outage had been caused through the town. The generators in the new plant were able to carry the load once facilities equipped with emergency generators activated them. The regional director and the deputy mayor both activated their emergency plans, as it was not known initially how severe the problem would be. This morning, sir, the NCPC advised that damage to the generators in the old plant is minimal and all are currently producing. The building itself has damage to the floor, walls and roof and this is being assessed. I am sure, as all of you heard on the news, the residents of Inuvik may well experience a number of power outages this winter as a result of water, smoke and other damage in the connectors and lines located in the old plant. However, I understand that efforts are being made to get the old plant closed in so that workers can move in there immediately to attempt to correct the problems and repair the damage as quickly as possible. I will give the Member and this House my assurance that I will be getting reports on a daily basis as to how things are going in Inuvik and as required I will be reporting back to this House. Thank you.

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

Question 8-82(3): Tuktoyaktuk Power Plant

MS COURNOYEA: Mr. Speaker, in regard to the power supply and emergency planning for such power supply, over a number of years the community of Tuk is supplied as well by NCPC on a line that goes down there, although they do have their unit. The suggestion in regard to the whole make-up of the power supply to those communities is that Tuk had suggested that rather than build all your supplies in one area, such as Inuvik, that the Tuk plant would be upgraded as in emergency measure. As I understand that, one of the fall-back positions in supplying power would be to draw power from the Tuk station if you are not able to continue the power requirements needed in Inuvik.



MR. SPEAKER: That is rather a peculiar oral question, but Mr. Braden.

Return To Question 8-82(3): Tuktoyaktuk Power Plant

HON. GEORGE BRADEN: Mr. Speaker, the Member raises an important point. I believe it was two years ago when we had a serious problem in Inuvik, power was drawn from Tuktoyaktuk to keep Inuvik supplied, albeit on a temporary basis. I will take that question as notice, if it is all right, and report back to the House in the next couple of days with a statement on what measures are being taken to ensure that not all communities are directly tied in with one particular plant.

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

Question 9-82(3): Calm Air Accident In Eskimo Point

MR. CURLEY: Yes, Mr. Speaker. I have a question to the Minister of Justice, as well. It is with respect to the accident that happened in Eskimo Point with Calm Air. I wonder if the Minister can tell this House whether or not the government is going to conduct an inquest into the death of that individual and if so, when?

MR. SPEAKER: Mr. Minister.

Return To Question 9-82(3): Calm Air Accident In Eskimo Point

HON. GEORGE BRADEN: Mr. Speaker, I would advise the Member that I have been informed an inquest will take place December 2nd. However, I have requested that my department provide a more detailed report so that I can read it into the record of the House and report more fully to Mr. Curley. So, all I can say in response is that an inquest will be held early in December, but I think in response to some of the matters he raised yesterday, that he deserves a much more thorough answer and I give the commitment that I want to put something on the record in the very near future.

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

Question 10-82(3): NWT Students In Ottawa

MR. ARLOOKTOO: (Translation) Thank you, Mr. Speaker. I have a question which is directed to the Minister of Education, Dennis Patterson. The question was raised from Frobisher Bay. The parents of the students from Frobisher Bay who go to Ottawa are not well informed about these students in Ottawa. They make a monthly report to the parents, but it takes quite a while to have the reports come up to the parents, and I would like to know how you deal with that problem. Is it possible to have the Government of the NWT pay the bills so we can use telephones to get reports from Ottawa? Would the use of the telephone be a solution? Thank you.

MR. SPEAKER: Mr. Patterson.

Return To Question 10-82(3): NWT Students In Ottawa

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. Students from the Northwest Territories who are taking training in Ottawa are doing so under the jurisdiction of the federal government Department of Indian and Northern Affairs. The Government of the Northwest Territories is now talking with the federal government about taking over the programs that they operate in the South for northern students, so that we could ourselves deal with those students and, hopefully, improve communications and other problems that you have mentioned. So, in the long run, Mr. Speaker, I see our government having a direct involvement in that program, once the discussions and negotiations are complete. In the short run, I see it as a problem that I can raise with the federal government on behalf of the people who have complained, but something over which we have no direct control. Thank you.

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

Question 11-82(3): Public Service Legislation

MR. CURLEY: Thank you, Mr. Speaker. I have another question for the Minister of Justice and if he cannot answer it, I would maybe like the Commissioner to respond to it. It is with respect to the dispute between the Government of the Northwest Territories and the Public Service Association of the NWT. I wonder if the Minister could not indicate to the House exact reasons

for the dispute with the public service with respect to the definition of the civil service? Is this particular subject of grievance in the process of arbitration at the present time? Is this legislation which the government is intending to bring forward designed to affect the outcome of the arbitration presently before the arbitration process in Ottawa in the government's favour?

MR. SPEAKER: Mr. Braden. Mr. Butters.

Return To Question 11-82(3): Public Service Legislation

HON. TOM BUTTERS: I will have a try, Mr. Speaker. With regard to the proposed bill mentioned by Mr. Curley, to amend the definition of the term "public service" in the Public Service Ordinance -- and that is the legislation that is put before the House at this time -- the purpose of this amendment is to clarify the intention of the government with respect to the question of who is included in the public service of the Northwest Territories. The current definition of public service in the Public Service Ordinance simply provides that "the public service" means the public service of the Northwest Territories. It is a poor definition and offers little guidance and, in answer to your question, the Legislature can make any laws at any time and this is what we are attempting to do here, is clarify existing legislation, which was adopted in 1965, which did not reflect the situation precisely.

MR. SPEAKER: Supplementary. Mr. Curley.

Supplementary To Question 11-82(3): Public Service Legislation

MR. CURLEY: Yes, Mr. Speaker, I raised the question last year in my opening remarks to the Commissioner's Address that the people in the Eastern Arctic are concerned that they are not receiving benefits for the kind of service they provide to the government on a contractual basis with the municipalities and so on. Now, I am wondering whether or not this particular legislation which we will be dealing with will not, in effect, harm the communities' desire to be included in the public service, in view of the fact that previously the issue of labour relations was a matter of federal responsibility. Now, I am wondering whether or not the Minister is going to respond in favour of the communities to be included in the public service of the NWT.

MR. SPEAKER: Mr. Butters.

Further Return To Question 11-82(3): Public Service Legislation

HON. TOM BUTTERS: Mr. Speaker, the legislation proposed will not affect existing rights or existing contractual rights; and I trust that that may satisfy the Member. I would suggest to the Member that he allow the process of the legislation to go forward, at which time we can get full explanations, have witnesses available to the Member -- if he so wishes -- so the intent and purpose of the legislation demonstrated can be made clear to everyone.

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

Question 12-82(3): Pipeline Survey In Baffin Area

MR. KILABUK: (Translation) I would like to ask a question of the Minister of Local Government. They were going to make a survey regarding the pipeline around the Baffin area. Last year, I raised a question about this. Has the Department of Public Works been asked to survey this? I would like you to answer this.

MR. SPEAKER: Mr. Wah-Shee.

HON. JAMES WAH-SHEE: Mr. Speaker, I would like to take the question as notice, and give the reply tomorrow.

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

Question 13-82(3): Advantages Of National Training Act

MR. SIBBESTON: Mr. Speaker, it seems Mr. McCallum did not comply with the rules in making his announcement regarding training -- but I would like to ask Mr. McCallum if he could explain to me what it is exactly that he is so excited about in respect to the training agreement that he

mentioned, and tell me how would my constituents -- people in Jean Marie River, Trout Lake, Fort Liard -- how might they benefit by this announcement that he was so excited in making today?

MR. SPEAKER: Mr. Minister.

Return To Question 13-82(3): Advantages Of National Training Act

HON. ARNOLD McCALLUM: Mr. Speaker, I am very much excited about the opportunity to announce an agreement whereby this government and the residents of the Northwest Territories are going to be involved with money under the National Training Act of the federal government, to the tune of approximately five million dollars. This training agreement will help territorial employers take on other workers in their particular employment. It is quite a bit more money than was allocated to training on the job situations in the past years. There are, really, a couple of things that are involved here. We have certain particular trade skills trainings that go on in the Northwest Territories, in conjunction with the federal government. There is, as well, industrial training, training that is done in conjunction with industry of various forms. We expect that there will be a great number of people able to take training in either Thebacha College or other particular programs that are now, and have been, taking place across the Territories.

Some of these people who will be able to take advantage will be able to receive classroom training in these various institutions, wherever programs are going on, and get paid for it. There are a number of people whose unemployment insurance benefits will run out at the end of the next month. The trainees who want to get into other particular avenues of training other than they have now, because either their skills are not needed, not wanted, because of shutdowns, because of nothing going on -- they will be able to move into other areas.

It will enable, as well, people with some disabilities or handicaps to move into the employment, and be able to get paid for taking training. The territorial government will be able to play a very large role in indicating what kind of training will be required, whether that is in house building or in other avenues of industry. We will be able to increase the kind of training opportunities, expand, modernize existing institutions, existing courses, where they are already in place in various communities in the Territories. I think that it will allow people of the Territories, regardless of where they are, to take on more training, to take on different training than they normally have had.

Regarding the Mackenzie Liard area, I think there is the opportunity now for anybody who is presently out of work to obtain training, to obtain the either classroom or on-the-job training, for whatever kind of skills that they would want to be involved with. We have been able to deal with the federal government, and outline and carefully work out an agreement where certain particular trades that we developed in the Northwest Territories are now being recognized as trades nationally. I think that where people are laid off work -- and the work is not required anymore -- these people now have an opportunity to take the training, and get paid with the training. It is, I think, a great enhancement of what we presently have had, and what we have had in conjunction with the federal government in the past.

I know that skills are required across the Territories. I know that there are a number of people in the Territories who are out of work who may want to get into these critical skills, and who have not had the opportunity, through an employment sponsor or through education sponsorship. Here, now, is the opportunity for these people to get into the labour; and there may be other initiatives of the federal government. For example, in the completion of home-ownership programs, completing SSHAG homes, getting the skill to do that, to be able to construct those; and I think that this is indeed a great breakthrough, and we have been able to deal, as a government to government basis, with the federal government on this particular issue. I cannot say that that has occurred in the past to any great extent; but here is one issue, in the whole area of skill development, of training, that we have been able to deal with the federal government on a one to one basis; and I think that in being able to reach such an agreement is something that this government should be proud of.

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

Question 14-82(3): Distribution Of Information On Training Programs

MR. SIBBESTON: Yes, Mr. Speaker, I would like to ask the Minister whether he would take into consideration and be aware of the fact that recently, on a tour that I took of my constituency with Mr. Patterson, in Trout Lake and in Fort Liard, there were requests made to have some training



done with some of the local people there. At the time, there was uncertainty as to whether funds were available. I would like to ask the Minister whether he would take this into consideration, and see if somehow or another both the communities of Trout Lake and Fort Liard can be made aware of these additional funds that are being made available, and somehow or another see if some of these millions of dollars that are provided can trickle down to those people. I get the impression sometimes that moneys often are spent in the larger centres of the North -- and Mr. McCallum has a large training centre in his constituency, and we would not want to have all of this money go to Fort Smith, say. So can I have assurance from the Minister that he will indeed take my mention of these two communities seriously, and whether he can assure that indeed funds such as this are made available, that information is sent to the small communities throughout the North?

MR. SPEAKER: Mr. McCallum.

MR. CURLEY: What about the 20 million?

Return To Question 14-82(3): Distribution Of Information On Training Programs

HON. ARNOLD McCALLUM: Two million, it is. It is only two million, Tagak, do not get it wrong. Mr. Speaker, I want to assure the Member for Mackenzie Liard that all the money that is devoted to training is not going to Thebacha College. It will be going to a number of other communities across the Territories, not the least of which will be the communities that Mr. Sibbeston has indicated: Trout Lake and Nahanni Butte; and, where there is a need for these particular skills to be developed for people and residents of those communities -- that is exactly what we would hope to be able to do. I know that I will work in conjunction with my colleague, the Minister of Education, to ensure that those things do occur.

MR. SPEAKER: Thank you. Oral questions. Ms Cournoyea.

Question 15-82(3): Funds For Adult Education

MS COURNOYEA: Mr. Speaker, a question on the training program. Would Mr. McCallum indicate whether the adult education program would be considered across the board for funds as originally done some years ago. In the ensuing years funds have been cut off for upgrading in adult education.

Question 16-82(3): Funding In Norman Wells Pipeline Agreement

In addition, could the Minister clarify whether these funds that he is talking about are in addition to the funds already provided to the Dene in the Norman Wells pipeline agreement?

MR. SPEAKER: Mr. Minister.

Return To Question 15-82(3): Funds For Adult Education

HON. ARNOLD McCALLUM: Mr. Speaker, these funds are funds that are set up with the Minister of Employment and Immigration, and they, as I understand it, are in addition to whatever funds have been put together on other agreements such as the Norman Wells training.

Return To Question 16-82(3): Funding In Norman Wells Pipeline Agreement

With regard to whether or not funds will be directed to adult education, I am sure that the Minister of Education will be raising concerns and trying to make sure that funds would be available if, in fact, they are acceptable to the federal government, because it is a two government approach. I would expect that any time adults want to increase their education, or increase their skills these funds would be available, and they would be eligible to get in on any kind of increased training or further training.

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

Question 17-82(3): Pangnirtung Hunters Charged For Going Over Quota

MR. KILABUK: (Translation) Mr. Speaker, I would like to ask a question in regard to the justice of the peace. There are people over in Pangnirtung who may have to be questioned in court regarding getting some narwhals. The trappers had gone over the quotas, and they did not realize that they had done this. I just want to ask you if they are to be questioned or taken up to court? You know they did not do this purposely. I would like you to answer in regard to this question.

MR. SPEAKER: Mr. Kilabuk, I take it from your question that this matter is before the courts? If the matter is before the courts at the present time, then of course your question is out of order. We cannot deal with things or matters that are in front of the courts now. Is this matter in front of the courts? Mr. Braden.

Return To Question 17-82(3): Pangnirtung Hunters Charged For Going Over Quota

HON. GEORGE BRADEN: Mr. Speaker, I recognize your concern, and I will check to see if the matter is in fact before the courts. I am not quite sure myself if the hunters involved have in fact been charged; but I think what the Member is referring to is the provision of some legal aid or some assistance to the individuals in question. At this point, I give him my assurance that I will be back before the House tomorrow -- if we sit -- with a written reply of some sort, and also addressing the concern that he has, if I am correct, about provision of some legal counsel for the individuals in question.

MR. SPEAKER: Thank you very much, Mr. Minister. Mr. Kilabuk, we will check this matter out, and make sure that we are not in conflict with the courts, and you will get an answer. Oral questions. Mr. Kilabuk.

Supplementary To Question 17-82(3): Pangnirtung Hunters Charged For Going Over Quota

MR. KILABUK: (Translation) Mr. Speaker, the main reason why I asked this question is that we had asked one person from Maliiganik Tukisiiniakvik in Frobisher -- and this is why I questioned. They were not able to come to Pangnirtung.

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

MR. ARLOOKTOO: (Translation) The Minister of wildlife, Richard Nerysoo, is he not able to attend here? I would like to know if Richard Nerysoo is not going to come.

MR. SPEAKER: Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, Mr. Nerysoo is due to come back today. He will be in the House maybe later this afternoon, or tomorrow.

MR. SPEAKER: Thank you. He will be either in later today, or today, Mr. Arlooktoo. Oral questions. Mr. MacQuarrie.

Question 18-82(3): Housing Emergency Situation In Yellowknife

MR. MacQUARRIE: Thank you, Mr. Speaker. I have a question for the Minister of Social Services. I am sure the Minister is aware that there is what could properly be called an emergency situation with respect to housing in Yellowknife. Of course, I do not expect the Minister of Social Services to resolve that situation, but at any rate, there are implications for social services.

The Yellowknife Housing Authority alone for low cost housing has 73 applications at the moment that they cannot satisfy. A rough estimate is that perhaps half of those applicants are living with other families at the present time. As a result of that kind of doubling up there are, without question, social problems resulting; breakdown of family relations and that sort of thing, and, of course, we have the normal kinds of family breakdowns -- husband and wife unable to get along. So a situation has developed in Yellowknife where when people go to local social services for some sort of emergency accommodation, that social services is in a position where they simply do not have access to that emergency accommodation. So, I am asking the Minister whether it is possible and what he might do to be able to ensure that either by -- I do not know -- renting two or three units on a permanent basis from the YMCA, if some of these ever come available, or allocating two or three of our staff housing units when some of those become available, just to meet short-term emergency situations for housing that arise.

MR. SPEAKER: Mr. Tologanak.

HON. KANE TOLOGANAK: Thank you, Mr. Speaker. I will thank the Member for giving me advance notice of his intended question. I have to apologize to the honourable Member for Yellowknife Centre. I have my department officials looking into the matter since I became aware of it yesterday and I would like to take the question as notice, so I may provide a thorough answer to the honourable Member's question. Thank you, Mr. Speaker.

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

Question 19-82(3): Job Preference For Northern Students

MR. MacQUARRIE: Thank you, Mr. Speaker. I also have a question for -- I guess it would be Mr. Butters, who answers for Personnel. I believe the Minister is aware that we have a situation in the Northwest Territories where we have students, who have taken all or most of their schooling in the Northwest Territories, who have been supported by grants from the Government of the Northwest Territories at post-secondary institutes in the South and in whom, in other words, we have made quite an investment over those many years and who have now returned to the North looking for employment and can find employment nowhere, with private firms or with the government. I do recognize, Mr. Minister, that the government cannot guarantee employment for everybody who comes back, but at an earlier time, the fall of 1980, I had asked a similar question and the response from the Minister at that time was that such students are given preference over southern candidates and over northern applicants who are short-term residents -- every effort is made to contact northern students and to place them in entry level positions in a field for which their education qualifies them. So, my question to you, Mr. Minister, is if every effort is made, can you tell me what those efforts are? I have not been able to see that every effort is made to contact them. Who is it that carries out these efforts and if a student feels that what is stated as a policy of preference for northern students is not being applied in their case, to whom can they appeal for that consideration?

MR. SPEAKER: Mr. Butters.

Return To Question 19-82(3): Job Preference For Northern Students

HON. TOM BUTTERS: Mr. Speaker, I likewise thank the honourable Member for Yellowknife Centre for giving me notice of his question yesterday. I raised the matter with the deputy minister of Personnel, who was in the House, and I will be providing a more extensive report later. The answer, as I understand it from my oral exchange yesterday, was that the answer given in Frobisher Bay is still pretty much the current practice and that no special policies have been developed to address the concern and the problem raised by the honourable Member. I, however, will be responding further to this matter in the near future.

MR. SPEAKER: Thank you, Mr. Minister. I understand, then, that you will be coming back with a written reply at a later time. It still remains a question for a written reply. Oral questions. Ms Cournoyea.

Question 20-82(3): Hunters and Trappers Taxation Problems

MS COURNOYEA: I have a question, Mr. Speaker, for the honourable Minister of Renewable Resources; however, I am sure that any Member can answer the question. We were quite happy to be notified that the northern benefit package has been extended an additional year and I would like to have clarification on what has been done in pursuing the plight of the hunter and trapper taxation problems?

MR. SPEAKER: Mr. Butters.

Return To Question 20-82(3): Hunters and Trappers Taxation Problems

HON. TOM BUTTERS: I would like to take the question as notice, because I would like to give a full reply. There has been an approach made to the federal government and several federal ministers by myself and I am sure, also, Mr. Nerysoo. There has been no decision with regard to a blanket approach to the matter of taxation of trappers, but there has been an examination of a number of the situations where questions have been raised by the Department of Revenue with regard to claims that have been filed with the department. However, I will have to raise the point with my colleague and maybe give further information at a later date.

MR. SPEAKER: Thank you. To expedite the work of the House, if Ministers are going to take a question and reply to it later, that is all they should say in reply to it, because undoubtedly in your reply, when you bring it back, you are going to say the same thing you have already said. So, can we cut this down as much as we can? If you are taking it under advisement, fine. Oral Questions. Ms Cournoyea.

Question 21-82(3): Progress Report On The Freshwater Fish Marketing Corporation

MS COURNOYEA: Mr. Speaker, I have a question to the Minister of Economic Development, Mr. McCallum, and I would like to know if he is intending to give any progress report on the deliberations regarding the FFMC?

MR. SPEAKER: Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, yes, I am.

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

Question 22-82(3): Payment Of Minister's Travel To Liberal Convention

MR. SIBBESTON: Well, Mr. Speaker, I am aware that there are a number of Members of this Assembly that are intending to plan to travel to Ottawa in the next day or so to attend a Liberal convention. I am also aware that at least one of them is a Minister of this government. Is this government going to pay the way for any of the Members of this House or any Minister to attend the Liberal conference in Ottawa?

MR. CURLEY: Why not?

MR. SPEAKER: Mr. Braden.

Return To Question 22-82(3): Payment Of Minister's Travel To Liberal Convention

HON. GEORGE BRADEN: Mr. Speaker, I am sure that most Members of the House are aware that I am not a Liberal, so I cannot really discuss the details of the arrangements that delegates make with respect to their transportation costs and other expenses, but in answer to the Member's question, no, the government is not going to be paying for any Minister to travel to Ottawa.

MR. McLAUGHLIN: If he asks Trudeau to resign, it is okay.

HON. ARNOLD McCALLUM: Will you pay that?

MR. McLAUGHLIN: Yes.

MR. SPEAKER: Oral questions. Mr. Curley.

MR. CURLEY: Yes, Mr. Speaker. If the Member wishes to move a motion that the government pays, I certainly would welcome it.

---Laughter

MR. McLAUGHLIN: Mr. Fraser would not give you unanimous consent.

MR. SPEAKER: Oral questions. It appears that that concludes oral questions for today.

Item 4, questions and returns. Written questions.

ITEM NO. 4: QUESTIONS AND RETURNS

Mr. MacQuarrie.

Question 23-82(3): Public Housing In The NWT

MR. MacQUARRIE: I have a question for the Minister responsible for Housing. Will the Minister indicate the total of receivables outstanding as of the last audit for each public housing authority across the Territories? Will the Minister responsible for Housing indicate what steps, if any, have been taken to consider placing ceilings on rent for public housing where this seems warranted? Will the Minister indicate whether any thought is being given to basing rents for public housing on one salary if it appears that such a procedure might make the collection of rent more of a certainty?

MR. SPEAKER: Written questions. Mr. Fraser.



Question 24-82(3): Winter Road To Fort Norman And Fort Franklin

MR. FRASER: Mr. Speaker, I have a written question for the Department of Public Works. Will the Executive Member responsible for Public Works inform this House when it can expect the winter road to Fort Norman and Fort Franklin to open and by whom? Any information you could supply would be of help to my constituency.

MR. SPEAKER: Thank you, Mr. Fraser. Written questions. Mr. Fraser.

Question 25-82(3): Housing For Residents Of Fort Good Hope

MR. FRASER: Mr. Speaker, I have another question for the Minister responsible for Housing. I would like to know when we could expect the people in Fort Good Hope to get out of tents and get back into their houses? It is getting pretty cold now and they are still living in tents, I understand.

MR. SPEAKER: Thank you. Written questions. Are there any returns for today? There do not appear to be any returns for today.

Item 5, petitions. Are there any petitions?

Item 6, tabling of documents. Mr. Pudluk.

ITEM NO. 6: TABLING OF DOCUMENTS

MR. PUDLUK: Thank you, Mr. Speaker. I would like to table Tabled Document 6-82(3), a letter from the municipality of Arctic Bay, Northwest Territories to NCPD concerning generators, and it is quite urgent. Thank you.

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

MR. CURLEY: Mr. Speaker, I wish to table Tabled Document 7-82(3), a resolution passed by the Keewatin federation and housing conference. It states very briefly: "Be it resolved that this Keewatin housing conference give its full support to the Public Service Alliance Commission in their efforts to assimilate housing association employees into the PSAC union."

MR. SPEAKER: Thank you. Tabling of documents.

Item 7, reports of standing and special committees.

Item 8, notices of motion.

ITEM NO. 8: NOTICES OF MOTION

Mr. McLaughlin.

Notice Of Motion 8-82(3): Change In Sitting Hours

MR. McLAUGHLIN: Thank you, Mr. Speaker. I would like to give notice that at the appropriate time today I will be asking for unanimous consent to move the following motion: That this Assembly sit at 9:00 a.m. on Friday, November 5th, and adjourn for the weekend at 1:00 p.m.

MR. SPEAKER: Thank you. Notices of motion. There appear to be no further notices today. Item 10, motions.

ITEM NO. 10: MOTIONS

Mr. Curley, Motion 2-82(3).

Motion 2-82(3): Participation Of Aboriginal Peoples Of Canada, First Ministers' Conference

MR. CURLEY: Thank you, Mr. Speaker.

WHEREAS representatives of the aboriginal peoples of Canada, Indian, Inuit and Metis, will participate in a First Ministers' Conference in March, 1983, as set out in section 37 of the Constitution Act, 1981, to further discuss the definition and identification and elaboration of aboriginal and treaty rights in the Constitution Act, 1982;



AND WHEREAS issues related to aboriginal peoples have remained unresolved since the arrival of Europeans in North America;

AND WHEREAS the section 37 First Ministers' Conference will be the first opportunity that aboriginal peoples have had to meet with the Prime Minister and the provincial premiers to begin to resolve these long outstanding issues of constitutional importance to all aboriginal peoples and all Canadians;

AND WHEREAS only one First Ministers' Conference on aboriginal issues is guaranteed in the Constitution Act, 1981, under section 37, and this provision will expire on April 17, 1983;

NOW THEREFORE, I move, seconded by the honourable Member for Rae-Lac la Martre, that this Legislative Assembly support the principle that the aboriginal peoples of Canada, as the original inhabitants of this country, have special rights which must accordingly be given further recognition and protection in Part II of the Constitution Act, 1981, such rights to, among other rights, include the recognition of aboriginal title, recognition of the collective culture, history and identity of the aboriginal peoples, their political and civil rights and rights to protection of their traditional livelihoods, and to economic benefits from the development of their homelands;

AND FURTHER, that this Assembly support in principle the further identification and elaboration of the rights of the aboriginal peoples of Canada, by the inclusion of a charter of their rights in the Constitution Act, 1982.

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

MR. CURLEY: Thank you, Mr. Speaker. I think it is important that this Legislative Assembly of the Northwest Territories has already given its full support in 1981 to include the definition and recognition of aboriginal rights in the new Canadian constitution. I would remind the Members that they were very strongly welcomed and supported by all the aboriginal peoples of Canada, when this Assembly moved to Ottawa to represent the people of the Northwest Territories in their fight to include the aboriginal rights clause in the Constitution Act of 1981.

Now, the First Ministers' Conference as set out in section 37, which will begin in March 1983, assures that the native people will have only one chance to try and come to an agreement on, or at least define and recognize further, the rights of aboriginal people. So I think it is important that we give further support to the present efforts made by all the native organizations in the country. I am speaking particularly of the Inuit people of the NWT, and Dene Nation of the NWT, and Metis Association. We should give our full support and this Assembly should consider a charter of rights for aboriginal people in the new constitution. So I would urge all the Members to consider that, because presently the federal and provincial committees are now in place, along with all the representatives from the national organizations. These committees from the provincial and federal level are preparing, presently, the agenda for the First Ministers' Conference. This month, all the provincial representatives will be getting together in Ottawa, along with the native representatives, to further identify the subject areas -- which are mainly political and legal rights, and economic and cultural rights, and social issues as well. So they are breaking them down into three major areas. These committees will be attempting to further clarify exactly what the positions of these native groups will be. So I would urge that this Assembly support at least in principle, at this time, the inclusion of a charter of rights for aboriginal people -- because this is only one clear position that has started to develop -- that it might not be a bad idea to establish in Part II of the Canadian constitution, the inclusion of a charter of rights for aboriginal peoples. I would urge you to give that support, because this document would likely be moved, as well, in the Liberal convention that is about to take place this weekend. Thank you.

MR. SPEAKER: Thank you. As seconder of the motion, Mr. Wah-Shee, do you wish to speak at this time?

#### Support For Entrenchment Of Aboriginal Rights In The Constitution

HON. JAMES WAH-SHEE: Thank you, Mr. Speaker. It is indeed a pleasure and a privilege to second the motion of my colleague, the honourable Member for Keewatin South. As Minister of Aboriginal Rights and Constitutional Development, I fully support the principle of entrenchment of aboriginal rights in the constitution of Canada. The Constitutional Act, 1982, acknowledges and affirms aboriginal rights, but this is merely a first step. To assist the aboriginal peoples to maintain

their dignity, to protect their culture and language, and to enhance their rights collectively, means extending to them constitutional guarantees and protection. Aboriginal rights must be recognized, respected, and safeguarded from further trespass.

Mr. Speaker, the constitutional conference which is to be held in the spring of 1983 will have the identification and determination of aboriginal rights as one of its agenda items. This government is to be accorded representation equal to that of the provinces at the discussion of the aboriginal rights issue. It is the goal of that conference to meaningfully address the issue of aboriginal rights, and to begin to resolve this longstanding issue. The Government of the Northwest Territories will bring to the constitutional conference a unique perspective. The majority of the residents of the Northwest Territories, as you know, are aboriginal people, and this majority is reflected in the membership of this Legislative Assembly. Because of this, I believe that this government has a special obligation and responsibility to be supportive of the aspirations of the aboriginal peoples.

#### Basic Rights Require Expansion

The motion specifies certain enumerated aboriginal rights which deserve constitutional recognition and protection. The list is not exhaustive, and it will be my hope that the forthcoming First Ministers' Conference will expand upon and extend these basic, fundamental rights. Mr. Speaker, the motion of the Legislative Assembly of the Northwest Territories will bring to the attention of the Prime Minister, the provincial premiers -- and indeed all the people of Canada -- their obligations to the aboriginal people of this country. To adequately fulfil this obligation will require that aboriginal rights be defined in broad and generous terms. To protect these rights from future erosion requires that they be given the highest possible protection, inclusion in the constitution. Only in this way will our constitution be safeguarded with pride and esteem by all of the people of the North, of Canada, including all the people who have been very supportive to date.

I think my honourable colleague has already indicated the reasons behind the motion. It will give an indication that the elected Members of this House are fully supportive and very sensitive to the issues that deal with the aboriginal people. For these reasons, I would urge that all the Members of this House consider supporting this very important motion. Thank you.

---Applause

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: Thank you, Mr. Wah-Shee. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Mr. Speaker, I move that this motion be referred to committee of the whole for more detailed discussion.

MR. SPEAKER: I have a motion on the floor to move to committee of the whole. Is there a seconder? Is there a seconder to this motion?

HON. DENNIS PATTERSON: No.

MR. SPEAKER: The motion dies on the floor, with no seconder.

HON. KANE TOLOGANAK: Question.

MR. SPEAKER: Question being called to the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Speaker. I regret that I could not get a seconder. I had tried earlier as well, because it is a momentous decision that is being made. I think that it has many implications and warrants thorough discussion and some clarification -- question, answer. That could have been done in committee of the whole, and of course it will not be done now, so I have about 18 minutes to try to express my concerns about it, and I will do that.

Members may recall that when we first discovered that the Government of Canada was going to entrench a charter of rights in the federal constitution, that I fought that as strongly as I could, on several fronts -- obviously without success. I had what I believed to be very good reasons for doing that. The fact that many other people did not seem to understand what they were bothering me in one sense, but not in another, because I am confident enough in my abilities to believe that they were very important reasons. I can only regret that the majority of Canadians -- 80 per cent, apparently -- could not understand them, and felt that it was a proper course to take.

### Concept Of Human Rights

The briefest summary I can give of my concern about this kind of thing -- I obviously did not do it very clearly or very well when I expressed myself earlier, but, just two weeks ago, in reading a copy of a magazine that I get called the Free Inquirer, I came across an interview with an 80 year old American humanist, named Sidney Hook, and one of the questions that was asked of him had to do with human rights. The answer he gave is clear and succinct, and he expressed it much better than I could, and yet that is precisely what I believe about rights. He said, "In my analysis of the concept of human rights, I always deny that human rights are natural rights and that they exist independently of man, society and history. For me, human rights are morally justifiable claims, made on behalf of all persons, to the enjoyment of certain basic freedoms, goods and services which reflection establishes as necessary to achieve a desirable human state. Morally justifiable claims are rational proposals to treat human beings in certain ways. Human rights are not names of any metaphysical entities. Since they conflict, none is always absolute or supreme. None is absolute or always supreme."

Now, again, to many of you, perhaps that just seems like a bunch of words; but I would say that they are very important words, because, whether people realize it or not, they operate with some conception of what "rights" means. I am afraid that many people believe that in some absolute way, quite apart from the history of man, there is somehow an eternal and unchangeable right, such as the right of freedom of speech, or the right of self determination -- or aboriginal rights. This statement says that is not so; they are merely a human conception of how we ought to act toward one another; and I say, that is what they are, not immutable or unchangeable. Therefore, this has serious implications for how you regard them. When people believe that they are absolute and eternal, they say, "We must entrench them somewhere."

First-rate minds conceived of important principles as to how people should act toward one another. Second-rate minds recognized the value of those ideas, and idealized them; and then third-rate minds, seeing that they are idealized, say, "We must carve them in stone and hold them valid for all time for everybody." And I say that is unfortunate, and it is nonsense. That is why I challenged the entrenchment of a charter of rights in Canada.

However, when I saw that it was going to go ahead, despite anything I might have to say about it, I felt that if they are going to entrench a charter of rights for everybody else, why not include a phrase concerning aboriginal rights in it. So, without any hesitation last year, without any regret this year, I went to Ottawa with the rest of the Members of this Assembly, and insisted that the government do put such a clause, section 35, into the constitution. That clause affirmed existing aboriginal and treaty rights. The question was not answered as to what those rights are precisely. It was expected that, through a process of negotiation, legal cases, discussion among people and so on, that they would be clarified.

### Precise Definition Of Aboriginal Rights Needs To Be Determined

This motion is, from the point of view of this Assembly, the first major step toward defining precisely what those rights are. Because the definition that is eventually accepted is going to be entrenched, it is very, very important to determine precisely what we are talking about. You know, my emotional inclination is to say that I recognize the aboriginal people will have really a tough row to hoe when they face the premiers at that conference in the spring. So why do I not just throw in my lot and say, "Go for the works, and get what you can"? I cannot do that, because I believe it would be irresponsible, because I believe that all I can support is, finally, what is tolerable when it is entrenched in a constitution.

What we are trying to accomplish, I think, is a clarification of what aboriginal rights are -- not as they exist in somebody's mind, in some hazy past, or in some idealized present. We are trying to determine aboriginal rights as they can exist in a country that has 350 years of European and other settlement, that has a set pattern of government, and that has a vastly predominant population of non-natives. That is, we are trying to define aboriginal rights as they can exist in Canada in 1982 -- can I ask how much time I still have remaining, please?

MR. FRASER: It is finished.

MR. MacQUARRIE: How much?

MR. SPEAKER: Ten minutes.



MR. MacQUARRIE: Ten minutes, about half the time, okay. We are trying to define them in that sense. This country, because of the nature of the rigid legalism that has been introduced with this charter of rights and the constitution, will have to live with whatever results are determined. Therefore, we need to choose the definition carefully, so that it is a definition that everybody can live with, and that, in Sidney Hook's terms, is a definition that will contribute "...to the enjoyment of certain basic freedoms, goods and services which reflection establishes as necessary to achieve a desirable human state..." and particularly for the aboriginal peoples of this country.

#### Definition Of Rights As Set Out In Motion

When I look at Mr. Curley's motion, I see specifically that he wants us to accept a particular definition of what those rights are; not exhaustive, not in detail, but still, certainly, the beginnings of a definition. He wants us to accept his definition and he wants us to do that after having two days notice and without the chance for thorough back and forth discussion as to what it all means. That to me is regrettable, because I am not antagonistic to some of what he hopes to achieve. I am concerned about other things.

He says that it should include, among other things, the recognition of aboriginal title. If that were included in a national charter -- I may be wrong, but I was under the impression that in some cases, at least, aboriginal title had been extinguished voluntarily by people as a result of the signing of treaties. I am not entirely clear, but I think that is the case. With respect to the recognition of collective culture, history and identity of aboriginal peoples, I am very supportive of that and I am surprised that he did not mention language specifically, although he may have assumed that it is included under one of the other categories, because I personally feel that that is a safeguard that native people should have. He mentions that among other things this must include their political and civil rights, but I am not sure at all what he means by that. I guess he does not mean the same civil and political rights that other Canadians have or it would not have had to find its way into the motion. Does he mean the right to self-determination, then?

I, incidentally, also recognize that he is asking us to accept a particular definition and I believe that there are certain other native people in Canada who would not be happy, entirely, with the kind of definition that is proposed. So, we would be supporting, perhaps, one group at the expense of another. I believe -- I am not sure, but I believe the Dene, for instance, would like to see that phrase specifically, "self-determination", included. They would like it. I, on the other hand, would be alarmed at seeing those words chiselled into an entrenched charter of rights, because what does it really mean? To most people it would mean the abstract idea that somehow a group of people absolutely and irrevocably has a right -- who guarantees it, I am not sure -- to self-determine their lives, but that is not the way the real history of the world works, that you really only have the right to self-determination if you do self-determine your lives. Someone else cannot give it to you. If that were to mean that what is being said is that aboriginal people have a right to aboriginal government, that has serious implications for this country and I could not simply say that I can support the motion if that is implied. Is Mr. Curley saying that the Nunavut proposal is a proposal for the fulfillment of aboriginal rights?

MR. CURLEY: It is not an aboriginal right.

MR. MacQUARRIE: Okay. That is very important to me to know that, because what the federal government is presented with, generally, from leading Inuit politicians, is not that at all. It is simply a public government proposal and no more, but if it were intended that that was one of the aboriginal rights, then what you would have is a claim that it is an Inuit government, not a public government, and that has serious implications for the whole country.

When he says that part of this should be the protection of traditional livelihood -- I simply do not believe that traditional livelihood is an essential element of any culture. The particular way that a group of people earn their livelihood at a particular time is not an essential element of the culture. My ancestors at one time earned their livelihood by hunting and fishing and so, would this entrenchment be asking this government to guarantee for all time in some way that that particular lifestyle could be accommodated? You know, I can see guarantees over the short term and special measures and all that sort of thing, but we are talking here about an entrenched charter.

With respect to economic benefits from the development of the homelands, I say, yes, to a reasonable measure and when I say reasonable, put in brackets "prosperous", because I sincerely believe, why should the bulk of the benefit of resources go to southern entrepreneurs rather than to the people here? But all I am trying to point out is that there are many, many implications and because it is presented in this way I have no alternative other than to vote against it...

MR. CURLEY: Awhhh!

MR. MacQUARRIE: ...with great reluctance, but that I will do.

MR. CURLEY: Shame, shame!

MR. MacQUARRIE: Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. MacQuarrie. To the motion. We only have three minutes. Are you going to be reasonably short or shall we have coffee before we...

MR. CURLEY: Coffee break.

MR. SPEAKER: You are going to be short. Mr. Patterson, you have the floor.

Not The Time To Question The Entrenchment Of Rights

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I just would like to speak in support of the motion and particularly, perhaps, try to reply to Mr. MacQuarrie and persuade him to change his view. My point to him, Mr. Speaker, is that we have already, for better or for worse, taken the first step toward entrenchment of human rights in Canada with the Constitution Act or proclamation. I say now is not the time to question the principle of entrenching fundamental rights in the constitution. If these rights are to be defined and recognized, that is aboriginal rights, then why should they not be entrenched in the constitution? Why should aboriginal peoples be content with statutes or land claims settlements which can be amended or repealed or not honoured?

Mr. MacQuarrie says this country has accepted rigid legalism in determining we should entrench a charter of rights and it may well have been preferable that we follow the British model of not entrenching human rights. I have a great deal of sympathy for that viewpoint, but for better or for worse, we have gone the route of entrenching human rights and I think the aboriginal peoples should have their rights entrenched, because this Assembly has many times recognized that they have special rights. Even Mr. MacQuarrie seems to agree that there are at least some rights that are worthy of some kind of special recognition in this country.

I support the motion and urge Members to support it. I think it is significant that it is coming from Mr. Curley, not only as a Member of this Assembly, but also as the co-chairman of the Inuit Committee on National Issues, who will be represented at this First Ministers' meeting in that capacity. So, I urge other Members to support this motion. At that time I think it will provide valuable direction, not only to Mr. Curley, but to this government in shaping our presentation at that important meeting. Thank you.

MR. SPEAKER: Thank you, Mr. Patterson. The hour is now 2:30. We will recess for coffee and we will be able to...

MR. McLAUGHLIN: Point of privilege, Mr. Speaker.

MR. SPEAKER: Mr. McLaughlin, do you have a point of order?

MR. McLAUGHLIN: I would just like to request Members to go to a very brief caucus meeting in Katimavik A, immediately, for about a two minute meeting.

MR. SPEAKER: Thank you.

---SHORT RECESS



MR. SPEAKER: I call the House back to order. We are dealing with Motion 2-82(3). To the motion. Question, Ms Cournoyea.

MS COURNOYEA: Mr. Speaker, in regard to the follow-up work that has to be done to meet the April 17th deadline, in our work as a 22 Member group going to Ottawa, many of the things that we would have liked to have finalized and dealt with in detail, we were not able to do. That was because it was already determined that there should be a charter of rights. Whether individuals here on the Legislative Assembly feel that was the best course to take, the fact is that it is one, and it is complete, and that is the way things are. Those are the facts of life.

I believe that the Inuit Committee on National Issues has worked very hard to further the cause of the aboriginal people, and I believe that our support to them and the work that they are carrying out would be something that would only enhance what we attempted to do, perhaps, in that total success when we went to Ottawa as a 22 Member group of people from the Northwest Territories.

#### Deadline Must Be Met

I do not believe, at this time, no matter how hard we try, that we would ever be able to answer all the questions in detail to completely satisfy every Member so that the motion of support could be received by each and every one of us in total understanding. The motion does not imply that the work, or the details, would necessarily in the future not be discussed at this Legislative Assembly. This work has had to be completed very quickly, and we are meeting deadlines. We are trying our best to meet the commitment that we set out in different forums to what the federal government has placed on the table -- and that is a fact. I do not believe that there will be an extension of the April 17th date, 1983, and we have to try to meet our commitment as best we can. No one will be waiting for us to explore all the avenues and every little detail that has to be presented. I would like to assure -- and, I am sure, Mr. Curley would agree -- that once the work moves along, and with the constitutional committee that we have set up, we can examine in more detail what is going to be presented. But, right now, the aboriginal people, particularly of the Northwest Territories, are facing a critical time when they have to make commitments and they have to meet deadlines. To have to wait for every individual to be educated and involved in developing those details would be impossible, and subsequently nothing would ever be done or completed, if we had, at all times, to reach that kind of criterion in order to move and progress in the time and deadline that we are given.

The Northwest Territories residents did not, themselves, ask for a charter of rights. Neither did they themselves decide that at this time Canada even needed one, but yet it is there. The majority of people in the Northwest Territories are aboriginal people, and we are very concerned about where we will fit in in the basic issues under the Canada Constitution Act. The section on aboriginal rights was a first step, and all we are doing is endeavouring to complete that and meet those obligations and the deadlines set down to us by someone else.

#### Position Of Native Groups Should Be Supported

I would like to commend the Inuit Committee on National Issues on the work they have done, and they are trying very hard. I am sure that the Dene Nation, as well, is trying to put together their response to the First Ministers' Conference. As we are told, we have only one chance, and we have to take that chance, or else where will we be? I do not believe that the cause of native people should be held up because Mr. MacQuarrie does not understand and he needs more time. I believe that the people who have the most at stake will have to develop their positions, making their position clear, well-known and established. The least we could do at the Legislative Assembly is have some trust in these people and be as supportive as we can, and I urge all Members of the Legislative committee to support this motion.

---Applause

MR. SPEAKER: Thank you. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Mr. McLaughlin, do you wish to speak?

MR. McLAUGHLIN: Yes, thank you. I wanted to speak -- I did not want to get into committee of the whole, because I knew Mr. MacQuarrie could do it all for us in just 20 minutes, and he covered all the ground.

I have concerns about the motion. I certainly support the entrenchment of aboriginal rights in the constitution, and I support getting a definition that is acceptable to native people in Canada, but, because I have been leery all along -- myself, Mr. MacQuarrie, and Mr. Butters I think on one occasion, have been totally against this constitution, the way it was gone about. The charter of rights, I really believe narrowly defines rights that we already had under the Magna Carta. That is supported by many constitutional experts, and lawyers, and different historians and scholars. I really think that it would be a mistake for the native people to go for a charter of rights which they will be stuck with and will not be able to amend, because the amending formula in the constitution is very complicated. So I am reluctant to support this motion for that specific reason alone, though I certainly will not vote against the motion, because I am in favour of the enhancement and entrenchment of aboriginal rights. But strictly on this point of narrow definitions that you could be stuck with, and also I would be interested if, when Mr. Curley wraps up, he would maybe enlighten us as to what support he has, or any conversations he had with some of the other native organizations in the Territories relevant to the substance of this motion, that will influence how I vote on this. But at the present I am probably going to abstain.

HON. ARNOLD McCALLUM: Sit down.

MR. SPEAKER: To the motion. Does anybody else wish to speak before Mr. Curley closes the debate?

AN HON. MEMBER: Question.

MR. SPEAKER: Mr. Curley.

#### A Just Society May Not Work

MR. CURLEY: Thank you, Mr. Speaker. I am pleased to respond to some of the concerns of the Members from the other side, particularly with Mr. MacQuarrie, because I believe I understand Mr. MacQuarrie's point, but -- the question is always "but" -- today I believe Mr. MacQuarrie is a sincere gentleman, a man of very high integrity, and a man of principle. I believe that he is that kind of man. I believe, in my interpretation, what he is trying to see in the society in Canada is we ought to have a society which, in his own view, should be a just society. He would like to see that. I am convinced that is what he would like to see, and that we should try and relate to each other in the society without having to ever, by law, put into effect the kind of fundamental rights, or charter of rights that we should have, in a given law, because that is unilaterally, possibly, imposing on people, whether they like it or not. I think I can understand what he is trying to do, but I am not convinced that what he likes to see can work in a society that we have been experiencing, particularly when you have been living from the minority point of view, as a minority Canadian, as a native person. I can understand him, I can relate to him, because I was one that accepted the cultural shock in that I did not become inferior because of the dominance of the white society. I took hold of it and used some of it. But that does not mean that I ought to throw out my own culture and so on, and never try to seek ways and means to have them protected by law. I believe we have got to do that, because the white society is going to come into the North, and we are going to see more effects of the southern culture that will come up here. I am not suggesting at all that the constitution is going to be able to protect all that, because I know, for instance, that some of our own people will, likely, always prefer to live the full life of the southern society.

#### Political Rights For Natives In Provinces

I want to point out to his specific concern with respect to political rights. Political rights. Does that mean that we are adopting in principle, by this motion, that we ought to be protecting the kind of Dene Nation concept? No, that is not what the political rights clause would mean. Neither does it mean that the people in Nunavut area should have their own self-determination supported through the concept of Nunavut government, or dividing the Territories. No, that does not mean that at all. It means that for people in Labrador, who have lived there from time immemorial, who still have no representative of the native people in

the provincial legislature -- I believe that is unjust. They have tried to accept the just society concept by allowing the provincial government to come forward with the kind of decent programs to protect their interest in the Labrador area, in the region; but that has not come about. So what it means is that political rights maybe have to be, in some way, one way or another, legislated to have some of the native people guaranteed at least one or two seats in the provincial government, like they do in New Zealand.

For instance, if we look at Quebec, there are no native representatives in the provincial government. The federal government has been able to legislate the rights of the French-Canadian people, they ought to protect their language, culture, self-determination, and so on in the Province of Quebec, as far as the Quebec Government is concerned -- but what about the native people? There are no provincial legislatures for native people of Quebec, nor are there any representatives in their parliament, from northern Quebec.

We are fortunate, in the Northwest Territories, to have representatives in parliament and in this Legislature, but others are not so fortunate. I am sure, too, that in all parts of Canada, with respect to the Indian people, that they do not have that opportunity to be able to have a say in the provincial legislatures. I think the government is going to have to look at some rights for those people.

#### Handling Political Issues

As far as the major political issues are concerned, I would say to Mr. MacQuarrie and Mr. McLaughlin, that we can best represent the interests of the people through this kind of a forum. If we are talking about the greater political responsibilities, and acquiring more provincial type of status, or dividing the Territories, we can handle that through the political forum of this kind. I am in support of that concept, because I do not want to see them being entrenched in the land claims issues or whatnot, because these are two distinct, different issues as far as I am concerned. So I would ask that all of you think back a little in a minute or two, as the recorded vote is being counted, to readjust your thinking and support this very important motion. Thank you.

MR. SPEAKER: Thank you, Mr. Curley. I understand you are requesting a recorded vote. Mr. Clerk, a recorded vote. Motion 2-82(3), all those in favour please stand.

CLERK OF THE HOUSE (Mr. Remnant): Mr. Fraser, Mr. Evaluarjuk, Mr. Arlooktoo, Mr. Kilabuk, Mr. Patterson, Mr. Pudluk, Mr. Appaqaq, Mr. Tologanak, Ms Cournoyea, Mr. Curley, Mr. Sibbeston, Mr. Sayine, Mr. McCallum, Mr. Wah-Shee, Mr. Braden, Mr. Butters.

MR. SPEAKER: To the Motion 2-82(3), those opposed, please stand.

CLERK OF THE HOUSE (Mr. Remnant): Mr. MacQuarrie.

MR. SPEAKER: The Motion 2-82(3), those abstaining from the vote, please stand.

CLERK OF THE HOUSE (Mr. Remnant): Mr. McLaughlin.

Motion 2-82(3), Carried

MR. SPEAKER: Motion 2-82(3) is carried.

---Carried

---Applause

Motion 3-82(3). Mr. Evaluarjuk, I understand that you wish this motion withdrawn. Is that correct?

MR. EVALUARJUK: (Translation) Mr. Speaker, I think probably I will read it in tomorrow's session.

MR. SPEAKER: I believe there is a little confusion. Mr. Evaluarjuk, this is the motion that you put in first, that was written for you, and the following day you put another motion in and read it into the records, that will be on the paper, I believe, on Friday. So, I understand that this motion you do not wish to proceed with, but rather the second motion that you have read into the record. Is that correct, Mr. Evaluarjuk? Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, this Motion 3-82(3), he said it yesterday and he was introducing another motion, which is Motion 6-82(3), which I think he would like to deal with tomorrow.

MR. SPEAKER: Thank you, Mr. Pudluk. Motion 3-82(3) will not be dealt with today. Item 11, introduction of bills for first reading. If you have a motion, you need unanimous consent.

MR. McLAUGHLIN: Yes. I want to proceed with the motion I gave notice of earlier, that this Assembly sit at 9:00 a.m. to 1:00 p.m. on Friday, tomorrow.

MR. SPEAKER: Unanimous consent is being requested to proceed with that motion. Are there any nays? I hear no nays. Proceed, Mr. McLaughlin.

AN HON. MEMBER: Nay.

MR. SPEAKER: Was there a nay? Mr. Pudluk, your vote is nay, that you do not wish him to proceed, is that correct?

MR. PUDLUK: There were a few nays, Mr. Speaker. I heard some nays. Did I hear -- okay -- I am sorry.

MR. SPEAKER: Is your vote nay or yea? Yes or no, Mr. Pudluk? You have no objection to the motion?

MR. PUDLUK: I have no objection. No.

MR. SPEAKER: Proceed, Mr. McLaughlin.

Motion 8-82(3): Change In Sitting Hours

MR. McLAUGHLIN: Thank you, Mr. Speaker, and Mr. Pudluk.

WHEREAS some Members, including Ministers, will be leaving Yellowknife on the afternoon on Friday, November 5th;

AND WHEREAS it is important to have these Members in attendance;

NOW THEREFORE, I move that this Assembly sit at 9:00 a.m. on Friday, November 5th and adjourn for the weekend at 1:00 p.m.

MR. SPEAKER: Your motion is in order. Is there a seconder? Mr. McCallum. To the motion, Mr. McLaughlin.

AN HON. MEMBER: Question.

Motion 8-82(3), Carried

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

---Carried

Mr. Clerk, you will see that the orders of the day would indicate the change in time. Are there any further motions?

Item 11 on the orders of the day, introduction of bills for first reading. Item 12, second reading of bills.

ITEM NO. 12: SECOND READING OF BILLS

Mr. Butters.

Second Reading Of Bill 6-82(3): Public Service Ordinance

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Yellowknife North, that Bill 6-82(3), An Ordinance to Amend the Public Service Ordinance, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Public Service Ordinance by changing the definition of the term "public service".



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

MR. CURLEY: Mr. Speaker, maybe you can help me, at least. I have, certainly, concern with respect to the definition of the bill and I will definitely be making further remarks to it, but at this time I think the definition of the bill is accurately reflected and that it should remain so and I will be speaking further about it. But Mr. Speaker, I have a problem in this particular opportunity to speak about the principle of the bill. I am never sure exactly what you mean by speaking on principle, because each time a Member attempts to make remarks about the principle of the bill every one of us is normally out of order. Maybe you can help us, guide us through this kind of exercise.

MR. SPEAKER: Well, the principle of the bill is the main body of the bill and the intent of the bill. It does not deal with the side, small issues such as -- there was one instance brought up the other day. I have forgotten exactly what it was, but it was not the main principle involved in the bill itself. Mr. Curley.

MR. CURLEY: Yes, thank you. Now, having understood further about the practice here, I would say that defining the issue of the public service through this exercise I think would be inappropriate, because the issue is before the courts at this time.

MR. SPEAKER: Thank you for bringing up the point, Mr. Curley. I think, however, that that can be dealt with when we get into third reading and as a reason not to proceed with it at that stage, and I think it would be more appropriate at third reading, rather than a matter of principle of the bill. It really has, really, nothing to do with the principle of the bill. It is a good point and it should be brought up at third reading. Mr. Butters.

HON. TOM BUTTERS: Just to point out that the matter is not before the courts, Mr. Speaker. It is perhaps being examined in an arbitration proceeding, but it is not before the courts.

MR. SPEAKER: Well, thank you, Mr. Butters. I said third reading, Mr. Curley. I really meant in committee of the whole. When we get the bill into committee of the whole, that would be the time to bring up the point that you wish to make by way of motion to have it withdrawn because of the reason that you gave, if that should be a correct assumption. To the principle of the bill. Bill 6-82(3). Further debate?

AN HON. MEMBER: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any? Bill 6-82(3) has had second reading.

---Carried

Second reading of bills. Mr. Braden.

Second Reading Of Bill 8-82(3): Safety Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I move, seconded by the honourable Member for Rae-Lac la Martre, that Bill 8-82(3), An Ordinance to Amend the Safety Ordinance, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Safety Ordinance to define and use the words "worker" and "work site" in the ordinance; to provide statutory authority for the establishment of joint work site health and safety committees; to provide workers with the right to refuse to work in situations of unusual danger; to allow a court to award compensation and to reinstate a worker who has been wrongfully discharged, suspended or disciplined; and to increase the fines for offences.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. Bill 8-82(3). All those in favour, second reading? Opposed, if any? Bill 8-82(3) has had second reading.

---Carried



Second reading of bills. Mr. Butters.

Second Reading Of Bill 11-82(3): Vehicles Ordinance

HON. TOM BUTTERS: Mr. Speaker, I move, seconded by the honourable Member for Yellowknife North, that Bill 11-82(3), An Ordinance to Amend the Vehicles Ordinance, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Vehicles Ordinance so that an owner of a trailer will be required to obtain a policy of liability insurance for the trailer, before it can be used on territorial highways.

MR. SPEAKER: Thank you. To the principle of the bill. Any debate?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any? Bill 11-82(3) has had second reading.

---Carried

Second reading of bills. Mr. Patterson.

Second Reading Of Bill 12-82(3): Education Ordinance

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I would move, seconded by the honourable Member for Kitikmeot, that Bill 12-82(3) be read for the second time. This is An Ordinance to Amend the Education Ordinance. The purpose of this bill, Mr. Speaker, is to amend the Education Ordinance by removing the phrase "non-professional staff" from subsection 21(3).

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

MR. CURLEY: Mr. Speaker, again I have a strong concern with respect to that bill, because it discourages the people of the communities to be considered as civil service. I do not understand why the government is now trying to exclude all the community representatives as professional workers and they are going to do that by defining who is now going to be the professional. Mr. MacQuarrie talks about just society. He should vigorously oppose these kinds of bills, too.

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

HON. DENNIS PATTERSON: Mr. Speaker, just to say that the amendment is not in any way intended to exclude any group. In fact, it simply is designed to recognize the situation as it now exists, that these non-professional employees of education societies -- that is, employees other than teachers and principals, have never been public servants and this amendment seeks to clarify that. Without getting into a great amount of detail at this time, I would say that the reason for this amendment is to ensure that the ability of community education societies to hire and fire people on their own terms is not interfered with by the government. In fact, it is an amendment which is designed to support the independence of local education societies, rather than have the government directly affect their discretionary authority. Thank you.

MR. SPEAKER: Thank you. To the principle of the bill.

AN HON. MEMBER: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any? The motion is carried. Bill 12-82(3) has had second reading.

---Carried

Second reading of bills. Proceed, Mr. Tologanak.

Second Reading of Bill 17-82(3): Fine Option Ordinance

HON. KANE TOLOGANAK: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the honourable Member for Frobisher Bay, that Bill 17-82(3), An Ordinance Respecting A Fine Option System, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide the framework for a fine option system for the Northwest Territories.

MR. SPEAKER: Thank you. To the principle of the bill.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Mr. MacQuarrie. I am getting mixed up reading this list here. Proceed, Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Speaker, and I may need your guidance as well in this matter. I may be speaking out of turn, as I was yesterday or the day before and I am sure you will let me know if I am. However, I would ask you to be lenient in your judgment, because I feel that an important principle is involved here. If I am unable to express what I wish to express now, I am not sure when I can do it and, therefore, I would ask your guidance in that. I will admit frankly, right at the beginning, that it is not a concern with the principle of the bill; it is a concern with the bill on principle.

HON. ARNOLD McCALLUM: That is a good statement.

MR. MacQUARRIE: If I may begin -- and I will go very slowly, Mr. Speaker...

MR. SPEAKER: If, in your wisdom, Mr. MacQuarrie, you are not dealing with the principle of the bill, then you have disqualified it yourself. It is a ...

MR. MacQUARRIE: May I ask for your guidance on a point of order, then, Mr. Speaker?

MR. SPEAKER: You are asked, when -- on these bills in committee there is certainly all of the leeway in the world to deal with anything you wish at that time. Can you not say that you cannot say what you want in committee of the whole?

MR. MacQUARRIE: The question is, if we hold that long, is it assumed that we are accepting that this bill should be in the House at this time? That is the question. I will say frankly, the standing committee on legislation does not believe Bill 17-82(3) should be passed through this House in this session. Can you give me some guidance, Mr. Speaker?

MR. SPEAKER: Well, I believe that that matter would be appropriate as a statement from the committee. The committee is always asked, when we go into committee of the whole, whether they have judged the legislation, whether they approve it, if they wish to amend it. That time, I think, would be an appropriate time to give your committee report relative to the bill.

MR. MacQUARRIE: Thank you, Mr. Speaker.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Second reading on Bill 17-82(3). All those in favour? Opposed? One, two, three. The bill has the majority of votes, and has had second reading.

---Carried

Second reading of bills. Mr. McCallum.

Second Reading Of Bill 20-82(3): Council Retiring Allowances Ordinance

HON. ARONLD McCALLUM: Mr. Speaker, I move, seconded by the honourable Member for Rae-Lac la Martre, that Bill 20-82(3), An Ordinance to Amend the Council Retiring Allowances Ordinance, be read for the second time. The purpose of this bill, Mr. Speaker, is to amend the Council Retiring Allowances Ordinance to allow the Members' Services Board to delegate the administration of this ordinance.

MR. SPEAKER: Thank you. To the principle of the bill.

HON. ARNOLD McCALLUM: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed? Bill 20-82(3) has had second reading.

---Carried

Second reading bills. It appears there are no further bills for second reading today. 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

Tabled Document 1-82(3), report of the special committee on education. Mr. Fraser, do you wish to take the chair today? Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 1-82(3), LEARNING: TRADITION AND CHANGE IN THE NORTHWEST TERRITORIES

HON. ARNOLD McCALLUM: Mr. Chairman.

CHAIRMAN (Mr. Fraser): Have you a point of privilege?

HON. ARNOLD McCALLUM: If you would call the committee to order, I have.

CHAIRMAN (Mr. Fraser): The committee will come to order.

HON. ARNOLD McCALLUM: Mr. Chairman, I wonder if we could have the concurrence of the committee to deal with Bill 21-82(3), an amendment to the Council Ordinance, that would allow for a change to section 10 of the ordinance. That bill received two readings yesterday, which is why it is in the committee now. The purpose of that bill, Mr. Chairman, is to amend the time limit for issuing a warrant for a by-election. I wonder if we could have the concurrence of the committee to deal with that, prior to getting into the tabled documents.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Is it agreed that we deal with the bill?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Thank you. Mr. McCallum, opening remarks, general comments.

HON. DON STEWART: A point of order. I am afraid I did not put that into the committee. I put one item. That matter should have been brought up when you were...

CHAIRMAN (Mr. Fraser): I believe, Mr. Speaker, that it is on the orders of the day, but you just forgot to put it on the order. Can we go back into...

HON. ARNOLD McCALLUM: I think we should report progress.

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Agreed.

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF TABLED DOCUMENT 1-82(3), LEARNING: TRADITION AND CHANGE IN THE NORTHWEST TERRITORIES

MR. FRASER: Mr. Speaker, your committee was to deal with the education report. At a request from one of the Members to deal with a bill which was not ordered in, it was to go on the agenda.

MR. SPEAKER: Thank you, Mr. Fraser. I am sorry that I neglected to table the bill with committee of the whole, with Mr. Fraser in the chair, to study Tabled Document 1-82(3), report of the special committee on education; and Bill 21-82(3), Council Ordinance, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 1-82(3), LEARNING: TRADITION AND CHANGE IN THE NORTHWEST TERRITORIES; BILL 21-82(3), COUNCIL ORDINANCE

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Bill 21-82(3), Council Ordinance

CHAIRMAN (Mr. Fraser): I will bring the committee to order, to deal with Bill 21-82(3), An Ordinance to Amend the Council Ordinance. Mr. McCallum, general comments, please.

HON. ARNOLD McCALLUM: Mr. Chairman, thank you. The purpose, Mr. Chairman, is to change the subsection 10(2), which reads "...where the vacancy occurs in the Council within one year of the expiry of the time limited for the duration of the Council". We would like to change that; this amendment simply changes that to six months. The reason for this, Mr. Chairman, is that Mr. William Noah has resigned his seat, and had we not made a change in this to amend the Council Ordinance, the people of the Keewatin North would not have had a representation in the Assembly now, quite conceivably, for a matter of over a year. The time limit for the duration of this particular Assembly was up on October 31st of this year. The resignation did not come in until a day or so ago, therefore we would not have been able to fill it.

So it is a very simple amendment to it to acknowledge the fact that the people of Keewatin North should have representation in this House, and, by so doing, they will be able to have representation. I indicated, Mr. Chairman, that the Member has resigned. I should not say that, because I think there is a certain procedure to go through. I should indicate that he has given notice of his intent to resign, and we did not want to get into a bind where the people would not be represented. So that is the purpose of the bill; I do not think the Members should have difficulty with it.

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

Report Of The Standing Committee On Legislation On Bill 21-82(3)

MR. MacQUARRIE: Thank you, Mr. Chairman. The standing committee on legislation reviewed Bill 21-82(3), and agrees that the people of the constituency of Keewatin North should not have to go for a prolonged period without representation, and noted in its examination that many other jurisdictions have a limitation of six months, rather than a year. Therefore the committee recommends that the bill be accepted as it is.

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

MR. SIBBESTON: Mr. Chairman, maybe this is precisely what Mr. Noah wanted. One maybe can assume that he knew the provisions of the ordinance, and so resigned specifically on the date indicated, so that there would not be another Member, and that Mr. Tagak Curley can represent the whole of Keewatin for the remainder of the term. Is this not a possibility?

MR. CURLEY: Maybe, maybe.

MR. SIBBESTON: I was just thinking that I represent a large constituency, nine communities, and I am just wondering whether, to save money and time and so forth, Mr. Curley can sit here expanding his constituency and represent a larger group of people, for the next year.

HON. DENNIS PATTERSON: Would you give him two votes?

MR. SIBBESTON: Sure.

---Laughter

CHAIRMAN (Mr. Fraser): I think we are dealing with general comments on the bill. We are not dealing with the individual who is thinking of resigning. Mr. Curley.

MR. CURLEY: Mr. Speaker, I appreciate the Member from Fort Simpson attempts to represent my views in this chamber. I think I can handle that better than he can, and I would go along with proceeding with the bill right now, thank you.

CHAIRMAN (Mr. Fraser): General comments on the bill. Are you ready to go clause by clause?

SOME HON. MEMBERS: Agreed.



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

---Agreed

The bill as a whole. Agreed?

---Agreed

I now report the bill as ready for third reading.

Tabled Document 1-82(3), Learning: Tradition And Change In The Northwest Territories

Is it the committee's wish, then, to continue with Tabled Document 1-82(3)? That is agreed. Thank you. Mr. Butters, I believe when we reported progress last night you were asking a question regarding the NWTTA being formed. I wonder if, Mr. Curley or Mr. McLaughlin, would you care to answer that question? Mr. McLaughlin.

MR. McLAUGHLIN: First, Mr. Chairman, the committee had a meeting at lunch today, and we would like to suggest to you and the rest of the committee that, instead of going through the recommendations one at a time like we are, that we deal with them in groups. We have a piece of paper which will be distributed which lumps the recommendations into eight sections so the Members can speak about more than one recommendation at once, because often the recommendations are related to each other. We would suggest that, for example, our suggested section one is recommendations one to six and nine. If Members would agree to this procedure it would probably help Members out because, for example, recommendation 12 is related to recommendations 37 to 44. So it will allow Members to talk in general about two or three recommendations and how they relate. I think it would maybe make the procedure a lot easier.

CHAIRMAN (Mr. Fraser): Mr. McLaughlin, for your information, they are all over the book anyway; so, if they will stick by this, that is fine. I think it is a good idea, but what is the wish of the committee? Do we want to deal with this as a tabled document like this? Can I get a feeling from the committee whether we want to do it this way? Is it agreed? Mr. Curley.

MR. CURLEY: Yes, Mr. Speaker. We just circulated the relevant information for a proposed schedule for discussion. We invite other Members -- to see what they have in mind. The way we have been proceeding, many of the subjects that are relevant have been dealt with, I think in a difficult way, by dealing number to number. So I think this particular sheet would guide us to the kind of relevant matters that are in the report. For instance, administrative structures, governments, schools, are all in recommendations one to six and nine. So this way, I think this sheet would be, possibly, a guide to the Members; but first of all, we would like some reaction from them. Thank you.

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

HON. TOM BUTTERS: Mr. Chairman, my understanding is that each particular section when introduced would allow the Members to make general comments on that section and after the period of general comments was concluded, we then would go through each of the individual recommendations pertaining to that section.

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

MR. CURLEY: Mr. Speaker, that is really wide open here at this time. You know, after general comments from a certain section we could move on to another general comments. For instance, if we were to adopt this schedule that we have just tabled out, we could move on to section two for general comments and after general comments have been completed we could move on to another one. We may want to do that. If you people prefer to deal with recommendations and adoption of recommendations, that is fine with us, but we will leave it open at this moment. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. I think that recommendation yesterday was to go through the whole thing. If we can deal with it in this fashion, I think it would be a lot faster, but if we dealt with one to six and nine and then finished with it and then go on to another one, at least we will be making some progress. Yesterday we did not do anything but general comments and we can start in and you can still hold general comments on these recommendations one to six and nine, and then we are finished with those recommendations, but we have to have some system to go through. Is it the wish of the committee that we stick to general comments or proposed schedule for discussion? What is the wish of the committee? Mr. Wah-Shee.

HON. JAMES WAH-SHEE: I would like to deal with these recommendations and general comments.

CHAIRMAN (Mr. Fraser): Is that agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Recommendations, Administrative Structure

CHAIRMAN (Mr. Fraser): General comments, then, dealing with the administrative structure, on page 18. The floor is open for general comments and I think Mr. Butters asked the question yesterday when we reported progress and I do not think his question was answered. Would somebody care to answer that question that is on page 172, right at the bottom?

MR. McLAUGHLIN: Mr. Chairman.

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

MR. McLAUGHLIN: I think what I want to do is make it clear that the committee never has made an assurance that we would maintain the ability of teachers to move from one school divisional board to another school divisional board. The object is that the teachers and principals will be employees of each individual school board, just like they are in Yellowknife. They would certainly all still be members of the NWT Teachers' Association, but they would be employees of individual boards and the determination of whether they could move from one board to another would depend upon the board they wanted to move to hiring them. So definitely the object is that the divisional school boards would determine who their employees were going to be. If they did not want to hire a particular employee, he would not be able to go to that board from another board.

CHAIRMAN (Mr. Fraser): Thank you.

Portability Of Benefits

MR. McLAUGHLIN: Mr. Chairman, further on that, there were also questions of pension and I know there is a difficulty. I believe that when the territorial government took over the school system, that the employees had some pension plans and other benefits that were made portable into the territorial system. We would have to do something, as a Legislative Assembly or as a Department of Education, to ensure that something could be done to protect those pension plans and other benefits or replace them with some sort of new plan that could be put throughout the Territories that all the boards would agree to participating in, to make sure the teachers did not lose the benefits they have accumulated with their years of service.

CHAIRMAN (Mr. Fraser): Thank you, Mr. McLaughlin. Mr. Curley, have you anything further to add?

MR. CURLEY: Mr. Speaker, I think that is likely to be complicated now, in view of the government's proposed ordinance that would restrict membership of the public servants in the Public Service Association of NWT. I do not know whether they have considered that or not. They probably designed it in view of their new legislation that just went through second reading. It might make it very hard, that the teachers would no longer be members of the public service, as defined by the Public Service Ordinance. Is that what you had in mind, Mr. Commissioner, when you proposed that -- so that support for these recommendations of the special committee would, in effect, be shafted or whatever? Have you considered the possible implications that you are making, that you are moving so darn quickly, without using your head, for goodness sake? You are very influential, Mr. Commissioner, in the government, but you have not been using it, in my judgment, as best as you possibly could, can and should.

I think there are going to be complications now, in view of the bill, if it goes through, that there is going to have to be legislation put forth very quickly in the winter session to reflect that change, I would think. But do you not see any implications that you are going to make now with the teachers moving into the divisional school boards? With the new definition that you have put out, with the teachers who are working for the divisional boards, would they no longer be members of the public service union? Is that what you want to achieve, Mr. Commissioner?

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

No Malice Intended In Bills

COMMISSIONER PARKER: Mr. Chairman, there is nothing strange or malicious intended in the bill -- or, pardon me, the two bills that are before the House, that the honourable Member has referred to. They are there to clarify the situation and to make it abundantly and absolutely clear that certain groups of people are not now members of the public service of the Northwest Territories -- are not now and never have been members of the public service of the Northwest Territories.

With regard to the question of whether or not in the future, with the likely creation and establishment of the boards of education that have been referred to, that is another subject that has to be dealt with, as to the status of the teachers -- whether or not they stay under a blanket legislation as members of one of the associations or whether, indeed, they are purely employees of their employers, who were the boards of education, and that can be dealt with and should be dealt with in any legislation that establishes the boards. The legislation -- I must underline -- that is before the House at the present time is not meant to interfere with or address that problem at all. Mr. Chairman, perhaps Mr. Patterson can speak as to what the likely status of board employees would be.

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

HON. DENNIS PATTERSON: Mr. Chairman, I think this is a matter that must be carefully addressed if the recommendation of establishing divisional boards is to be approved. I agree fully with the suggestion that we should, for efficiency's sake -- and I mean both on the part of the union and on the part of the government -- continue to bargain major issues, that is, wages, territorially, with one teachers' association. At the same time, I think it is also recognized that in moving toward devolving more authority to regions and local committees we wish to see the divisional boards doing the hiring and firing of these public servants. My own view is that they would end up -- if this recommendation goes ahead, they would end up being employees of the divisional boards, but they would be negotiating major benefits across the Northwest Territories. This would ensure some kind of uniform basic standards but that more local issues, which would vary from region to region, such as the length of the school year and issues associated with the length of employment and leave and all those kinds of questions, could be dealt with at the divisional board level, but the major issues would be dealt with territorially. I see the association of school trustees, as proposed in the report, as being a means of effecting these territorial negotiations and representing all school boards at this time.

Retention Of Benefits

I suppose I am saying that I see the evolution away from actually calling the employees public servants, but I see the importance of negotiating territorial-wide benefits and of also ensuring that the transition from public servant to a servant of a divisional board be made in a way that will ensure that any rights and benefits presently enjoyed by education personnel as public servants would be retained. I know that the NWTTA is very interested in this issue. I understand from talking to the president that they are not afraid of the concept of working for divisional boards, but that they are very anxious that in the implementation phase they be fully consulted to ensure that benefits they presently enjoy can be transferred and preserved. I think, particularly, the union is quite properly concerned that the current public service benefits in the area of insurance and superannuation and the like are quite favourable and that if the regime changes, that a way should be found to ensure that the same quality of benefits are preserved.

So, I hope this has provided some answer to the question and I really might just comment further that, in fact, if we are to move toward giving local education authorities and divisional boards more authority in hiring and firing, then the last thing you want to do is make them public servants, because if they are public servants, then the Commissioner has the power to hire and fire alone and their positions must be advertised across the Northwest Territories under the present rules and this, I think, is not what the education committee is recommending -- that, in fact, these important hiring and firing decisions be decentralized and not reserved to the Commissioner. So I think we can move in that direction and I also think that in the implementation phase we can guard against in any way imperilling the rights that are now enjoyed by teachers and education personnel as public servants. I hope that answers the question. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Patterson. We will take a 15 minute coffee break and then continue.

---SHORT RECESS



CHAIRMAN (MR. FRASER): The Chair recognizes a quorum. We will continue with general comments on recommendations, administrative structure. Mr. MacQuarrie.

Hiring Hindered By Lack Of Mobility

MR. MacQUARRIE: Yes. With respect to the point that we were just dealing with, could I ask the committee whether they considered whether hiring might be more difficult if there was not mobility. If that was addressed, what was the response? Did the committee not feel that it would be more difficult?

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

MR. McLAUGHLIN: When the committee was talking about it we felt there might be some difficulties, but not any greater difficulties than the Yellowknife school boards would have, because there is no mobility between the Yellowknife school boards and the territorial government unless the territorial government wants to hire those teachers. So, it will be a factor, but it will not be a bigger factor than the Yellowknife school board have to face. I guess there is no mobility out of Yellowknife unless they go to work for another employer.

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

MR. MacQUARRIE: But like it or not -- and most of us do not like it -- we are still very reliant on teachers from the South. The government has a policy to try to change that, which I fully approve of, and the sooner we are able to get northern teachers from the North the happier we will be, but until that time there may be parts of the Territories which find it difficult to attract teachers from the South. I know some people do not like being here in Yellowknife, but I like living here very much and I know a lot of people who do and, consequently, it may not be that difficult to attract them to Yellowknife, but it might be to another area and that is why I raise this concern. It is one that should not necessarily be prohibitive, finally, but I just wondered to what extent the committee addressed it.

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

MR. McLAUGHLIN: I think part of those problems would be addressed by what Mr. Patterson said, by having the territorial-wide bargaining on the basic wage package and the more isolated areas would have to have a higher isolation allowance, so obviously, more money would attract people up here and it is a fact, I think admitted by anybody, that a lot of times people are attracted up here by more money.

Possible Funding For Travel Costs For Interviews

The other thing is an advantage we can see in the actual practical hiring procedure of people. We found that where they have the Frontier School Division, in the northern part of Manitoba, where there is, I believe, 36-odd communities involved, they are able to use manpower relocation grants to partially and sometimes totally cover the cost of bringing teachers up for interviews. This is something the federal government probably would not allow the territorial government to do as an employer, but they are allowing the individual communities in other parts of northern Canada, obviously, to take advantage of this. So, we think this is one of the advantages. In fact, it is part of the text around the recommendations on the hiring of teachers.

The ultimate best thing in orientation for a new teacher would be to come up to the community for the interview to see if they wanted to live there or not. One complaint we had by new hires when we held our public hearings and meetings with teachers -- in some of the communities we met with the staff only -- and on several occasions it came up, "When I was hired I did not know where the heck I was going to go in the NWT and when they finally told me, I ended up going somewhere else". There are certainly problems like this going on right now that could maybe be corrected by this situation. If you were interviewed by the local education authority in a community right now to fill a principal's vacancy, for example, and then the board for that division hired you, that is where you would be going. You might not end up in that community, but you would certainly end up in that area. You probably would end up in the exact community where the people said they wanted you to go and you would have seen the community before you went there. That is the ultimate hope that we would like to see in the new hiring practices and we think boards could get the money from Manpower and Immigration to do that.

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



Choice For Teachers And Communities

MS COURNOYEA: In regard to the issue of the school teachers and the selection of the school teachers, the problem that has been raised quite often in the way the teachers are recruited now, is that they generally go into a pool, and even though they would prefer sometimes to go into the Central Arctic or into the Western Arctic and particular communities, they really did not have much choice over that. The teachers themselves articulated quite often that they probably would be very much happier if they were accepted or rejected on the basis of where they applied to, rather than to be designated to a second or third or fourth choice or maybe even the tenth choice.

In regard to the communities in the present system, the problem that is encountered at this time is that they often are faced with accepting teachers that they really do not want because the bureaucracy wants to put them somewhere. From time to time there have been problems over certain teachers and just to move them from one community to another does not necessarily alleviate that problem. However, the communities feel that they have the ability and should be allowed the privilege of selecting the teachers on the basis of merit and on their qualifications, and what they need, rather than having a total body foisted upon them -- teachers that probably were not acceptable in one community or the other.

So, the teachers were heard from in terms of their choice of where they want to go and being accepted by their first initial application, as well as the community's concern that they really would like to have the jurisdiction of selecting the teachers they want, rather than someone being placed in their community because you have to find a place for them.

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

MR. MacQUARRIE: With respect to Mr. McLaughlin's comment that the boards could probably get the money from Manpower... I do not think he is listening. Mr. McLaughlin?

MR. McLAUGHLIN: I can walk and hear at the same time, Mr. MacQuarrie.

HON. ARNOLD McCALLUM: Two things at one time?

MR. MacQUARRIE: That is what you say.

---Laughter

Yes, with respect to your statement that the boards could probably get the money from Manpower to bring in teachers for an interview like that, on what do you base the "probably" and if they were unable to do it, where would the money come from for that? Then, just one more general question. It seems to me that when the committee was doing its work that it was logging the particular concerns that were raised at community hearings; you know, 10 people concerned about standards, etc. If you do have that kind of research that takes note of the frequency and kind of concerns of people across the Territories, could you make that available to all of us, please?

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

Funds Made Available By Reduced Expenses

MR. McLAUGHLIN: Thank you, Mr. Chairman. On the hiring part of it, what we learned was in actual fact it is allowed in northern Manitoba and we are hoping that the same could happen up here. Even if that source of funds was not available, another thing that a lot of people said was that if, when you hired people in the first place they knew where they were going and went there voluntarily after having been interviewed and having seen the community, they would probably stay there longer than people stay now. The financial benefit would be less relocation of teachers, less moving out allowances. In a lot of communities every two years everybody leaves. Maybe -- and it is just conjecture -- maybe a lot of them are leaving because when they got off the plane they said, "Gee, I do not like this place. I am going to leave here when I can". They do not leave until their contract allows them to have their removal paid for at the government's expense. So, that is another source of possible funds or savings that could exist and you have to remember, of course, that right now a considerable number of the employees of the Government of the Northwest Territories are taken care of by the existing Department of Personnel. It is assumed that when the hiring is being done by the individual boards that a significant amount of that money presently being spent in that particular department would go back to the Department of Education and be given out to the divisions to operate their own personnel expenses -- relocation, etc.

CHAIRMAN (Mr. Fraser): Mr. McLaughlin.

MR. McLAUGHLIN: I am sorry, Mr. MacQuarrie, when I sat down I did not hear the last part about...

---Laughter

When I was walking I heard everything, but when I sat down everything closed up.

MR. MacQUARRIE: So you cannot sit and hear at the same time.

---Laughter

MR. McLAUGHLIN: Maybe it is what happens to you. Maybe it is what happens when you sit on this side of the House with Mr. Curley and Mr. Sibbeston. That could be the problem.

#### Summary Of Major Concerns

MR. MacQUARRIE: I guess I believe that might be true, Mr. McLaughlin. They seem not to hear sometimes. The question was: I seem to recollect when the committee was doing its work that they did go back over the hearings in each community and take note of the kind and frequency of concerns that people had about the school system. You know, whether it was attendance or discipline or standards or whatever and what I am saying is that if the committee does have such a log as that, that I think it would be very valuable for Members to have it so that we, have a summary of what the major concerns were of people in the Territories with respect to education.

CHAIRMAN (Mr. Fraser): Mr. McLaughlin.

MR. McLAUGHLIN: Thank you. It is on my desk right now. It was only distributed to committee Members but I am sure could be made available to all Members. It is approximately an inch and a half to two inches thick and it is a record of all the public hearings and submissions made to the committee and that could certainly be made available to all the Members. Also, one of our employees, Helen Balanoff, assembled all the information as to topic and I am sure that we could pull that all together. In fact, as far as I know, it has been pulled together and we could make that available to Members. There is no problem there at all and I will see what I can do about having that made available tomorrow, if that is possible.

CHAIRMAN (Mr. Fraser): General comments. Are there no further comments on administrative structure recommendations? Mr. Wah-Shee.

#### Divisional Boards For Smaller Communities

HON. JAMES WAH-SHEE: Yes, I have a general comment under administrative structure here. I would like to ask the committee Members, in regard to the formation of the divisional boards of education, whether the committee has consulted these communities that should be part of the divisional boards as outlined in the recommendations. The other area too, of course, is that I understand that they made some exceptions. Under the criteria they have outlined, the student population should be approximately 1000 students. However, I think some exceptions are being made and I would like to inquire as to what is the lowest number of students for which they were making exceptions and how did they arrive at that criteria in the first place?

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wah-Shee. Mr. Curley.

MR. CURLEY: Mr. Chairman, I think for the purpose of administering, from the government's point of view, there must be a certain guideline to enable the government to establish a divisional board for an individual community. We concluded in our inquiry that it was not possible or feasible, financially, to give board status to a community with 1000, 300, 500 population, let alone that number of students. You know, we had to come up with at least a recommendation or guideline that, in our view, it could be acceptable to many communities that if the community has at least 1000 students that it should be eligible to establish its own school board. Whether or not the Minister, or the Executive Committee, would ever fall into that, we do not know; but there has to be some sort of guiding factor suggested to the government. If they, if the Executive Committee, would wish to give board status to a community with only 200 to 300 population, I am sure many of the communities would probably be in favour of that; but financially and administratively we really did not feel that was the urgent priority at this time. So that is just a suggestion. I do not know whether I responded to all of them or not. Mr. McLaughlin may have some other comments to that. Thank you.

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

HON. JAMES WAH-SHEE: I realize, Mr. Chairman, that the honourable Member, as a Member of the committee, has suggested that 1000 students should be considered. My question basically is that some of the divisional school boards that are being suggested here have less than 1000. My question basically is: How low should we go, in order to give consideration to establishing additional divisional school boards?

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

#### Advantages Of Large Divisions

MR. McLAUGHLIN: Thank you, Mr. Chairman. Basically, we looked at 1000 students when there was more than one community involved -- in other words, if there were three or several communities, we figured you would need about 1000 students. We thought that if everybody was in one community, if the board served one community, you could drop that minimum down to maybe about 700. When we did this we looked at the Baffin, for example. They have a student population where you could easily have a north Baffin and a south Baffin school board, but it was obvious they did not want to have that -- they wanted to have the one school board, at least for the time being. They would, of course, be a little bit richer, in the number of staff they would have, so there are advantages to having a large school board, with a large school population. You would be able to have more people who were not teachers, but who were professionals in other areas, like psychology, or health -- public health nurse -- and administratively you would maybe have a few more people to run the board's office that way.

Somewhere in what we have, we had an initial proposal done by Mr. Joe Handley who helped us with administration. He actually did a breakdown of costs using the basis that if we spend so many dollars per student per year, if we handed that money out, as a government, like we do to the school boards in Yellowknife right now, how many people they would be able to employ and what their staff would be like. We have a breakdown of that, broken into the 10 school divisions. That will be something we can easily make available to the Members tomorrow. It shows you that, basically, if you have too few students you do not have as many resource people backing up the teachers and the principals. So, to summarize it, if more than one community was being served by the board, we took the figure of approximately 1000, but we did make exceptions -- if only one community, 700 we figured would be adequate, like Inuvik, for example, but you could go lower.

#### Minister Will Decide Divisional Boundaries

We did recommend one specific division around Norman Wells, Fort Norman, Fort Franklin, Fort Good Hope etc. That would not have 1000 students; and that is why we specifically put a pilot project in there just to see what they thought, how they could plan out something. Could you even do it? We are not sure that that would be feasible. So, for example, we lumped the Dogrib nation communities, and the communities primarily in Mr. Sibbeston's riding, into one school division. The reason we made that recommendation is that we felt that they would have more of an enriched school board if they had the larger student population. We realized that the determining of the size and number and rational boundaries in these divisions is going to be something the Minister is going to have to deal with in the end, and some political decisions are going to be made.

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

HON. JAMES WAH-SHEE: Well, I realize the recommendation of the special committee on education is a political document anyway, to start off with -- so I do not think that we are very far from the truth on that.

The other thing, too, is that if we did not lower the age of students to four years of age, I think that the student population may be somewhat lower. However, if we were to lower the school age of students in kindergarten to age four, then I would assume that the student population would increase in different regions, which would include my area. So my question basically is that I have not received those answers to my question yet. My question is, has the committee consulted the different communities, and have these communities indicated that they wanted to be a part of those divisional boards that have been indicated in this report, in recommendation one?

Secondly, it is not indicated in the report what is the lowest number of students that should be considered in forming the divisional boards.



CHAIRMAN (Mr. Fraser): All right. Ms Cournoyea.

New Suggestions Taken Into Consideration

MS COURNOYEA: Mr. Chairman, in regard to the concern that Mr. Wah-Shee has indicated, whether the communities have been consulted and the reasons for trying to make a definition of boards or define the area and the quotation on page 42, "The delineation of these divisions must be based on a careful judgment of geographical, cultural, educational, administrative, demographic, linguistic and political facts." We try to do the best we can in reaching those objectives, and putting forth the suggested divisional boards and how they should be made up. Now, we did not come exactly to a lower form, and perhaps someone has a suggestion on how low you could go. We did not come to that, although we felt that approximately 1000 was a figure that could support the communities' interest. Regarding community interest, the reason that the educational report was published and put on the table quite some time ago is so that the MLAs can have the document to refer to their communities as well. In discussing the document now, any new suggestions on where the concerns are, or other suggestions can be taken into consideration.

Primarily, the special committee on education's job was terminated when our terms of reference were finished; and certainly the report has been in the hands of the various MLAs, who have a budget to travel to their communities. Certainly, in my area, there is some concern about how, exactly, those boards are made up, but surely things are not cast in stone. Everyone is aware that ongoing negotiations are continuing, and making the educational system work better within their region; and how you finally define what is a common interest, and how things are progressing in a certain area, will have to be evaluated as time goes on, because nothing is static.

So, certainly, if there are any areas where people feel that we should have gone to a community and asked them, "Do you want to be here? Do you want to be there?" I think there has been enough time for everybody to know where they are. If Mr. Wah-Shee has a specific concern we can deal with it on its merits. That is why we are having this debate at the present time; but we certainly did not go out to answer every detail and every little question. We knew these concerns would be brought up and, in my area, they certainly have been discussed. Maybe there is something specific that Mr. Wah-Shee is not happy with.

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

MR. CURLEY: I think I understand what James Wah-Shee is trying to pursue -- you know, what is the minimum requirement as far as the committee is concerned, to enable a government to establish a school division? I think that maybe the Minister is going to have that discretionary power; but, for our own suggestions we recommended that, since communities, maybe even five communities, will never likely have 1000 students, in view of that, it is better if the communities who could not gather that number of students at least be given a management responsibility for running of the school. If there can be a better suggestion than the one that we offered, it is up to the Member to make recommendations for the committee to hear -- not just the special committee on education, but the committee of the whole. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. Mr. Wah-Shee.

Flexibility In Creation Of Divisional Boards

HON. JAMES WAH-SHEE: Well, Mr. Chairman, I just wanted to find out from the special committee, in regard to their recommendations, whether there is a certain amount of flexibility in terms of the creation of new school divisional boards; and I, for one, would like to see this flexibility. I understand the criteria that is written in here, but it seems to me that when you go into geographical, cultural and political factors -- I am sure the committee is aware that all the Dene people do not come from one tribe, that we do have different tribes in the West -- I can see the reasons why, I think, the Baffin area would have their own...

---Applause

...divisional boards. I can also appreciate, the Keewatin area. Also I can appreciate the Kitikmeot area. However, I am a little bit confused when it comes down to the Mackenzie communities. We seem to be lumped together. Perhaps it has to reflect on my Dene colleague, who sits on that special committee. I do not think he has reflected the general feelings of the Dene communities.



However, I would like to suggest that perhaps we ought to be a little more flexible in terms of the creation of new divisional boards; because, as you know, in my area we had a school society long before any other area in the territories, and our population is pretty well in line with the criteria spelled out -- other than the fact that we do not have 1000 students, but I think that we come fairly close. I believe that we have more students than, I think, the division that is being proposed here in the Beaufort area; in comparison to my area, I think that we have more students.

The other thing, too, is that if you take the cultural factor into consideration, I think you will find that the culture of the Mackenzie Liard and my area is very similar, but also we speak a totally different language, although we try very hard to be very co-operative between different tribes. I think tribal wars have been a thing of history that have never occurred since the 1500s, I believe. I am very concerned about that, because I do believe that some consideration has to be given to the West. It seems, at least from my perspective, that everybody else that sits on that committee has pretty well looked after their own turf. As far as I am concerned, I think that some consideration has to be given to the Dene communities, and we are a group of people that have our own cultural background and language. We also have an area where we should be considered, under political factors, and geographically, as well.

#### Input From Different Dene Tribes

So, I think when you compare the communities and the region in the East -- Keewatin and Central Arctic -- it is not as simple when you deal with the communities in the West. This is why we want to be allowed this flexibility, so that we have more input from the Dene people in different tribes. I would like to support the recommendation, but I would also like to see a certain amount of flexibility in terms of creation of these divisional boards. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Wah-Shee. Mr. Curley.

MR. CURLEY: Thank you, Mr. Chairman. I think I fully understand the concerns of the Member for Rae-Lac la Martre, unfortunately, though he was a Member of the committee originally and he had to resign from the committee. Therefore, notably, we did not get all of his concerns expressed in the report. Another unfortunate problem that we encountered as far as the Dene community is concerned was that we were not allowed to consult with the Dene communities because of the financial support that the Executive Committee are giving to the Dene Nation to do the public hearings for the special committee on education. I can understand that, no doubt, there were more difficult issues in the Western Arctic; but we were actually prevented from consulting and visiting the Dene communities. We wanted to do it, but the Executive Committee had already approved over \$100,000 for the Dene Nation to do the public hearings for the special committee. That was an unfortunate part. The other point is that I do not agree that we were looking after our own interests at all. I must say, though, that the people in the Eastern Arctic were more enthusiastic from every level, from communities who took part in the public hearing. Sure, we were not prevented by the political organizations from having hearings throughout, but we did try, and we had wanted to visit as freely as we could to the Dene communities, but that was not possible.

I can understand that. I think the flexibility is going to lie with the Minister of Education. We only give you some of the guidelines. We have not come up with a bill that says which region should have a school board now, or next year. The priority is going to have to be worked out by the Minister and the task force, as to exactly which region should come forth first in establishing a school division. I can see, and I can understand, that maybe many of the Dene groups would like to establish a school division based on tribal, cultural, and geographical considerations. In my area, we did not give consideration to the tribal differences, even though, in our area, there are different ones -- Padlirmiut, Aivilimiut and so on. But I do not believe that we should give special consideration only to the tribal issues -- although we did have a suggestion from our Member on this committee, Robert Sayine, that he felt that the Dene representative groups in the Mackenzie wanted to establish a school division based on tribal relations. We recognized that, and I think that is why some of the Members of the special committee staff were pretty good, I think, in consulting with the, you know, race school division there. So I think that was one factor that was considered by the staff. We probably did not specify clearly, in our report, because, again, that was a part of the responsibility of the Dene Nation's field work. I think Bruce McLaughlin may want to add something further to that. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. Mr. Patterson, I think, had his hand up. Mr. Patterson.

### Economies Of Scale In Creation Of Divisions

HON. DENNIS PATTERSON: Mr. Chairman, thank you. I would like to respond to Mr. Wah-Shee. I have been touring Mackenzie Valley communities since the report was tabled, and this question has been raised; are these proposed divisional boards cast in stone? I have said, that I, when I was on the committee, felt somewhat incapable of making judgments about which communities should work together in the Mackenzie Valley. It is not an area I would pretend to know very well, and I think that certainly I am open to completely different alignments. What I would like to say -- and I am sure the Member for Rae-Lac la Martre will understand -- is that when we talk about a goal of 1000 students, which I think has to be adjusted in particular situations -- when we talk about that goal, it is because of the concept of economies of scale. That is, if we are going to create a number of very small student populations in divisional boards it will simply be highly expensive to operate a board where each one would have the kind of resources that are recommended. We cannot afford to hire 15 or 20 superintendents, 15 or 20 health and nutrition officers, 15 or 20 language consultants, etc., and I think whatever changes are made, we should seek the largest aggregation of student populations wherever possible.

I would also like to say, as I have said in Mackenzie communities, that while I recognize the issue of language is really important, I think it is possible for a divisional board to comprehend more than one language group. I think if a divisional board has aboriginal students in its make up and they might not all speak the same language, that a curriculum specialist, a language specialist, for example, could still do his work, even though there was more than one language involved.

I am sympathetic to his concern, but I do also believe that we have to ask communities in the Mackenzie Valley not to be too parochial, and to try and look to finding ways in which they can raise their student population base as high as possible so that this system does not become financially prohibitive to implement. Thank you.

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

### Pilot Project With Hareskin Communities

MR. McLAUGHLIN: Just very briefly, Mr. Chairman, on the same topic. There is no doubt that the committee did hear at the public hearing in Rae-Edzo -- and Mr. Wah-Shee was with us -- that they did want to have control in their own area for the Dogrib communities. On the south side of the lake, in Fort Resolution, we heard a call for possibly having two school divisions south of the lake, overlapping each other; one for the native people and one for the white communities. When we decided to go ahead with the pilot project in Fort Good Hope, the reason we chose it is they initiated activity with us. They wanted to have control over the Hareskin communities, and we advised them that the committee was concerned about the small number of students. They volunteered to involve Fort McPherson and Arctic Red River. We were cautioned on all these matters by Mr. Sayine that maybe this thing would not float, but those six communities volunteered to try to work out amongst themselves if it would work. So the results of that pilot project are certainly going to be interesting for the Minister when he starts looking at the Fort Simpson, Fort Providence, Rae-Edzo areas and what to do with an actual division there. We were certainly aware of it, and in Mr. Sayine's defence, he certainly advised us which communities were which and which ones probably would not want to work with others.

The committee in the end tried to be practical financially. As one of the guidelines, we took the existing number of superintendents into consideration, the existing number of people working in the regional headquarters with those regional superintendents and area superintendents, and tried to use the same total number of bodies and just redistributed them from the existing regions and areas into these new divisions. We still had a difference of 38 more people, but we were also proposing jobs which are not in existence right now, like health and nutrition officers and people who work in special services with handicapped students and students with other special problems. The bare bones present administration, the number of superintendents and their back up staff, we felt could easily be distributed into these new divisions, but we did realize that there would be problems.

Subsequent to our recommendations, in meetings on the south side of the lake, Snowdrift and Fort Resolution and the Indian village in Hay River indicated that they would possibly prefer to be with the Dogrib nation school division rather than the one proposed on the south side of the lake. The people in the Central Arctic, when I met with them after they had seen our recommendations, were concerned that if the Northwest Territories got divided in two, where was the line going to be? What would happen to them then? Would some of them go with Keewatin and

some of them with the Beaufort? They were worried when the COPE land claims were settled where Holman Island would end up. We were certainly aware of all these different political and cultural differences that are going to be the actual determining factor of where these lines are going to be, but we tried to recommend something that could be the basis to work things around. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Did you say you were going to be brief?

---Laughter

MR. McLAUGHLIN: Compared to some Members, that was very brief.

CHAIRMAN (Mr. Fraser): Mr. Sayine.

MR. SAYINE: Thank you, Mr. Chairman. I would just like to make a comment to Mr. Wah-Shee's statement here. I do agree with him that these recommendations should be flexible, and I think they are. You know, this is one of the reasons why they are in front of us at the committee of the whole today. Mr. Wah-Shee was the first Dene member on this committee and he resigned, so I sort of took over as a Dene representative...

MR. McLAUGHLIN: Somebody had to take care of your turf. He got into pavement and waterlogs.

#### All Recommendations Flexible

MR. SAYINE: ...so I agree with Mr. Wah-Shee that my two communities in my constituency do not agree with the 10 divisional boards, the divisional board they would be in. They do not like to be in with the bigger communities south of the lake like Pine Point, Hay River, Fort Smith. They have also expressed to me their feelings that they would rather be in Mr. Wah-Shee's tribe, if you want to call it that. I also think my tribe should be in with his tribe, but what I am trying to say is that if Mr. Wah-Shee had that feeling, he knew about this report, he knew about these recommendations, if he would have passed on his feelings to me about this, I would certainly have been happy to listen to him and bring them back to the special committee, which he did not. But anyway, that is not the point. I think the point is that this committee put a lot of work into these recommendations, and as you know it is very, very difficult to please everybody. I just feel that this committee dealt with all these recommendations as fairly as it could. I always expect criticisms from anybody, even one of my people -- you know, it really does not matter to me -- but I just wanted to pass on to Mr. Wah-Shee that I think this committee did a good job, and I think all the recommendations in front of us, starting from number one to 49 are all flexible. If you want changes, they can be amended, they can be changed. As far as I am concerned, they are flexible.

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

#### Motion To Establish The Deh Cho Education Division

MR. SIBBESTON: Okay, Mr. Chairman, let us change it, then. I would like to suggest right now that we do establish a Deh Cho divisional board of education, which would be comprised of the Hay River Indian Reserve -- Dene Reserve -- Fort Providence, Fort Simpson, Tungsten, Trout Lake, Jean-Marie River, Kakisa Lake, Fort Liard, Fort Wrigley; and in this division, the people that dealt with this are open to including more Slavey speaking people further down the river. We think that the communities that I mentioned could form the basis of a school division, and I was to have written to the people of Fort Norman and Fort Franklin asking them if they were interested in joining our division, because we speak, basically, the same language. So if one needs a motion, I will make that motion to establish the Deh Cho education division.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. Is that a motion? A motion on the floor that we establish a Deh Cho education committee -- divisional board. To the motion. Mr. Curley.

MR. CURLEY: Mr. Chairman, I do not know whether we should proceed with approving that motion as yet because we have made an agreement with the rest of the Members here that we would just proceed with the general comments at this time. The other fact is that we have been more than patient enough to not proceed with recommendation one. We should do them orderly, in sequence, so that we have at least flexibility. The reason I say that is I do not want to be doing the work of the implementation committee and the Minister who will be really actually carrying out the details of that thing.



Today and yesterday we have been dealing with more detailed issues which the implementation committee with their deputy minister is going to have to face anyway. Like I have been trying to say all along, even to the committee Members, I am not going to get involved with the so detailed matters of the research studies because I am a politician, and I am going to do my best to try and get the major changes that are necessary through the House so that the Minister or his officials or this task force committee would then be able to do some work and carry out the actual details, and implementation. So I would think that the motion should be ruled out of order at this time. Thank you.

CHAIRMAN (Mr. Fraser): Mr. Curley, I think the motion is in order. A motion is always in order. We are discussing the tabled document and we are on general comments. Mr. McLaughlin. To the motion.

MR. McLAUGHLIN: To the motion, Mr. Chairman. Our recommendation one, which is what the motion would concern itself with, is strictly that "The Minister of Education shall delegate the administration of education from kindergarten to grade 10 to ten divisional boards of education." Now, only in the text have we referred to or made suggestions where those should be. Our recommendation clearly indicates that the Minister shall delegate the administration and determine where these boards should be, and the only amendment I could see that would make sense here -- or motion relevant to this that would make sense -- would be just to eliminate the word "ten" from recommendation one and then leave it up to the Minister whether he wants to make eight, nine, 10, or 11 of them. I would just like to suggest to the mover of the motion that that would be probably a more constructive thing to do than what he is attempting to do, because we will be here all day, drawing these lines, I will tell you, because everybody is going to want to make motions about their areas if we start doing this.

CHAIRMAN (Mr. Fraser): Thank you.

MR. MacQUARRIE: A point of order.

CHAIRMAN (Mr. Fraser): Point of order, Mr. MacQuarrie.

Previous Agreement To Procedure

MR. MacQUARRIE: I believe that the motion is not in order, for the reason that when Members say that we agree to a certain procedure being followed, that that is in the nature of the motion, an agreement that is made by the committee of the whole, and that the agreement in this case was to make general comments about groups of recommendations and to discuss particular recommendations for clarification, and that at some future point we will vote on them. I believe that if you allow the motion to stand that it will make a hodgepodge of what we are trying to do.

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

HON. TOM BUTTERS: No. To the point of order. I agree with Mr. MacQuarrie. I think that this debate will not proceed in an orderly fashion if we do not accept the original agreement that we made when we began it -- that was to leave any motions until after all 49 recommendations had been considered, and if, sir, you do not find it in order, if you find the motion in order, then I think I would move to defer the motion until after all the 49 recommendations...

CHAIRMAN (Mr. Fraser): Does one of you challenge my decision? My decision is still that the motion is in order.

MR. MacQUARRIE: I shall challenge.

CHAIRMAN (Mr. Fraser): My decision has been challenged.

MR. MacQUARRIE: I challenge it.

CHAIRMAN (Mr. Fraser): I will report progress.

REPORT OF THE COMMITTEE OF THE WHOLE OF TABLED DOCUMENT 1-82(3), LEARNING: TRADITION AND CHANGE IN THE NORTHWEST TERRITORIES; BILL 21-82(3), COUNCIL ORDINANCE

MR. SPEAKER: Mr. Fraser.



MR. FRASER: Mr. Speaker, we were discussing Tabled Document 1-82(3). A motion was put on the floor. I ruled the motion in order, and now it is challenged by one of the Members that the motion was out of order.

MR. SPEAKER: Thank you. The Chair will recess for five minutes to study the information that led up to the challenge. We stand recessed for five minutes. Mr. Clerk.

---SHORT RECESS

The Chair recognizes a quorum and calls the House back to order.

#### Speaker's Ruling

With regard to the challenge that is on the floor at the present time, this basically is an area of a no man's land, basically, as far as any hard and fast rules are concerned. In committee of the whole, generally speaking, a motion is acceptable at any time, providing that another motion is not on the floor. However, there is the matter of the gentlemen's agreement that appears to have been reached yesterday with regard to dealing with general comments and I understand you are still in that position; dealing with general comments. It would appear to be inappropriate for a motion, but inasmuch as there is nothing in the rule book, and the basic premise is that in committee of the whole, a motion is acceptable at any time, I would have to rule that the chairman is correct that the motion is acceptable, but I would hope that the mover of the motion might consider holding it in abeyance until such a time as general comments have been concluded, and I think then probably the business of the House could be carried on very quickly. It is just a matter of honouring the fact that you are dealing, by way of agreement of the House, with general comments. However, the rules are certainly not clear in any way, manner, shape, or form with regard to motions, and I must accept the premise that a motion in committee of the whole is acceptable at any time. Mr. Curley.

MR. CURLEY: Yes, Mr. Speaker, on a point of order -- with respect to your ruling, I recognize the fact that any motion is probably acceptable through this exercise of the committee of the whole, but I still question whether the motion was really correct, because it did not include the words "recommend to the Executive Committee" when it is dealing with the issues that have financial implications. I recall that the mover of the motion did not include "recommend to the Executive Committee" or "to the Minister", so in that sense I think it was really out of order.

MR. SPEAKER: Thank you for pointing that point out to me, Mr. Curley. Just one moment: I read the motion and I did not see any implication of money. Just one moment. Basically, Mr. Curley, that was not the question that was referred to me. However, now that you have brought it up and it becomes part of this, maybe we could clarify it very quickly. Could I have a look at that motion, please?

MS COURNOYEA: Point of order...

#### Motion To Establish The Deh Cho Education Division, Ruled Out Of Order

MR. SPEAKER: Mr. Clerk, could I see the Clerk Assistant and the Clerk? Thank you. This gets relatively complicated. I would presume that the intent of the motion was that it be included as part of recommendation one in some manner, so that an identity was given to one of the boards to be appointed, but again I am in a quandary to be sure that that is what it means, because the motion is very limited. I presume that when the report is concluded, then that which is approved will then have the prefix that they recommend to the Commissioner to establish this whole system -- to conform with what Mr. Curley is saying relative to it not becoming involved in a money by-law or a money recommendation, which of course, this House does not have the power to do, inasmuch as the point that is being made by Mr. Curley that it is not clear, then my ruling is that the ability to make a motion in committee of the whole is correct, but the motion itself, because of the money implications, is incorrect, so that the motion, then, will be set aside as it stands.

Now, he may wish to amend the motion and put something in front of it that would make it fit into the rules of this House. So, Mr. Fraser, your ruling that a motion was in order was correct, but the manner in which this motion was made, because of the financial implications, is not correct. So the motion will have to be reworded. Mr. Fraser, would you take the chair, please?

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 1-82(3), LEARNING: TRADITION AND CHANGE IN THE NORTHWEST TERRITORIES; BILL 21-82(3), COUNCIL ORDINANCE

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CHAIRMAN (Mr. Fraser): You cannot win them all.

HON. ARNOLD McCALLUM: In your case, it would be nice to win one.

CHAIRMAN (Mr. Fraser): We are still on general discussion on recommendations. Administrative structure. Mr. Curley.

MR. CURLEY: Yes, Mr. Chairman. Some Members are anxious to get on to the recommendations. I am now inclined to move recommendation one and if that is the wish of the other Members, I would first seek their co-operation if that is what they want to do now. I think we should be given the first opportunity, as the Members of the committee, to proceed in moving the recommendation, if that is what you want. I first would like to seek a consensus from the Members before I move recommendation one, Mr. Chairman.

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

HON. TOM BUTTERS: Mr. Chairman, I think that the original agreement that was developed yesterday in that any motions would be held until all the recommendations were considered is still a very good one. It will still allow us to proceed through this report at the fastest pace, because once you start making motions and amendments and amendments to amendments, we will get lost and confused in the whole business -- the business of the business rather than the business of the recommendations. I would suggest that we continue to proceed through the recommendations, complete the nine, and then go back and do the motions as we agreed yesterday.

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

Representation On Divisional Boards

MR. EVALUARJUK: (Translation) Thank you, Mr. Chairman. Probably Mr. Curley can give me a proper answer. I would just like to go back to the topic that is being discussed, the 10 divisional boards of education. I think there is a recommendation -- I guess it should be recommendation three, but this is the main concern from my area. Those people who would be on the divisional boards -- there would be three members -- or there would be one person elected from each of the communities that would be part of the divisional board, and my question is if those seven men were students going to school?

MR. MacQUARRIE: Point of order.

CHAIRMAN (Mr. Fraser): Point of order. Mr. MacQuarrie.

MR. MacQUARRIE: Unless I missed something, I think Mr. Sibbeston's motion is still on the floor. The challenge came; a vote was never taken; it was never discussed; and I believe that that is the item that has to be dealt with. Am I wrong? Did he withdraw it? I do not think so. At any rate, a motion for deferral is always in order, and I move that Mr. Sibbeston's motion be deferred until such time as the gentlemen's agreement that was established in this committee is fulfilled.

CHAIRMAN (Mr. Fraser): Mr. MacQuarrie, I thought the Speaker cleared that up when he said that the motion was out of order. Did the Speaker not say that the motion was out of order, that a motion was always in order but the contents of it were out of order? Did he not agree on that? Correct me if I am right.

---Laughter

We have heard two or three of the Members wishing to go through the recommendations. Is there any more comment on that, or do we go through recommendations? Mr. McLaughlin.

MR. McLAUGHLIN: Mr. Chairman, I was just going to try to answer Mr. Evaluarjuk's question.

CHAIRMAN (Mr. Fraser): Yes, Mr. McLaughlin, if you want to. I think he asked Tagak Curley to answer it, but if you want to go ahead and answer it, go ahead.

Representation From Each Community

MR. McLAUGHLIN: Sure, I shall answer that. I am Keewatin North now anyway. Our vision of how each community should be represented on the divisional boards is that we feel every community should have at least one representative on the board. Because of the vast difference in sizes of some of the communities that are proposed in the same division, it might be that in some of the divisions, you might want to have two people from some of the communities or maybe three, and only one from the smaller communities. Our intention was that every community that had a local education authority, or community education committee in existence, or a society, would have at least one representative on the board, and each division is going to be so different from the others that the Minister would have to determine and set out regulations as to which communities were in each division and how many representatives each board would have from each community.

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

MR. McLAUGHLIN: Mr. Chairman -- while I have the floor here -- the committee Members are aware that there are pilot projects initiated by the committee and the publication I have right here is a product of a company called Nortext, who is doing a public awareness program for us, and I would like to take this opportunity to ask the pages to distribute these. The information here is relevant to the administration structure section which we are talking about, as to what people's powers are, and how they can operate, and so I would just like to take this chance to distribute these to Members right now.

CHAIRMAN (Mr. Fraser): Thank you, Mr. McLaughlin. I think we have already had a suggestion -- are we going to deal with general comments, or is it agreed that we go through the recommendations? General comments on each recommendation, or all of the recommendations, or how are we going to work this? We have a piece of paper here saying that they want to deal with some. Is that thrown out, now? Mr. Curley, could you straighten us out on this?

Motion To Deal With Recommendations One To Six And Nine And Adopt Schedule For Discussion, Carried

MR. CURLEY: Yes, Mr. Chairman. I move that recommendations one to six and nine be dealt with through general comments at this time, and further, that the proposed schedule for discussion, as was distributed, be adopted to follow the procedures as we would like it.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. Your motion is in order.

HON. TOM BUTTERS: Question.

CHAIRMAN (Mr. Fraser): To the motion. Question has been called. All in favour? Down. Opposed? The motion is carried.

---Carried

What is the wish of the committee? Mr. Butters.

HON. TOM BUTTERS: Just on recommendation three -- we almost seem to have covered this section in the debate -- but I wonder if maybe the Minister of Education might comment on what would happen in the event that a community within a division decided that they did not want to participate. The recommendation says "Every community shall be represented". Would they then be forced to have representation or to make representation or to be part of the divisional board?

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

Participation In Divisional Boards Only By Consensus

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would see divisional boards only being established if there was consensus from all communities in a particular area that they should work together. If that consensus was not present, I would say that they were not ready to establish a divisional board and that we would continue to operate the education system in that area in the traditional fashion of having education personnel report to the Minister. So that is how I would handle it if this recommendation were to come into force. Thank you.

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

MR. MacQUARRIE: With respect to the establishment of divisional boards, I would just like to underline once again a concern that was raised in my constituency by the separate school board, and that is that considering the traditional right to establish separate school systems, that if there is a sort of formula established for the establishment of divisional boards, that it not be at such a level that it would be prohibitive to the establishment of other separate school boards in the Northwest Territories. If it is to be ministerial discretion, eventually, that determines these things, I would urge the Minister to keep that in mind.

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

MR. McLAUGHLIN: Thank you, Mr. Chairman. I could answer some of those concerns, that we got legal advice as a committee on that specific thing and there is no doubt at all that the Northwest Territories Act guarantees the right of a minority religion in a community to have their own education system. The advice we got was that if we set these boards up we would have to leave the legislation in such a manner as it did not contradict the Northwest Territories Act, so that the existing separate school board in Yellowknife would continue to exist and could continue to exist and, for example, in my area if the majority of the ratepayers who were, say, Roman Catholic were to petition the Minister they could have a separate school board created down there. The Minister would have to respond to that because of the Northwest Territories Act.

CHAIRMAN (Mr. Fraser): Thank you, Mr. McLaughlin. The hour being 6:00 o'clock, we will rise and report progress.

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF TABLED DOCUMENT 1-82(3), LEARNING: TRADITION AND CHANGE IN THE NORTHWEST TERRITORIES; BILL 21-82(3), COUNCIL ORDINANCE

MR. FRASER: Mr. Speaker, your committee has been considering Tabled Document 1-82(3) and wishes to report progress, with one motion being adopted.

MR. SPEAKER: Thank you. Should the records indicate, Mr. Fraser, that Bill 21-82(3) is ready for third reading?

MR. FRASER: Yes, we have Bill 21-82(3) now ready for third reading. I forgot to mention that in the report.

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

ITEM NO. 14: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Remnant): Yes, Mr. Speaker. No committee meetings scheduled for tomorrow. Orders of the day, Friday, November 5, 1982, 9:00 a.m.

1. Prayer
2. Replies to the 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. Notices of Motion for First Reading of Bills
10. Motions



11. Introduction of Bills for First Reading
12. Second Reading of Bills
13. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Tabled Document 1-82(3)
14. Third Reading of Bills
15. Assent to Bills
16. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 9:00 a.m., Friday, November the 5th.

---ADJOURNMENT

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