



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

TUESDAY, NOVEMBER 23, 1982

MEMBERS PRESENT

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

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Tuesday, November the 23rd.

Item 2, replies to the Commissioner's Address. Item 3, oral questions.

ITEM NO. 3: ORAL QUESTIONS

Mr. Curley.

Question 101-82(3): Response To Question 44-82(3)

MR. CURLEY: Mr. Speaker, I have a question to the Minister responsible for the Housing Corporation. I wonder if he could tell me and indicate to this House how long it will take to respond to the written Question 44-82(3) which I asked the other day.

MR. SPEAKER: Mr. Minister.

Return To Question 101-82(3): Response To Question 44-82(3)

HON. ARNOLD McCALLUM: Mr. Speaker, if it was the return to written Question 44-82(3), I propose to answer that when we come to questions and returns.

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

Question 102-82(3): Tax On Pop And Other Sugared Items

MRS. SORENSEN: Yes, my question, Mr. Chairman, is to the Minister of Finance, and it is on behalf of the standing committee on finance. I wonder, Mr. Minister, if you could give us an indication of the status of your investigation into the feasibility of imposing a tax on pop and other sugared items?

MR. SPEAKER: Mr. Minister.

Return To Question 102-82(3): Tax On Pop And Other Sugared Items

HON. TOM BUTTERS: Yes, Mr. Speaker, I thank the Member for giving me notice of that question. I do not recall exactly how the motion of the standing committee was worded, but the Executive Committee did give consideration when the Assembly met in Inuvik to the taxation proposal which the honourable Member has just outlined. We looked at a couple of things at that time, but the most important consideration was that even if a tax were developed and included on pop at this time, there is no way in the current negotiation development of our deficit grant, for having

discretionary control of any money raised from the taxation. At the current time, Members probably appreciate that our own generated rate of revenue growth does exceed the rate of our expenditure growth. So in terms of the criteria, which are imposed upon us by Ottawa, we are doing our bit in order with our revenues. So that while we have not finished consideration of the item, but until the whole matter of the fiscal formula is looked at, and there is some opportunity to get credit for our taxation revenue we did not feel it would be proper at this time to impose a tax. Obviously, too, it would be a type of sales tax, and it would be a new departure, since we at the present time have no sales tax in the Northwest Territories. Some Members of the committee may have thought or felt that the imposition of such a tax would have acted toward decreasing the consumption of sugar based pops, but we did a preliminary projection on this, and the results were that we did not think that tax of that nature would decrease the consumption.

The second consideration which really has prevented us from a further discussion of the tax project came into effect in July, when the federal government's six and five program was announced. We felt that our coming into line with that program would require that we leave any further consideration of a pop tax until some indication of an improvement in the economy occurs. That is generally where it is at. As I say, it is still under consideration, but not active consideration.

MR. SPEAKER: Thank you. Mrs. Sorensen.

Question 103-82(3): Fiscal Formula Financing

MRS. SORENSEN: Clearly, Mr. Minister, what you are saying is that by further increasing taxation revenue in the Northwest Territories, all that does is simply reduce our federal grants and contribute not at all to responsible financial arrangements in the NWT. Obviously, the solution then, as you say, is a formula of financing -- how close are we to coming to an agreement with the federal government on formula financing, and what are you doing to bring that about, as the Minister of Finance?

MR. SPEAKER: Mr. Minister.

Return To Question 103-82(3): Fiscal Formula Financing

HON. TOM BUTTERS: The question is a very good one. Members will recall that the Executive Committee approved the overall fiscal formula package almost two years ago. It was tabled before this House and I believe received general approval of the House. Last year, we presented this proposal to the Minister of DIAND, and also to the Minister of Finance. Mr. Munro was very interested in the concept, although I must say that a number of bureaucrats in the federal government were not really taken with the fiscal autonomy which we were seeking. I do not think we had support from bureaucratic levels, but John Munro was interested in it, and as a result of an initiative taken by me said that that element should be in his constitution development package. I understand that the constitution development package which he has placed -- or is placing -- or is now before cabinet includes three major elements. I do not know that those elements are secret but they would appear to be the political evolution of the Territories, division, and the matter of our fiscal formula financing arrangement. So it could be that a decision with regard to that arrangement is very, very close, because my information is that it is receiving cabinet consideration, or soon will receive cabinet consideration.

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

Question 104-82(3): Sealskin Lobbying Group Travelling Overseas

MR. CURLEY: Yes, Mr. Speaker, I have another question to the Minister of Economic Development. In view of the fact that there has been an international problem with respect to sealskin markets, I wonder if the Minister could briefly outline to this House exactly what steps he has taken to establish a lobbying group in the Northwest Territories. When are they travelling to Europe to lobby for the people of the NWT? Who is presently being considered to be part of the delegation of the government?

MR. SPEAKER: Mr. McCallum.

Return To Question 104-82(3): Sealskin Lobbying Group Travelling Overseas

HON. ARNOLD McCALLUM: Mr. Speaker, this problem with the European economic community and the group of commissioners who are lobbying to ban seal pelts and derivative products, is a very serious matter as far as the Government of the Northwest Territories is concerned. As well it is a very serious matter as regards the concerns of other parts of Canada, and in fact Canada generally. My colleague, the Hon. Mr. Nerysoo, the Minister of Renewable Resources, and I have been in contact with federal people on this whole question of the ban in Europe. Through the good offices of the Member of Parliament for Nunatsiak, Mr. Ittinuar, we have come to an agreement, and a resolution, that Mr. Nerysoo and I will be leaving Ottawa this coming Sunday night together with Mr. Ittinuar and three other people -- one being a hunter from Pangnirtung, Mr. Ernerk from Keewatin -- and I can never pronounce the name of the other gentleman, but he is known to have been there before with Mr. Nerysoo. We will be going on Sunday the 28th. We will be meeting in Strasbourg and Brussels as part of a total Canadian delegation to lobby members of the EEC on this whole problem of sealskins. I want to assure the Member, and other Members, that it is of primary importance to this government, as it is to Canada, and in particular, Newfoundland. The banning of seal products and sealskins in Europe, I want to suggest, as far as we are concerned is simply but an opening step, and we fear a total ban on the fur industry as well. These together make up a considerable amount of the economy of this country, and particularly in the Territories. We are attempting to now consolidate a proposal, and a position, with the federal government.

The Prime Minister is already on record as indicating that he may have to take retaliatory measures under the GATT agreement -- that is the general agreement on tariffs and trades -- with other particular European countries. At the same time, we as a government are embarking upon a proposal to see what we can do to establish new markets in other parts of the world. I am referring specifically to the Orient, the East -- Japanese markets as well. So I think that we have reacted positively to this particular concern, and that we will be able to form a good position, together with the federal government, on the whole question.

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

Question 105-82(3): Wheelchair Access To Matonabbee School

MR. McLAUGHLIN: Thank you, Mr. Speaker. I have a question for the Minister of Education. The Minister is aware that during the public hearing on education in Pine Point in 1981 that the people making the presentation for the disabled were upset that there was no wheelchair access into any of the main entrances of the school and subsequently it was indicated through regional offices that something would be done about this. I would just like to ask the Minister, will he get together with the Department of Public Works and his own officials and make sure that by next summer that ramp is built into the round area entrance of the Matonabbee School?

MR. SPEAKER: Mr. Patterson.

Return To Question 105-82(3): Wheelchair Access To Matonabbee School

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. My information is that area public works carpenters went to Pine Point to erect a temporary wheelchair ramp at the front entrance of the school and that they were sent away by the principal, who said they want a permanent ramp and not a temporary one, which could be built next summer when the weather is warmer. I feel that the installation of a temporary ramp in the next few weeks could be accomplished if there would be some co-operation from the school principal. The concrete ramp is planned for next summer. Thank you, Mr. Speaker.

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

MR. CURLEY: Mr. Speaker, I have a couple of questions to the Commissioner. I wonder if I can have permission to ask him to come in?

MR. SPEAKER: A request for the presence of the Commissioner. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Commissioner, please. Oral questions. Thank you, Mr. Commissioner. Proceed, Mr. Curley.

Question 106-82(3): Moneys Available For Interpreters To Bring Families In

MR. CURLEY: Mr. Speaker, this question concerns the Commissioner's department -- in particular the Executive Member responsible for Personnel. I wonder if the Commissioner can assure this House that he will make every effort to represent the interpreter corps during sessions, which are normally pretty long, particularly when they are here without their families -- that you would consider making moneys available to them to enable them to bring their families at least once during the session? Could you assure that you will make that available before the next session?

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: Mr. Commissioner.

Return To Question 106-82(3): Moneys Available For Interpreters To Bring Families In

COMMISSIONER PARKER: Mr. Speaker, I understand the Member's concern. I would like to look at the implications of doing that. I am certainly sympathetic to the problems that the interpreters have and the long periods that they are away from home. I would not like to say that it definitely will be done for the next session, but I will give every reassurance that I will examine all of the implications of it and try to do our level best to achieve his aim. One thing that occurs to me is that if we are able to employ sufficient interpreters, it might be possible for them to have a few days off in the middle of the session to rejoin their families. I can assure the Member that I will look at every eventuality and possibility.

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

Supplementary To Question 106-82(3): Moneys Available For Interpreters To Bring Families In

MR. CURLEY: Yes, Mr. Speaker. I would like to ask a supplementary, then. Mr. Commissioner, the government is normally pretty fair in giving financial assistance, particularly to the members of the public service to enable them to travel to a southern point or whatnot once or twice a year. I would think that policy should at least apply to the interpreter corps. I do not think it would be fair for the government to give them a day off and expect them to travel home at their own expense, particularly for a service that they are providing to the government and the Legislative Assembly. So would you consider, then, giving them at least possibly one trip paid for by the government?

MR. SPEAKER: Mr. Commissioner.

Further Return To Question 106-82(3): Moneys Available For Interpreters To Bring Families In

COMMISSIONER PARKER: Mr. Speaker, I most certainly was not referring to the possibility of them going home at their own expense. The possibility I would examine would be for them to go home at government expense. I will also take the honourable Member's suggestion and look into the possibility of working this in with some form of vacation travel.

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

Question 107-82(3): Transferring Responsibility For Nunavut And COPE Claims To Associate Minister

MR. CURLEY: Mr. Speaker, I have another question to the Commissioner which involves another subject. Mr. Commissioner, you have the responsibility of assigning the ministerial responsibility to the Executive Committee. In view of the fact that the Minister responsible for Constitutional Development and Aboriginal Rights is carrying a pretty demanding responsibility, being the Minister of Local Government as well, I wonder if you would seriously consider transferring all parts of the Nunavut claims responsibilities from him and transfer them directly to the Associate Minister from the Eastern Arctic? I believe that the staff have continued to report to the Minister of Local Government and Constitutional Development and, therefore, the Associate Minister has really just had a token responsibility. Could you assure the House that you will make every effort to resolve these two heavy responsibilities and assign particularly the Nunavut part of the claims, as well as COPE claims, directly to the Associate Minister?

MR. SPEAKER: Mr. Commissioner.

Return To Question 107-82(3): Transferring Responsibility For Nunavut And COPE Claims To Associate Minister

COMMISSIONER PARKER: Mr. Speaker, I have not given specific direction to the Minister and the Associate Minister as to the division of their total responsibilities in this area, nor have I discussed with them in detail the division of their workload. However, I certainly am prepared to do so and I take the Member's comments as good advice, to examine their workload and the time that they have to carry out these functions, without at this stage saying what kind of transfers can be made, because I think that would be improper without talking to the two Ministers involved. I will certainly have discussions with them on the question of workload and responsibilities.

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

Question 108-82(3): Inrush Of Water At Giant Yellowknife Mines

MR. MacQUARRIE: Thank you, Mr. Speaker. I have a question for the Minister of Justice and Public Services. Is the Minister aware that Local 4 of the Canadian Association of Smelters and Allied Workers has been unable to get satisfactory information from the mining inspection branch of the Minister's department with respect to an inrush of water that occurred in Giant Yellowknife Mines on June 3rd, 1982, and if he is aware of that, could he tell me what steps he has been taking to rectify this situation?

MR. SPEAKER: Mr. Braden.

Return To Question 108-82(3): Inrush Of Water At Giant Yellowknife Mines

HON. GEORGE BRADEN: Thank you, Mr. Speaker. Yes, I am aware of the particular incident and that the union is seeking further clarification. I have taken steps to inform both my colleagues from Yellowknife by letter and I give the Member my assurances that CASAW will have sufficient information so that they will be informed of the situation, the follow-up steps that were taken and the work done by my department in this area.

MR. SPEAKER: Thank you. Supplementary, Mr. MacQuarrie.

Supplementary To Question 108-82(3): Inrush Of Water At Giant Yellowknife Mines

MR. MacQUARRIE: Yes. I am aware that Local 4 made specific requests for information in a letter to the Commissioner and so I would be asking for an undertaking that those particular requests will be answered. Also, just for my own awareness of the problem, it is possible that such reports as requested do not exist or are so superficial as to be meaningless and so I would ask the Minister that if he finds that to be so, will he give the undertaking that he will press the inspection services to do a thorough job in the future?

MR. SPEAKER: Mr. Braden.

Further Return To Question 108-82(3): Inrush Of Water At Giant Yellowknife Mines

HON. GEORGE BRADEN: Thank you, Mr. speaker. Yes, I will give the Member my assurances that I did, as I recall, provide the union with something later on in the summer, Mr. Speaker, but apparently that was not sufficient, so I will provide more detailed information.

MR. SPEAKER: Thank you. Oral questions. That appears to conclude that item. Item 4, questions and returns.

ITEM NO. 4: QUESTIONS AND RETURNS

Ms Cournoyea.

Question 109-82(3): Contaminated Aircraft Fuel

MS COURNOYEA: I have a question, Mr. Speaker, to the Minister of Government Services. On October 14th of this year, a commercial aircraft flying from Inuvik to Paulatuk, to Holman and Sachs Harbour, took on contaminated fuel and almost cost 13 people their lives. Would the Minister responsible for government services relate to this House the results of the investigation? What precautions have been put in place as a result of the investigation? What is the quality of fuel being sold for aircraft use in Paulatuk, Holman, and Sachs Harbour?

MR. SPEAKER: Thank you. Written questions. Are there any returns for today? Mr. McCallum.

Minister's Statement On Removal Of Urea Formaldehyde From Pond Inlet School

HON. ARNOLD MCCALLUM: Mr. Speaker, before I give a couple of returns, may I simply make a brief announcement regarding the removal of urea formaldehyde foam insulation, UFFI, at the Pond Inlet school? I am pleased to announce that the Department of Public Works, has completed the work to replace the UFFI material at the school. The decision to replace the insulation was made this spring in response to concerns expressed by the people of Pond Inlet during the winter of 1981. The material had been installed in 1977, at a time when the product was being highly promoted by the federal government and industry. It was subsequently banned, however, by the federal government in 1980 because of potential health hazards caused by toxic gases emitted as a result of the breakdown of the insulation. The tests that were conducted by the Department of Justice and Public Services in 1981 revealed that no health hazard existed at that time, but it was nevertheless decided that in the interest of public safety and the concerns of the community, that the department would remove the foam and replace it with conventional insulation. I have two or three returns, Mr. Speaker, if I may.

Return To Question 6-82(3): Assessment Of Housing Situation In Yellowknife

A return to written Question 6-82(3), asked by the Member for Yellowknife Centre, Mr. MacQuarrie, concerning assessment of the housing situation in Yellowknife. He asked three questions, and I would hope that I can respond to each in kind.

In 1981, the Executive Committee requested the administration to do a base line statistical study of the level one communities. The Department of Economic Development and Tourism assumed this responsibility, and in November 1981 contracted the study to a local consultant. The report is still in draft form but should be finalized shortly, and it should provide valuable information on the type and quality of housing stock in Yellowknife and other Western Arctic communities, as well the existing supply and demand conditions. Another study, entitled Yellowknife Apartment Survey, which complements the consultant's report, was completed by the administration in 1981. It compares rental rates by size of apartment, and analyses the vacancy rate, for the period September 1980-81. In addition, the government's bureau of statistics publishes a quarterly study of housing statistics.

To encourage local construction of rental or private accommodation the Executive Committee, through established policy, gives direction to the Housing Corporation to provide public rental housing. Support for the initiative of the local housing co-operative was provided in a letter from the Commissioner, when that body took its application to CMHC; the municipal government also supported the initiative. The Executive Committee has taken and is taking other steps to encourage local construction efforts. A mortgage assistance program was developed by the implementation group and the Housing Corporation on the instruction of the Executive Committee. This program is currently being discussed and reviewed internally. A program now in place in the government, developed on the instruction of the Executive Committee, is a purchase plan whereby the government will buy the houses of government employees who are relocated and cannot sell their houses prior to moving. The Executive Committee has further instructed the implementation group to develop a program which allows for the purchase of leased houses, for resale to government employees.

I believe that the answer, or answers, to the third part of the question -- what measures have been taken, are reflected in the answers already provided. What must be carefully delineated is the limit and scope of the territorial government's responsibility in the housing area. It is not within the mandate of the government to finance the construction of private accommodation. It is within its scope to provide incentives and encouragement for such endeavours. This we have done to some extent; we are presently engaged in attempting to enlarge that effort. It must also be recognized that housing crises are cyclical in nature, are not the problem of Yellowknife alone, and are partly a reflection of the economic situation. The city has experienced both shortages and overabundance of supply in years past and will likely continue to do so. While this is a municipal concern, and not one for the territorial government to solve, the Executive Committee does appreciate its role in providing the appropriate economic stimulants to all territorial communities. Let me assure the honourable Member that we are watching the situation, however, and will seriously review the recommendations of the consultant's report when it is finalized.

Return To Question 44-82(3): Housing Corporation Supply Contracts

A return to written Question 44-82(3), asked by the Member for Keewatin South, Mr. Curley, regarding Housing Corporation supply contracts. I want to advise the honourable Member that the Housing Corporation, as a result of the conduct of the senior technical officer in the Keewatin district, has requested the Government of the NWT audit bureau to do a thorough investigation of the handling of Housing Corporation supply contracts. As the audit will take some time to complete, the results will not be known during this session. I will assure the Member, however, that a full response to his question will be available during our next session. I may add, sir, that if I get it in the interim I will contact the Member privately on it, and provide the answer in this House at the next session.

Return To Question 72-82(3): Fuel, Water And Garbage Pick-Up In Pangnirtung

Mr. Kilabuk asked an oral question regarding the policy on garbage pick-up and fuel, and though the Member is not here I should file this response as well, Mr. Speaker. I indicated in a partial response to Mr. Kilabuk on November 17th, that the policy might well be one of the housing association's and not a Housing Corporation policy. I would like to advise the honourable Member that in fact it is the housing association policy to pay the water, sewer, garbage pick-up, and fuel bills for those people living in public housing.

Return To Question 82-82(3): Housing Corporation's Proposed Rental Rates Formula

I have a return to written Question 82-82(3), asked by the honourable Member for Keewatin South, Mr. Curley, regarding the Housing Corporation's proposed rental rates formula.

The most recent proposed rental rates formula for Housing Corporation public housing is geared to income. The tenant pays from 16.7 per cent to 25 per cent of their family's assessable income to a maximum amount. The assessable income does not include Family Allowance payments or income of students attending school. The final rent payment is dependent upon the size of the family, the amount of income, the community location and the size and type of housing unit.

The board of directors will consider further changes to the rent scale formula, as a direct result of community and regional consultations, at their upcoming meeting.

The Housing Corporation board of directors will consider the recommendations from the Keewatin housing association federation as well as other federations and housing associations. The board will meet in Yellowknife on November 24-25, 1982. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Are there any further returns?

Item 5 on the orders of the day, petitions.

Item 6, tabling of documents. Item 7, reports of standing and special committees.

ITEM NO. 7: REPORTS OF STANDING AND SPECIAL COMMITTEES

Mrs. Sorensen.

MRS. SORENSEN: Thank you, Mr. Chairman. I have two reports. First, the 18th report of the standing committee on finance concerns the creation of a public accounts committee, and I will read the report. All Members have received a copy of the report, which has been delivered to their desks.

18th Report Of The Standing Committee On Finance

Mr. Speaker, over the past three years the standing committee on finance has focussed its attention on the first two stages of legislative financial accountability: recommending spending priorities and reviewing the main estimates. To that end, since November, 1979, your standing committee has tabled some 17 reports containing recommendations and comments. Mr. Speaker, there is an important third stage in accountability, however, one which is not yet adequately developed in our Legislature. This stage involves the review and scrutiny of government expenditures and financial management. The first two stages take place before the money is spent, and the last takes place after.

The proper management of government finances is a basic essential of responsible government and imperative to continuing public confidence in the NWT Legislature. Assurances to the public that they as taxpayers are indeed getting value for the money that they are providing to their governments is even more essential when fiscal difficulties exist and the constant threat of tax increases loom on the horizon. It is therefore important that the Legislature demonstrates fiscal accountability in all three stages of financial management.

This report recommends the creation of a public accounts committee under a unique structure which our committee feels responds to the Legislature's special circumstances, that of consensus government and a limited number of MLAs available for committee work. Before we make those recommendations, we felt it important to review with you the steps in the government financial cycle in the Northwest Territories in order to demonstrate the role now being played by your standing committee.

Financial Cycle

Early each fall the standing committee on finance reviews the priorities of the government for the next budget planning year in order to determine whether they remain appropriate. If they are, no further work is done. If amendments to those priorities or changes are required, then appropriate recommendations are made to the Legislature at the fall session. The government takes those priorities, expands them, and begins the process of developing its main estimates. Negotiation with the federal government begins in the spring, and by late summer, if all goes well, the target is set and the main estimates are ready for review by the standing committee on finance. That review takes place in the early fall. The standing committee reviews the main estimates from two perspectives: are the priorities set by the Legislature reflected, and can the numbers be supported? Recommendations and comments are then developed for debate in the Legislature during the January budget session.

Once the Legislature has approved the revenue and spending proposals, the government begins the matter of using the funds and powers it has been given to carry out those plans. The administration takes over. The government, to complete the cycle, then has a responsibility to provide the Legislature with an accounting of what it has done with the money and power granted it. This accounting is made through the territorial accounts, and the Auditor General's report to the Legislature tabled during the fall session. Consideration of the territorial accounts and the Auditor General's report by elected representatives with accompanying recommendations to the Legislature would normally then take place. This is ordinarily the role of a public accounts committee. Your Legislature has no such body, and the standing committee on finance has inadequate terms of reference to do the job properly.

What Is A Public Accounts Committee

According to the Canadian Comprehensive Auditing Foundation, the main function of a public accounts committee is to hold the Executive Committee and bureaucracy accountable for their administration. It should be a committee that has a strong political will and has expertise available to it in order to get at the places where government is being wasteful and to recommend how that wastefulness can be corrected. A public accounts committee provides a forum in which Members of the Legislature have the opportunity to search out and review deficiencies in the financial administration of the government, and bring forward suggested remedies.

Members of a public accounts committee should be interested in receiving answers to the following questions: Were all the taxes and other revenues due to the government collected and properly accounted for? Was the money voted by the Legislature spent for the purposes approved, and did expenditures exceed the amounts authorized? How well did the systems of control ensure that public money and property were not lost, stolen, or used for unauthorized purposes? Was the administration frugal or extravagant in its buying and hiring practices? Were programs managed in an efficient or in a wasteful manner? Are programs being evaluated and the results reported wherever possible, and if so are the programs achieving what they set out to do, and if not, why not? What steps are being taken to rectify administrative weaknesses? Mr. Speaker, these questions relate to administration, not to philosophy or policy. Policy issues would be dealt with in the priority setting and main estimates review undertaken by the standing committee on finance.

With respect to administrative matters and the role of a public accounts committee, the administration owes answers to these questions to all Members of the House in their role as guardians of the public from the excesses of an uncontrolled government. Similarly, all Members

of the Legislature have a responsibility to their constituents to ensure that these questions are answered. Your committee, Mr. Speaker, therefore, after discussion, research, and consultation with the Auditor General's office over the past two years has chosen to recommend the following:

Recommendations

Recommendation one: That there be an expansion of the mandate and terms of reference of the standing committee on finance to include the functions of a public accounts committee, and that the committee be renamed "standing committee on finance and public accounts".

Recommendation two: That co-chairmen be appointed to chair the committee -- one to handle the affairs normally handled by the standing committee on finance, and the other co-chairman to handle the responsibility for the public accounts. That seven members, with a quorum of three, make up the membership of this committee.

Recommendation three: That there be an automatic and permanent referral to the standing committee on finance and public accounts of both the territorial accounts and the Auditor's report as soon as they become available.

Recommendation four: That the standing committee have at least one full-time researcher assigned to it, beginning with the 10th Assembly.

Recommendation five: That meetings of the standing committee on finance and public accounts shall be closed to press and public when it sits as a finance committee. Meetings of the standing committee on finance and public accounts shall be open to the press when it sits as a public accounts committee -- except when, in the opinion of the committee, it is not in the best interests of the public to do so.

Recommendation six: That meetings for planning future work, briefings, reviewing progress, and drafting reports be closed to public and press.

Recommendation seven: That a verbatim transcript of the standing committee on public accounts committee hearings be prepared and published promptly.

Motion To Adopt 18th Report Of The Standing Committee On Finance

Mr. Speaker, that concludes the 18th report of the standing committee on finance. I move, seconded by the Member for the Western Arctic, Nellie Cournoyea, that this report be adopted by the Assembly.

MR. SPEAKER: Thank you, Mrs. Sorensen. To the motion. Mr. Braden.

HON. GEORGE BRADEN: Mr. Speaker, what does adoption of the report mean?

MR. SPEAKER: It has a similar effect to a motion being passed in committee of the whole -- that you have accepted the report, and to promote the report, and see that what the report recommends be done. You are accepting the full report, plus the recommendations.

HON. GEORGE BRADEN: So, Mr. Speaker, by adopting the report -- that means that this House agrees with everything that is in it? Is my understanding correct in that?

MR. SPEAKER: That is correct, the majority of the House agrees with what is in the report.

Motion To Refer 18th Report Of The Standing Committee On Finance To Committee Of The Whole, Carried

HON. GEORGE BRADEN: Mr. Speaker, I would move that we refer this report to the committee of the whole.

MR. SPEAKER: A motion to refer to the committee of the whole. Is there a seconder? Mr. Patterson. To the motion to refer.

SOME HON. MEMBERS: Question.

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

---Carried

Mrs. Sorensen, did you say you had two reports today?

19th Report Of The Standing Committee On Finance

MRS. SORENSEN: Yes, Mr. Speaker. This report concerns Bill 22-82(3), Supplementary Appropriation Ordinance, No. 1, 1982-83, Bill 18-82(3), Public Sector Compensation Restraint Ordinance, and Bill 12-82(3), Education Ordinance. Mr. Speaker, I will simply refer the 19th report of the standing committee on finance to committee of the whole to be discussed under the appropriate bills.

MR. SPEAKER: Thank you. Are there any further reports of standing or special committees? Item 8, notices of motion.

ITEM NO. 8: NOTICES OF MOTION

Mr. McLaughlin.

Notice Of Motion 39-82(3): Additional Sitting Hours

MR. McLAUGHLIN: Thank you, Mr. Speaker. I would like to advise that at the appropriate time I will ask unanimous consent to proceed with the following motion: That this Assembly authorize the Speaker to set such additional sitting hours as he may consider necessary in order to ensure that the items of business scheduled for consideration at this session can be dealt with.

MR. SPEAKER: Thank you. Notices of motion. Mr. Sibbeston.

Notice Of Motion 40-82(3): Appointment To Electoral District Boundaries Commission

MR. SIBBESTON: Mr. Speaker, I wish to give notice that on Thursday, November 25, I will move the following motion: I move that this Legislative Assembly recommend to the Commissioner that Mr. James Antoine be appointed to the electoral district boundaries commission in the event that such a commission is established by this Assembly.

MR. SPEAKER: Thank you. Notices of motion. Mr. Patterson.

Notice Of Motion 41-82(3): Establishment Of Special Committee For Territorial Electoral Boundaries Commission

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I wish to give notice that on Thursday, the 25th of November, I will move that this House establish a special committee from amongst its Members, with the following terms of reference: 1) to expeditiously prepare a report to the territorial electoral boundaries commission, to be completed no later than January 15, 1983; 2) to involve all interested Members of this Assembly in the preparation of this report; 3) to consult with all interested MLAs on its recommendations before the report is finalized; 4) to advise the territorial electoral boundaries commission on certain matters, including the recommended number of seats, the overall desirable balance in numbers of seats between the eastern and western parts of the Northwest Territories, locations in the electoral districts of the Northwest Territories where anomalies are seen to presently occur, taking into account geographic and demographic considerations, including, in particular, the sparsity, density or relative rate of growth of population of any region of the Territories, the accessibility of any such region, and the size or shape thereof, and any special community or diversity of interests of the inhabitants of various regions of the Territories, the means of communication between various parts of the Territories, legislative efficiency and efficacy, improved representation and all similar and relevant factors; 5) the committee shall have access to such persons, papers and records as are necessary to its business; 6) the necessary administrative support shall be provided by the Legislative Assembly office; 7) the committee shall be provided through the appropriations with adequate funds to defray all expenses, sufficient to enable it to function effectively. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Patterson. Notices of motion. Mr. Curley.

Notice Of Motion 42-82(3): Family Income Assessment For Public Housing

MR. CURLEY: Mr. Speaker, I give notice that on Thursday, November 25, 1982, I will move the following motion: That this Legislative Assembly recommend to the Housing Corporation that spouse's income not be included when assessing family income for the purposes of establishing rent for tenants living in public housing.

MR. SPEAKER: Last call for notices of motion. Item 9, notices of motion for first reading of bills.

ITEM NO. 9: NOTICES OF MOTION FOR FIRST READING OF BILLS

Mr. Patterson.

Notice Of Motion For First Reading Of Bill 25-82(3): Guarantee Authorization Ordinance, 1982-83

HON. DENNIS PATTERSON: Mr. Speaker, I wish to give notice that on Thursday, November 25, 1982, I shall move that Bill 25-82(3), An Ordinance to Allow the Commissioner to Guarantee a Loan During the Financial Year 1982-83, be read for the first time, and I will be seeking unanimous consent to give first reading of that bill, as well. Thank you.

MR. SPEAKER: Thank you. Notices of motion for first reading of bills. Item 10, motions.

ITEM NO. 10: MOTIONS

Motion 19-82(3), Mr. Curley.

MR. CURLEY: Mr. Speaker, I wish to stand this down until tomorrow.

MR. SPEAKER: Thank you, Mr. Curley. Motion 21-82(3), Mr. Pudluk.

MR. PUDLUK: Mr. Speaker, I wish to stand this down until tomorrow.

MR. SPEAKER: Thank you. Motion 31-82(3), Mr. MacQuarrie.

Motion 31-82(3): Years Maximum Assessable Remuneration for 1983

MR. MacQUARRIE: Thank you, Mr. Speaker.

WHEREAS the Workers' Compensation Board has recommended that there be no increase in the years maximum assessable remuneration for 1983;

AND WHEREAS the Executive Committee has accepted the board's recommendation and will itself not recommend an increase in the years maximum assessable remuneration;

AND WHEREAS the cost of living has increased approximately 10 per cent over the past year and will certainly increase again in 1983;

AND WHEREAS wage levels have increased approximately 9.3 per cent over the past year and will certainly increase again in 1983;

AND WHEREAS workers disabled on the job, widows of workers killed on the job and their children will face a year of increased costs with absolutely no increase in income;

AND WHEREAS CEL group, actuaries for the Workers' Compensation Board, in full knowledge of all relevant financial data, recommend an increase in the years maximum assessable remuneration in 1983 from \$23,200 to \$26,400;

NOW THEREFORE, I move, seconded by the honourable Member for Mackenzie Liard, that this Assembly strongly recommend to the Executive Committee that it consider reversing its decision not to increase the years maximum assessable remuneration for 1983, and that it immediately take whatever steps are necessary to increase the years maximum assessable remuneration for 1983 to \$26,400 or, at the very least, by an increment of six per cent.

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

Definition Of YMAR

MR. MacQUARRIE: Thank you, Mr. Speaker. Very briefly, it might do to explain what "years maximum assessable remuneration" means. It is commonly called YMAR and I will refer to it as that from now on. It is simply a level of income that is arbitrarily determined, and it now stands at \$23,200, and it is a level of income upon which assessments are made on employers for purposes of compensation. In other words, the workers may earn higher than that level; the employers would not be assessed premiums on the higher portion for compensation purposes.

Directly related to the setting of YMAR are the pension benefits that are paid -- first of all, the disability benefits for workers who are injured on the job, and sometimes very seriously, sometimes totally disabled, and the pension benefits for the families of those workers who are killed on the job. Their benefits are directly tied to the years maximum assessable remuneration. The amount of any disability pension is set at 75 per cent of YMAR and, thus, under the present terms, a worker that was totally disabled could receive a maximum amount of \$17,400 per annum, regardless of what he had been earning when he was on the job. That comes to \$1450 per month, which in these days of high costs is not a great deal of money at all. Under the present YMAR a widow of a worker killed on the job would receive \$638 per month and each child would receive the equivalent of \$145 per month. Now, those levels, I acknowledge, can be supplemented in some cases, if people are eligible for Canada Pension Plan disability allowances, but they do not raise the level very greatly, and not all are eligible for them.

The Workers' Compensation Board, under the terms of the Workers' Compensation Ordinance, has the right each year to recommend to the Commissioner what the YMAR should be for any given year and this year the board recommended that there should be no increase in the YMAR. The actuaries for the Workers' Compensation Board earlier, assessing the total economic picture for the board -- that is, the fund, there would be increases in wages that had taken place in the Territories, the cost of living increases in the Territories -- the actuaries for the board had recommended that there should be an increase.

Executive Committee Decision To Set YMAR

Let me not put it that way. They would put it in this nature, that in their opinion an increase to \$26,400 could certainly be accommodated, but having had that information the Workers' Compensation Board recommended that there should be no increase. That recommendation was sent to the Executive Committee and the Executive Committee upheld it. Now I do not know the extent of examination that went into the Executive Committee's decision, but I fear that it might not have been a great deal. Now, I would like to say that I am one who does not like to see a government overturning decisions that are made by boards when boards have properly constituted authority to make decisions. I believe that when we establish boards they should carry out their work and we should try not to interfere, but I would point out that in this case it is not within the power of the Workers' Compensation Board to establish YMAR. It is given the right to recommend to the Executive Committee and it is properly the Executive Committee that makes a decision about it. Therefore, it would be entirely within the right of the Executive Committee to make a decision different from what the board had recommended, just as the board made a recommendation different from what its own actuaries had recommended.

Now, the reason I want to see the Executive Committee review this and reverse its decision and bring in some kind of increase is, first of all, that if they do not reverse their decision it means that many people in the Northwest Territories, who are already disadvantaged in the sense that they have been injured on the job or seriously injured on the job -- paralyzed or disfigured or whatever -- or in the case of families, the bread winner of the family may have been killed, so they are suffering the loss of someone they loved very much -- these people who are already disadvantaged, if there is no increase in the YMAR, it means that those very people will have to get through 1983 without a single cent increase in their benefits. I know that we have heard a lot of people in this country setting up a great hue and cry because their increases are going to be limited to six per cent and they are already earning quite well. Well, here are people who would get no increase at all and I would say that the benefits they are getting now -- particularly, if you can imagine a widow and two children trying to live on -- it would come to -- nine hundred and some dollars a month. This is at a time when two things are happening; the cost of living is still rising -- the motion indicates that the cost of living has increased approximately 10 per cent over this past year, but at the same time wages have increased throughout Canada by 9.3 per cent this past year and will probably increase an equivalent amount or maybe slightly less this coming year -- those are Canadian figures.

In the Northwest Territories wages last year in the transportation industry were up about 14 per cent; in the trades, up about 10 per cent; in the service industries, up about 13 per cent. So we have a situation where everybody else is getting higher wages to meet higher living costs and here are people who do not seem to have clout in the political system. So it seems so easy just to make the decision that they are not going to get any additional benefits this year and I think that is not fair at all.

Society Has A Responsibility To Families Of Injured Workers

I am sure that one of the reasons that the Workers' Compensation Board decided not to recommend an increase in YMAR is because it is simply true, if they do, it will mean that companies will have to pay higher premiums in the coming year for each of their workers in order that higher pension benefits can be granted to people in 1983. Now, I know times are tough for these companies -- we are in bad economic times -- but I say that times are even tougher for the people who will be affected by the decision not to give any increase here at all. If there are marginal business operations, then I urge the government, if it feels it is necessary, to find some other way to relieve the situation and make it possible for the companies to succeed and not to fold, but not to do it in a way that essentially would be on the backs of people who, as I have said, are already doubly disadvantaged. I think that is most regrettable.

The 1983 benefits in the Northwest Territories, if we were to increase it to \$26,400, and compared it with other provinces if they had their 1983 increases -- and when the CEL group did the analysis they were not sure what those increases would be, but they attempted to set up a comparison. The situation that they found is that a Northwest Territories widow with two children would in 1983 get approximately 86 per cent of the benefits that a woman with two children in British Columbia would get. That family would get 71 per cent of the benefits that would be received in Alberta, 71 per cent of the benefits that would be received in a similar situation in Saskatchewan, and 71 per cent of what would be received in Manitoba, and the Northwest Territories widow would be living in a society where our own government statistics last week said that the cost of living in Yellowknife alone is 30 per cent higher than it is in Edmonton. So they are getting a smaller benefit and living in a higher cost situation and I think we just cannot tolerate that more consideration is not given to these people.

I think that, as I said, companies are finding it difficult, but I do not believe that we can allow a situation to develop where workers, in effect, are used when they are healthy and then discarded or their families neglected when they are no longer useful. In a sense that, to me, is what would be happening in this kind of situation. I say that there is a continuing responsibility to people who have been injured on the job, or if they have been killed on the job, a continuing responsibility to their families -- that is a responsibility both on the part of the companies and on the part of society generally.

So I would just ask that Members seriously consider supporting this motion. It cannot have the effect of overturning the Executive Committee's decision. It is merely asking the Executive Committee to reconsider its own decision in the light of perhaps new information or in the light of further study of the entire situation. The motion does not ask that a ceiling be taken off YMAR. In fact, I think a ceiling is important. It is not asking for a major increase, but simply it is asking that it be increased a reasonable amount, in the light of changing economic circumstances which people on compensation benefits have to deal with -- that is, that others are getting higher wages and everyone is faced with higher living costs. I think, pretty well, Mr. Speaker, that sums up the arguments that I have in favour of it. Again, I remind Members it does not mean automatically overturning the Executive Committee's decision, but strongly recommending that they themselves consider doing that. Thank you.

MR. SPEAKER: Thank you, Mr. MacQuarrie. As seconder, Mr. Sibbeston, do you wish to speak at this point?

MR. FRASER: Question.

Motion 31-82(3), Carried

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

---Carried

Motion 32-82(3), Defence Lawyer for Residents of Baffin Region. Mr. Kilabuk. Mr. Kilabuk is not present. Motion 36-82(3), CBC Witnesses to Appear at Winter Session. Mr. Patterson.

SOME HON. MEMBERS: Question.

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I can only assume that the call for question indicated full support for my motion. I have addressed this matter before, during my reply to the Commissioner's Address. The situation has not been resolved since that time. I will read my motion, Mr. Speaker.

Motion 36-82(3): CBC Witnesses To Appear At Winter Session

WHEREAS the Canadian Broadcasting Corporation has indicated its stated policy to encourage independent native language television production centres through the purchase of TV program materials, as an alternative to its predominantly English language program schedule;

AND WHEREAS this Assembly has stated that the preservation and enhancement of native languages in the Northwest Territories is a high priority;

AND WHEREAS CBC undertook, in 1976, to consult with northerners through its northern stations on television programming;

AND WHEREAS Nunatsiakmiut Society has sold high quality Inuktitut television programs, produced by trained Inuit staff, to CBC Northern Service for five years for modest prices;

AND WHEREAS CBC has made commitments to develop further employment of native peoples;

AND WHEREAS the CBC has told Nunatsiakmiut Society, without any prior consultation and on short notice, that it would no longer purchase its programs this current year;

AND WHEREAS the CBC justified this reversal of previous policy on the basis of lack of budget, but simultaneously announced the establishment of a new English language program to be produced out of Yellowknife, without any significant involvement of northern native people and with limited and inferior native language delivery;

AND WHEREAS it appears that this decision was not based on the promised northern consultation, and appears to be a significant departure from CBC's earlier stated northern television broadcasting policy;

NOW THEREFORE, I move, seconded by the honourable Member for High Arctic, that this Assembly invite Mr. Doug Ward and Mr. Nick Ketchum, of CBC Northern Service, to appear before committee of the whole at the next session of the Legislative Assembly, to explain the current CBC northern television broadcasting policy.

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

HON. DENNIS PATTERSON: I will be very brief, Mr. Speaker. The point of an invitation is to get an explanation of CBC northern broadcasting policy -- if there is a policy, and if there is an explanation for what has been done. I have spoken at length on this matter. I think the CBC deserves an opportunity to reply. I will not restate the reasons but I will just mention that there has been no resolution of the problem I adverted to in my reply to the Commissioner's Address, November 2nd. It is a matter of great concern to my constituents and it is a matter of great concern to independent producers in the Northwest Territories. I would also just add that the Applebaum-Hébert report which I have not yet studied in detail, also seems to bear on this issue, and it would be a very appropriate time to have an opportunity to review CBC northern broadcasting policy for that reason as well. Thank you, Mr. Speaker.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Thank you, Mr. Patterson. As seconder of the motion, Mr. Pudluk, do you wish to speak?

MR. PUDLUK: Mr. Speaker, I call for the question. Thank you.

Motion 36-82(3), Carried

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

---Carried

Motions. I understand that there is consent going to be requested -- Mr. McLaughlin.

MR. McLAUGHLIN: Yes, Mr. Speaker, I would like to ask unanimous consent to proceed with my motion which would give the Speaker the authority to set the necessary hours to complete the business of this House.

MR. SPEAKER: Unanimous consent is being requested. Are there any nays?

AN HON. MEMBER: Nay.

MR. SPEAKER: There was a nay. Unanimous consent has been refused. Anybody else want to try it? Under motions. The House will recess for 15 minutes for coffee.

---SHORT RECESS

MR. SPEAKER: Will the House come to order, please? Order! Order in the House, please. Three times is enough, class. Item 11 on the orders of the day, introduction of bills for first reading.

ITEM NO. 11: INTRODUCTION OF BILLS FOR FIRST READING

Mr. Braden.

First Reading Of Bill 24-82(3): Electoral District Boundaries Commission Ordinance

HON. GEORGE BRADEN: Mr. Speaker, I move, seconded by the honourable Member for Inuvik, that Bill 24-82(3), An Ordinance to Amend the Electoral District Boundaries Commission Ordinance, be read for the first time.

---Applause

AN HON. MEMBER: Shame!

MR. SPEAKER: All those in favour? Opposed? The motion is carried. Bill 24-82(3) has had first reading.

---Carried

Introduction of bills for first reading. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Speaker, I seek unanimous consent to move first reading of Bill 25-82(3), An Ordinance to Allow the Commissioner to Guarantee a Loan During the Financial Year 1982-83.

MR. SPEAKER: Unanimous consent is being requested. Are there any nays?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Proceed, Mr. Patterson.

First Reading Of Bill 25-82(3): Guarantee Authorization Ordinance 1982-83

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the Member for Kitikmeot, that Bill 25-82(3), An Ordinance to Allow the Commissioner to Guarantee a Loan During the Financial Year 1982-83, be read for the first time.

MR. SPEAKER: All those in favour? Opposed, if any? Bill 25-82(3) has had first reading.

---Carried

Introduction of bills for first reading. Item 12 on your orders of the day, second reading of bills. Mr. Braden.

HON. GEORGE BRADEN: Mr. Speaker, I am not sure how successful I will be, but do I have unanimous consent of the House to proceed with second reading of Bill 24-82(3)?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Are there any nays? Unanimous consent has been requested.

MS COURNOYEA: One nay here.

MR. SPEAKER: One nay. A nay has been registered. You do not have unanimous consent. Just one moment, please. You do not require unanimous consent. There must be two or more. Is there another nay in the House?

MR. CURLEY: Nay.

MR. SPEAKER: Consent has not been given for second reading of that bill. Are there any other bills for second reading? Mr. Patterson.

HON. DENNIS PATTERSON: Can I seek unanimous consent for second reading of Bill 25-82(3), Mr. Speaker?

SOME HON. MEMBERS: Agreed.

---Agreed

ITEM NO. 12: SECOND READING OF BILLS

MR. SPEAKER: Proceed, Mr. Patterson.

Second Reading Of Bill 25-82(3): Guarantee Authorization Ordinance, 1982-83

HON. DENNIS PATTERSON: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Kitikmeot, that Bill 25-82(3), An Ordinance to Allow the Commissioner to Guarantee a Loan During the Financial Year 1982-83, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide for a loan guarantee up to a maximum of \$50,000 to support the Student Union of Thebacha College.

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

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any? The Bill 25-82(3) has had second reading.

---Carried

Second reading of bills. Are there any others for today? The Chair would like to at this time recognize one of our local teachers, Mrs. Rose Davidson and the grade eight class from William McDonald Junior High School. Welcome to the chambers. And on occasions, do not try to do the same thing in your classrooms that they get away with in here or the teacher would have just cause to be very severe.

---Applause

Item 13 on the orders of the day, 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 25-82(3), Aboriginal Rights and the Constitution; Bill 2-82(3), Income Tax Ordinance; Bill 5-82(3), Student Financial Assistance Ordinance; Bill 19-82(3), Council Ordinance; Bill 6-82(3), Public Service Ordinance; Bill 12-82(3), Education Ordinance; Bill 22-82(3), Supplementary Appropriation Ordinance, No. 1, 1982-83; Bill 18-82(3), Public Sector Compensation Restraint Ordinance; 17th Report of the Standing Committee on Finance; Tabled Document 20-82(3), Statement by James Wah-Shee: Government's Land Valuation Policy; Tabled Document 22-82(3), Resource Development Policy and Tabled Document 23-82(3), Energy and Resource Development Guidelines and Criteria; and Motion 35-82(3), Adoption of the First Report of the Standing Committee on Rules and Procedures, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 25-82(3), ABORIGINAL RIGHTS AND THE CONSTITUTION; BILL 22-82(3), SUPPLEMENTARY APPROPRIATION ORDINANCE, NO. 1, 1982-83; BILL 18-82(3), PUBLIC SECTOR COMPENSATION RESTRAINT ORDINANCE; 17TH REPORT OF THE STANDING COMMITTEE ON FINANCE

CHAIRMAN (Mr. Fraser): The committee will come to order. Mr. Patterson, have you a point of order?

HON. DENNIS PATTERSON: A point of order, Mr. Chairman. Do these bright lights have to be shining in our eyes? It is nothing to do with my boycott of this particular program, but why are we subjected to this?

MR. McLAUGHLIN: Just you and Mr. Sibbeston.

CHAIRMAN (Mr. Fraser): Sergeant-at-Arms, could you have the lights turned off? They are not filming anything right now anyway.

MR. McLAUGHLIN: The rest of us are in the dark.

CHAIRMAN (Mr. Fraser): We will see if we can get them turned off, Dennis, for the time being. They are not taking any pictures. They will wait until you go to sleep, then they will take some pictures.

---Laughter

Further Discussion Of Tabled Document 25-82(3)

The committee will come to order, dealing with Tabled Document 25-82(3). When we reported progress there was a motion by Mr. MacQuarrie, who moved that the motion be deferred until we have discussed the paper, at which time it would be appropriate to vote on it. That motion is in order. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I want the opportunity to speak just to alert Members to what is happening. You may recall Mr. Sibbeston had made a motion that we accept the paper in principle, and I had moved a motion that the vote on that motion be deferred until we had studied the paper. I am ready for the question, Mr. Chairman.

CHAIRMAN (Mr. Fraser): To the motion to defer. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, would this eliminate any further discussion of this paper during this session?

CHAIRMAN (Mr. Fraser): No, the motion only says to defer the vote, to postpone it. We are still discussing it, Mr. Patterson. This motion is just to defer Mr. Sibbeston's motion to vote on it until the end. We are still in discussion if this deferral passes. To the motion. Motion to defer. Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I wonder if you would advise us: What is likely to happen to my motion, in the event that this motion gets approval?

CHAIRMAN (Mr. Fraser): If Mr. MacQuarrie's motion passes, we will continue discussion on the paper, and then vote on your motion. To the motion.

MR. CURLEY: Question.

Motion To Defer Vote On Motion To Accept Paper On Aboriginal Rights And The Constitution And Provide Detailed Position As Amended, Carried

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

---Carried

Page four. Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. Might I have the consent of the committee to have Mr. Lal join us?

CHAIRMAN (Mr. Fraser): Is it agreed that the Minister's deputy, Mr. Lal, come in as a witness?

SOME HON. MEMBERS: Agreed.

---Agreed

HON. GEORGE BRADEN: Mr. Chairman, there is one point that perhaps I could mention under this category of the issue of aboriginal rights, which I neglected to mention yesterday. Now, although this paper does not specifically refer to section 42 of the Canadian constitution, it would be important to get the support of this House to continue pursuing the matter of section 42. Now, just to refresh Members' memories, paragraphs 42(1)(e) and (f) deal with the extension of provincial boundaries into the Northwest Territories, and the establishment of new provinces.

These two paragraphs are in the constitution, and are subject to the amending formula. Just to give you an example, if Nunavut wished to become a province sometime in the future, it would require that the legislatures of seven provinces, comprising 50 per cent of the population of Canada, would have to vote in favour of such a step. Members will recall that we vehemently opposed this provision as it is now contained in the Canadian constitution.

Now, as I understand it, the issue of section 42 was raised as a possible agenda item in the first working group session, and it was raised by my colleague, Mr. Curley. The working group agreed to give it some consideration to see if section 42 is more of a constitutional item, as opposed to an aboriginal rights item. I understand that since it was first raised some thought has been given to it, and Mr. Lal informs me that at the deputy minister level, anyway, there is very limited, or very little, opposition at this time to having section 42 included as an agenda item for consideration by the first ministers. Now, there is no guarantee that it will get on the agenda, but I think we have done really well thus far to identify this particular issue which is of common concern to all people.

I think it is important to recognize that section 42 is of concern to all people in the Territories, but so far we have been able to demonstrate that it is of particular concern to aboriginal people, and those arguments have been accepted by the majority of the participants. I believe there is only one provincial government that has some concern about it. I would just like to conclude my remarks by giving credit to Mr. Curley, and the Inuit Committee on National Issues for raising this issue, and for pursuing it, and keeping it on the agenda for discussion at the officials level. Those are my only additional remarks on this particular part of the paper, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Any questions on page four? Could we go then to part five, land claims? Mr. MacQuarrie.

Rights Already Affirmed In General Statement

MR. MacQUARRIE: Thank you, Mr. Chairman. The first recommendation on page four that the constitution of Canada enumerate as many aboriginal rights as can be agreed upon at the First Ministers' Conference, with the proviso that the list is not exhaustive, I absolutely agree with the second recommendation, that the constitution further reflect the fact that constitutional protection be afforded to any rights which may be negotiated by native organizations with federal, provincial or territorial governments, I also agree with that but there is one concern that I have about it, and I will spend a couple of moments dealing with it. In general, with this section, there was a little discussion yesterday about the definition of "rights", and I tend to agree with those who believe that the time has come to define as precisely as possible what they are. Perhaps for different reasons than some, I would not want to see just general statements made. We already have a general statement that affirms existing aboriginal and treaty rights. Since that is affirmed, it is obvious that the way is open to aboriginal people who believe that there are certain fundamental rights that are being ignored or violated, to have the right in the courts to pursue the definition in that way. It is to forestall that sort of thing that this conference is being summoned.

I think it is important to begin defining precisely what those rights are. My own expression of concern in one respect is that there not be entrenched in the constitution such general phrases as "political rights", which we saw on page three in the body of the paper. As I said earlier in the session, for my part, I do not look upon these rights as rights in an absolute sense. What the whole process is attempting to do is to ensure that a situation that is just, fair to native people, is delineated and entrenched and in that process there has to be the very real concern as to what the country as a whole can live with. Therefore, I do not object to very specific rights being entrenched, such as the right to have representation in the federal parliament or in provincial assemblies -- in other words, determining specifically what the political rights are and entrenching those rather than entrenching a general statement, which I know Mr. Curley said yesterday he would not like to see entrenched, because it would be interpreted too narrowly. That is his fear; mine, I suppose from the other side, is that I fear it would be interpreted too broadly and so I think it is the time to get as specific as possible.

Creation Of Public Governments Not An Aboriginal Rights Issue

With respect to the second recommendation, that talks about constitutional protection being afforded to any rights which may be negotiated, I absolutely agree with that. The one proviso I have is that the attempts to create public governments for each of the two proposed territories

in the Northwest Territories not be seen as such negotiations. The establishment of these public governments, in my opinion, is not in the pursuit of aboriginal rights, although in each case there may be certain elements of what is finally agreed to that could be considered to be in the nature of aboriginal rights. I know that for Mr. Curley's part he has already said that he does not see the pursuit of Nunavut as that type of pursuit and I appreciate that statement. I am not persuaded yet, that in the western territory the Dene hold that same opinion. I simply say that I will continue to insist that it is a process to create a public government and that is not a fulfilment of an aboriginal right, although the public government may be shaped in such way as to accommodate what are determined to be aboriginal rights, and I think there is a good will to do that.

This could very well be one of the first jurisdictions in Canada that displays a willingness to make such an accommodation. Once public government is negotiated in the East and West, I would have no objection thereafter if certain items in the constitutions that were prepared were identified as springing from aboriginal rights and were, therefore, specifically entrenched. A distinction, to show more clearly what I mean, would be, for example in the Western Arctic territory there could very well be something in the constitution which guarantees representation to native peoples in the Western Arctic government. That I would see as springing from an aboriginal right and I would have no objection to it being entrenched in the constitution. On the other hand, we may develop a system of government that extends residency requirements. For practical reasons we may very well do that, but I would not see that as stemming from an aboriginal right and would not want to see that entrenched or given the status of a federal constitutional guarantee.

Rights Expressed In Royal Proclamation Of 1763

With those reservations, I can just say that I agree to the first and second recommendations. The third one, I am not so sure about at all -- "That Part II of the constitution provide that the rights contained in the Royal Proclamation of 1763 are recognized and affirmed." It is simply that when I read that document I see that it is not and was not intended to be a constitutional document. Rather, it was an expression of royal will for the present, and those words are included in the proclamation. It certainly, for its time, was an enlightened expression of royal will and I hope that that same kind of enlightenment will characterize the dealings that will go on at the First Ministers' Conference, but the proclamation states that this is an expression of the royal will for the present, "until our further will be known", and I say that the further will of the Crown, the British Crown, did become known in subsequent constitutional events that took place. What I am saying is that I would not want to see the proclamation appended as a part of the constitution. I would not object if, after reading that proclamation, participants all agreed that there obviously are certain rights expressed in that document that ought to be entrenched and safeguarded, and thereupon those rights specifically were included in the constitution. I would not object to that.

CHAIRMAN (Mr. Fraser): Can we go into part five, land claims, then? Is there anything else on part four, the preamble? Mr. Braden.

HON. GEORGE BRADEN: Chairman, the Royal Proclamation is already attached to the constitution of Canada. It is what is known as a schedule to the constitution and what we are providing for is that the rights contained in the Royal Proclamation are recognized and confirmed -- not so much that the proclamation itself is recognized and affirmed. So I think while Mr. MacQuarrie has raised some interesting points, perhaps he misunderstood the intent of this particular provision and I would just say, in conclusion, that it is a very significant and major item that native organizations from southern Canada have raised. So I think we can accommodate Mr. MacQuarrie's concerns, given that understanding.

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

MR. MacQUARRIE: Yes. I think that I did not misunderstand entirely. I may have in some way, but I do not believe that that document is attached as a schedule. I have read through Schedule 1 and do not see it listed, although I recognize that within the body of the constitution there was a statement -- section 25 -- that nothing in the charter of rights shall be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada, including any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763, and so there is a slight difference there. I guess all I am saying is I would like to see that situation maintained and if your intention is, as you just expressed it, to identify the rights and entrench them, I do not have an objection to that.

CHAIRMAN (Mr. Fraser): Mr. Braden.

HON. GEORGE BRADEN: I will let the record show that I stand corrected. It is not on the schedule. Now, if we are finished with part three, can we proceed to part four?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): We are dealing with part four now. Part four, preamble. Mr. Braden.

Preamble

HON. GEORGE BRADEN: Chairman, I will have Mr. Lal explain this in more detail after I make some opening comments. We have acknowledged that the present part of the constitution in Part II is entitled "Rights of the Aboriginal Peoples of Canada". We believe that it is likely that any recognition of rights will be inserted in this part. We are suggesting two additions -- or two changes. The first is to entitle Part II, "Charter of Rights of Aboriginal Peoples of Canada". We believe that this would elevate Part II to a status equal to the charter of rights and freedoms as contained in Part I. Now, assuming that is acceptable, we feel that there should be a preamble to the charter of rights of aboriginal peoples, giving recognition to the fact that aboriginal peoples are the indigenous peoples of Canada. As stated in the document, the exact wording would have to be worked out, but I feel that this is kind of a fundamental provision that is necessary to give status to this particular objective. So basically part four, preamble, is asking support to have Part II entitled "Charter of Rights of Aboriginal Peoples of Canada", and to have a suitable and agreeable preamble prepared for it. I will turn it over to Mr. Lal to give further comments, if he has any.

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

MR. LAL: Thank you, Mr. Chairman. Mr. Chairman, it is customary for constitutions to provide for a preamble. The Canadian constitution has perhaps one of the shortest preambles of any that I know of. It is merely a line and a half long, and reads, "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law." The American preamble, by contrast, is a much longer statement, setting out the principles on which the nation is founded. If we are to provide for special rights for aboriginal peoples in the constitution, I believe it is important that the provision dealing with those rights should begin with a preamble which would recognize the contribution of aboriginal people to the founding of Canada as a nation, and would therefore be the logical step leading on to the rights being enumerated or set out in that part. In addition to just the ceremonial aspect of it, I believe that a preamble of that nature would help Canadians to understand why special rights are being listed for aboriginal people, and might even be of substantial assistance to the courts in interpreting some of those rights and provisions. Therefore we feel, Mr. Chairman, that it is important that those rights be preceded by a preamble. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Preamble. Mr. MacQuarrie.

MR. MacQUARRIE: With respect to the two recommendations under that heading -- that Part II be entitled "Charter of Rights of the Aboriginal Peoples of Canada", although Mr. Erasmus yesterday, if I recollect correctly, introduced some subtle arguments as to why that maybe should not be done, for my part, I have no objection, and I support that recommendation. Also, I agree with the inclusion of a preamble which is the second recommendation.

I am not sure that the preamble suggested by the deputy minister is appropriate. It is perhaps true that the aboriginal peoples should have had a role in the founding of Canada as a nation, but I believe they did not, and that would be an incorrect statement. They have made contributions to the country, to the well-being of the country. They are significant groups of people who live in the country, who certainly have special rights as a result of their situation, but they did not specifically contribute to the founding of Canada as a nation. I am thinking of that in the legal and political sense -- the preamble that is suggested may not be appropriate. Also, I would ask the deputy minister for a statement as to how courts interpret what is in preambles when legal cases are mounted.

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

Preamble May Clarify Intent Of Provision

MR. LAL: Thank you, Mr. Chairman. I bow to the honourable Member's far superior knowledge of the history of Canada, compared to mine. In respect of his question, the courts would normally use the preamble to assist them in interpreting some of the provisions contained in the body of the statute, or body of the constitution, particularly if those provisions are not very clear and the court is looking for assistance in trying to determine what the framers of that particular provision had in mind when they were setting out those provisions. So to that extent, a court could use the preamble to assist it in coming to a conclusion in interpreting a particular provision.

CHAIRMAN (Mr. Fraser): Mr. MacQuarrie.

MR. MacQUARRIE: Would it be likely that a suit could be mounted solely on the basis of statements in a preamble?

CHAIRMAN (Mr. Fraser): Mr. Lal.

MR. LAL: I doubt that very much, Mr. Chairman. One would need to have more than just reliance on the preamble to be able to successfully establish a suit.

CHAIRMAN (Mr. Fraser): Thank you. Page four, preamble. Mr. Sibbeston.

MR. SIBBESTON: I just want to say something about what Mr. MacQuarrie said about the native people's role, or non-involvement, in the founding of Canada as a nation. I guess I would have to admit too that native people were not politically involved, and in many other ways were not involved, when a bunch of French people and English people decided to set up a country called Canada. But I think it still must be recognized that certainly the native people were here first. Maybe they were not organized, or did not decide to set up Canada as we know it today, but surely it must be worth something to have been the first inhabitants of this land that is presently known as Canada. That, in itself, I think, must be worth recognizing and having it known, in the Canadian constitution. I think this is what the preamble would refer to, or recognize. So, in that regard we were not at the table when the French and English met, but we were first in Canada, and it has to be worth something. This is what aboriginal rights is all based on -- the fact that people were here first, before any white man, or black man, came over to America. This fact has long been recognized in law, and we are talking of the law of the land, law of the country, and I think it would be very good to have that recognized. It has to be worth something, the fact that we were here first.

When a constitution is set up for governments of the North eventually, be it Nunavut or Denendeh, there has to be, in the constitution, recognition of aboriginal people and their involvement. We are in a more fortunate position. The native people will surely be involved in the founding of Denendeh and Nunavut. That aside, there must still be recognition of the fact that native people were here in this land first, that there is some possibility that the land belongs to them, and that there are certain rights that are derived from having been first here.

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

MR. MacQUARRIE: Yes. I do not disagree with what Mr. Sibbeston said. That is the way it should be put. I think they should have been at the table when the country was founded. They were not, and that is why we are going through this process now -- 115 years late. I am only suggesting that the preamble should be written in a way that recognizes that rather than the way it was stated initially.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Are we ready to go to part five, land claims?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Mr. Braden.

Land Claims

HON. GEORGE BRADEN: Thank you, Chairman. In this particular section, we have about a page and a half of text which makes reference to aboriginal claims or land claims negotiations. Basically what we are seeking here is approval to advance the position that the constitution provide that land claims settlements in the provinces should be negotiated on a trilateral basis. Now, this may be unpopular with some native organizations or some organizations who feel it is strictly a matter between a particular native group and the federal government, but the fact of life is that, in provincial jurisdictions we believe that it is imperative to have the provincial governments involved if necessary. Otherwise, you are going to have a situation where a provincial government does not assume the responsibilities that it has toward seeing or ensuring that claims settlements are properly implemented, that rights and benefits are protected and enhanced.

Now, with respect to the Territories, I think it is important to recognize that the situation is somewhat different. We propose generally that the current procedure or practice continue in the Territories, and Members will recall the debate we had in Baker Lake, I believe, where we agreed that the primary role in negotiations would be by the native people of the Territories and the federal government, and that our Legislature and our government, while having an involvement, would assume what I would call a secondary role in terms of negotiations. But I think we do have a real responsibility to ensure that once a claim has been negotiated and it is in the implementation phase, that the territorial Legislature and government are seen to be accepting their responsibility in ensuring that the actual implementation proceeds as effectively as possible.

Second, Mr. Chairman, we are proposing that constitutional recognition be given to such rights which arise from land claims settlements, and I believe this goes in part toward addressing some of the concerns which Mr. Erasmus raised yesterday about recognition of regional claims or claims within a particular jurisdiction.

Finally, we are suggesting here that as a possible option for the protection of a claim settlement, that the Canadian constitution would provide for the establishment of aboriginal rights commissions in each jurisdiction to oversee the operation of land claims settlements, and we are proposing this as an option. We recognize that it perhaps needs further development, but in our experience in the government we found that from time to time this outfit called the Human Rights Commission comes down on us like a ton of bricks because we are doing something which is in violation of the Canadian Human Rights Act, and we are in a sense bound to respond to bring us in line with various human rights provisions. We see this as an interesting approach to take in respect of aboriginal claims, because in each jurisdiction, if you have a legislature and a government which may intentionally or unintentionally do things which affect the claims settlement, there has to be some forum or agency which has some clout to ensure that certain actions are not proceeded with or, if they are, that changes are made to ensure that aboriginal rights benefits or privileges are not undermined. So basically, Mr. Chairman, that is the intent of this particular provision, and if my deputy minister wants to add anything further, he can; if not, we will proceed with discussion.

CHAIRMAN (Mr. Fraser): Thank you. Mr. Lal, do you want to add some comment to that statement?

Aboriginal Rights Should Not Be Extinguished

MR. LAL: Mr. Chairman, only a very short comment. The section also proposes that aboriginal rights should not be extinguished as a result of a land claim settlement, and the rationale for that is that aboriginal rights are more comprehensive than title to land, and these rights should be emphasized as a basis for continual cultural and economic guarantees. Just that point, Mr. Chairman, otherwise everything else, Mr. Braden has already referred to.

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

MR. SIBBESTON: Well, Mr. Chairman, the idea or notion that aboriginal rights not be extinguished, is a pretty good and pretty important concept that the territorial government is advancing. The thinking up to now by governments in making deals, making treaties and land claims settlements with native people, is that any rights that native people have are extinguished after the deal is made; after the treaties are signed, they are in many senses, just like any other Canadian, without any aboriginal rights, because these rights have been extinguished. So the idea of having aboriginal rights continue into the future, and never being able to extinguish them by land claims settlements or treaties, is one that I think native people have been advancing. Some people would have thought that it is impossible or outlandish or would never be accepted

by the Canadian society at large, but I am glad that this idea is coming forth now, because it forever recognizes the fact that aboriginal people were here first and that it is worth something to have been first here, and this is going to continue into the long-term future.

On another point, on page six, there is the recommendation that the constitution provide that land claims settlements in the province should be negotiated on a trilateral basis between native organizations, federal and provincial governments. I am just wondering whether we should be talking that way or holding that position. In the North here we properly hold the view that negotiation is really just between native people and the federal government, and the territorial government has no business being a third party, and that is the way we have it. In the provinces, of course, the provincial governments are a lot stronger and so it may be that they will insist on being a third party to any negotiations with the native people, but I am wondering whether we should just leave that to the provinces to decide and to maintain or to support that idea. We should maybe just mind our own business here and deal with only our situation and suggest that here, in the North, negotiations be only between the federal government and the native people, and that the territorial government be involved in the negotiations as part of the federal team.

Aboriginal Rights Commission

A third point is with respect to the aboriginal rights commission. I guess I am pleased again that there is some consideration of an aboriginal rights commission, because it is the very thing that native people have been saying, particularly in the Denendeh document, that there must be a body to protect aboriginal rights that have been gained over the course of eternity, once these rights or negotiated settlements have been made. In the Denendeh document they suggest that a senate be the mechanism by which aboriginal rights are forever protected. Here the government is suggesting that there be some kind of an aboriginal rights commission, but it does not really matter as long as there is recognition that there be some mechanism in place to protect aboriginal rights once they have been defined through land claims or some other negotiations. So I am glad that this is provided for. It is a logical provision which I think in many ways supports many of the ideas that have been advanced in the Denendeh document.

CHAIRMAN (Mr. Fraser): Further comments on part five? Mr. MacQuarrie.

MR. MacQUARRIE: Yes. In the body, where it says aboriginal rights should not be extinguished, I agree with that concept. I know that in Canada there have at various times been situations where at least some of what will probably be recognized as aboriginal rights were extinguished -- that is, title to land and so on -- in exchange for certain very specific items that were included in treaties. I am not sure, when this statement is made, if the government intends to pursue a situation across the country where aboriginal rights are not to be extinguished, or only for peoples where they have not been extinguished up until this time. I certainly would support a pursuit for that being a general statement, that they should not be extinguished, but then I would have concern with respect to treaty rights. In other words, I do not think that both should be in place in that case. If aboriginal rights are clearly specified and identified and entrenched, and these will apply to all aboriginal peoples, where these include items that were extinguished elsewhere and they are now redeemed by this act, then I personally believe that specific treaty rights that were gained at another time in exchange for these, should be surrendered.

I can agree that these rights are more comprehensive than title to land and certainly in the area of culture, I believe that that is the case and these rights should be emphasized -- the base for culture -- and, I think, also for economic guarantees as well, but the nature of those requires close examination. I know that, for instance, there is the question of payment of taxes and I know that non-payment of taxes -- let us not say non-payment, as that implies you are not paying your taxes -- the tax-free status in connection with reservations, specifically, was granted based upon the idea of establishing reservations. I may not be correct in this, but I believe that is the case -- all I am saying is that if that is, in fact, the principle and if it was established in relationship with reservations particularly, that I would not see that continuing as an aboriginal right. It was established for a particular reason and if aboriginal rights are more comprehensive, that is not by and of itself in the nature of an aboriginal right.

With respect to the recommendations specifically in that section, that the constitution provide that land claims settlements should be negotiated in each jurisdiction on a trilateral basis -- I accept that; that constitutional recognition be given to such rights which arise from the land claims settlements -- I accept that; that the constitution provide for the establishment

of aboriginal rights commissions in each jurisdiction to oversee the operation of land claims settlements -- I note that Mr. Erasmus yesterday expressed some reservations about that, feeling that maybe it should be more general, but from my own point of view, I feel that that is probably a reasonable approach and I can accept that as well.

CHAIRMAN (Mr. Fraser): Thank you, Mr. MacQuarrie. Land claims. Mr. Curley.

Positive Rather Than Cautious Approach Needed

MR. CURLEY: Thank you, Mr. Chairman. I just wanted to make a general comment on the government's positive position. I think I should compliment the government for that, in dealing with the aboriginal rights, which may be confusing to many people and to many government officials I would say and possibly to Bob MacQuarrie, the Member for Yellowknife Centre. But although aboriginal rights has probably confused many Canadians, I am not positive that the issue has confused many native people of Canada. I think for the first time this government is beginning to show, in a positive sense and through a positive approach in trying to resolve the historic problems, that this government is not afraid to say that aboriginal rights should not be extinguished. I do not think the aboriginal rights issue is such that it ought to be continually conflicting with private enterprise, government or any major resource development potential in the area, because I do not think the native people, particularly in the NWT, have taken a hard line approach. I think they have been moderate in dealing with their aboriginal claims. Whether or not we agree with some of the positions that they take sometimes, I think they have been very moderate with the kind of negative response that they have historically received from the non-native people. I am saying those words because I am getting a bit discouraged as to whether or not aboriginal rights are something that we ought to be so cautious about and then we ought to mistrust the intent of whatever the government is trying to do.

I do not share that view at all. I think we are getting to the point, and possibly the time is running out, where unless we agree to come to an agreement with the native people, then we probably never will. If we reach that stage where we never reach an agreement with them, I think the next stage is not going to be easier than the previous experience that we have. So I would like to, again, take the positive side of the approach that the government has taken and not to try and continue to be so cautious about it, because what excites me about the process today is that native people, for the first time, are going to accept their own mistakes, because treaties I do not think were perfect. I think the way treaties were designed has misled the native people, and therefore has created the mistrust that exists between the native people and the white people, although this view is not shared in the East, because we do not have such treaties. I think it is evident throughout the country that the reason we have such a mistrust between the Canadians and the native people and the governments is because we have taken advantage of the native people.

I would like to treat aboriginal rights issues as any other agreements that the governments normally enter with any other parties in Canada. The government enters agreements and these agreements, these treaties, are therefore sometimes legislated and changed and, you know, they renegotiate the terms and conditions of any agreement, whether complicated or simple. I think that is what Canada is trying to do through this exercise, and I can say I am proud of this government. This present leadership in the Executive Committee has taken the very difficult problem, the complex problem, in a positive attitude and hoped that it will resolve in the near future to the satisfaction of both parties. So I would just like to at least hope that this Assembly will have a positive attitude as well, again, because the native people are the agents to do it, through these constitutional conferences, and they, for the first time, if they come to an agreement will, I am hopeful, not blame the white people and the Government of Canada forever. They will be the ones who will now make their own mistakes and if they make the positive ones, I think that will develop into a much stronger relationship between the government and Canada as a whole. Thank you.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. I would like to recognize Mr. Jim Antoine, chief of Fort Simpson and Bill Lyall, a former Member of this House.

---Applause

Any further questions on land claims? Shall we move into part six?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Enforcement of aboriginal rights. Mr. Braden.

Enforcement Of Aboriginal Rights

HON. GEORGE BRADEN: Mr. Chairman, while there are currently some general provisions within the constitution to protect individuals who feel that their rights or freedoms have been violated, there is no specific provision in respect of the aboriginal rights. What the government is proposing here is that the House give consideration to recommending that a clause be included in Part II of the constitution providing that anyone whose rights are guaranteed by Part II of the constitution shall have the right to apply to a court to obtain such remedy as the court considers appropriate, and basically that is the recommendation that we have put in the paper at the top of page seven. I will have Mr. Lal comment on this in a bit more detail.

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

MR. LAL: Thank you, Mr. Chairman. Mr. Chairman, presently Part II of the Constitution Act recognizes aboriginal rights, but does not state what happens if someone infringes those rights. However, the charter of rights provides that if anyone infringes those rights, that person whose rights have been infringed has the authority, or the power, to go to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Part six of the paper proposes, Mr. Chairman, that a similar provision be incorporated into Part II of the Constitution Act, so that if aboriginal rights, or rights of any aboriginal person, are infringed, he or she would have the right to seek appropriate remedy from a competent court, and the court would have the authority to grant him or her such remedy as the court considers appropriate and just in the circumstances. Thank you.

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

MR. MACQUARRIE: Just to say, Mr. Chairman, that I support the recommendation in part six.

CHAIRMAN (Mr. Fraser): Could we move then into part seven, amending formula? Mr. Braden.

Amending Formula

HON. GEORGE BRADEN: Mr. Chairman, the Constitution Act provides for a procedure to amend the constitution of Canada, and what we are proposing here -- very briefly -- is that Part II of the Constitution Act should include a section which provides that the aboriginal and treaty rights recognized and affirmed by the constitution shall not be subject to amendment without the consent of the aboriginal peoples of Canada. That particular intent is contained in the recommendation.

Members will recall that this is a contentious issue, particularly among some of the national native organizations who have been seeking the authority to get involved in the amending process for the constitution. That particular objective was rejected by the Prime Minister and the first ministers, and what we are proposing here, we feel, is a bit of a compromise. We do not feel that it would be acceptable to the governments in southern Canada to have native organizations or native people part of the amending process for the whole constitution. But certainly, because of the significance and importance of those parts of the constitution which deal with aboriginal rights, there should be some provision for the native people of Canada, through their organizations, to be participants in amending those sections which affect them. That is all I have to say on this, Mr. Chairman.

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

MR. SIBBESTON: Well, Mr. Chairman, when aboriginal rights are defined, and further delineated, in the constitution, it is just so fundamentally important that, in the future, if there are to be any amendments, that native people be party to the amendments, and any amendments not be made without their consent. This is fundamentally important to having aboriginal rights put into the constitution so I am glad that this government has come forth with that idea, and I am sure it has broad support here.

CHAIRMAN (Mr. Fraser): Thank you. Part seven, Mr. MacQuarrie.

MR. MacQUARRIE: Mr. Chairman, I support the recommendation in part seven.

CHAIRMAN (Mr. Fraser): Thank you. Part eight. Culture and language. Mr. Braden.

Culture And Language

HON. GEORGE BRADEN: Mr. Chairman, we have singled this particular area out because it is one which has been discussed at great length by the Members of this Legislature, and it has been adopted, to the greatest extent possible, as a priority of the government to improve our programs and services in the area of culture and language. Now, we are perhaps in a bit of a unique situation in Canada, in that our population is composed of a majority of aboriginal people, and that legislators and lawmakers in the Territories recognize the significance of preserving, enhancing, and protecting native languages in particular. This, as many Members have said in this House, is the key to ensuring that culture and language are protected and enhanced.

So what we are proposing is that in any proposed list of aboriginal rights there should be some reference to the preservation of the cultural heritage of aboriginal peoples. Now, you are aware that the constitution, as it is presently written, recognizes English and French as the official languages of Canada, and arising from that there are certain language education rights. Now, we feel that this House and the government should recommend that similar privileges should be afforded to aboriginal languages -- more specifically, the constitution should specify that aboriginal peoples have the right to preserve and enhance their culture and language, and should have the right to receive education in their own language, where it is warranted by population. This is no different than the general provisions which apply to English and French speaking students in Canada. That intent is contained in the recommendation, Mr. Chairman. I have nothing further on this.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Do you have anything to add, Mr. Lal?

MR. LAL: No, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you. Further comments. Culture and language. Mr. Sibbeston.

Recommendation Enthusiastically Endorsed

MR. SIBBESTON: Yes. Well, Mr. Chairman, I was thinking that many aspects of this paper are really very good. I was going to say I would like to meet the guy who actually wrote this, because he ought to be commended. It has many things in here which we kind of wish the government would do, and wish they had done years ago, but it is only happening now -- so thank God. I would like to meet the guy who was the author of this paper, because it is fairly well on point. It has captured the general feelings of this Assembly, anyway.

I was going to say that I think this point is very important for the preservation and continuation of native languages, because if you are to place the native languages on the same level as French and English, it will virtually guarantee their existence into eternity -- into heaven and hell, wherever we end up. I see this to mean that native people would have the same rights to languages -- not just in respect of culture and languages, but to such things as being able to obtain services in their own languages, being able to have courts conducted in their own languages. So it can be very far-reaching. So I just think that this is a very good recommendation and could do a lot for native people if it is generally adopted throughout Canada. We know, of course, in the North, that even without the constitution, or without all these things adopted in the constitution, these things will come to pass in the North, do we not? Mr. Parker says yes.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. Any further comments? Culture and language. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, the aim of the exercise is to try to create a situation that is just, for aboriginal people, and I believe that this is the area that, of all expressed aboriginal rights, is the one that is most important. I note that there are lots of people who are descended from lots of different cultures in this country, but in most cases they are people who voluntarily came from elsewhere to live in this country, and, having done that, have had to make compromises with respect to language and life style, but I note that the aboriginal people always having lived here and considering this their home -- I think that fundamental cultural guarantees are most appropriate, and it is certainly the recommendation in the paper to which I give my strongest support.

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

HON. GEORGE BRADEN: Just in response to Mr. Sibbeston's question, Mr. Chairman, someone here beside me indicated that this is an old document that David Searle prepared...

---Laughter

...but I just wanted to lay that to rest. No, it was prepared by officials in the Department of Justice, with input from Aboriginal Rights and Constitutional Development.

CHAIRMAN (Mr. Fraser): Thank you. We will take a 15 minute coffee break and then come back to part nine, political representation.

---SHORT RECESS

Political Representation

CHAIRMAN (Mr. Fraser): I call the committee back to order. Part nine, political representation. Mr. Braden. Is there a Braden in the House? Mr. Lal.

MR. LAL: Thank you, Mr. Chairman. He is still not here. Part nine of the paper deals with political representation. Essentially what it provides is that there should be a guaranteed number of seats for aboriginal people in the federal, provincial and territorial legislatures. At present, Mr. Chairman, there are no seats reserved for aboriginal people in any of the legislatures of Canada. The proposal is to determine a formula whereby a certain number of seats will be so reserved, and it is proposed that this provision apply universally to all legislatures in Canada. I might add, Mr. Chairman, that this is a concept which is not foreign to the Canadian parliamentary system, in that the Constitution Act of 1867 guarantees a reserved number of seats for the jurisdiction of Prince Edward Island. It is again a concept which is not foreign to common law or the Commonwealth. Many of the Commonwealth countries have such provisions. I can think of New Zealand and India as two countries that have a reserved number of seats for special segments of their population. In New Zealand, I understand, the seats are reserved for the Maoris, and I believe the number of seats is four or five. That is essentially what is contained in this recommendation, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Fraser): Part nine, political representation. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, as one section on a position, how is the representation or equal representation according to aboriginal population being received up to this time?

CHAIRMAN (Mr. Fraser): Mr. Lal.

MR. LAL: Mr. Chairman, appreciating that we are still at a very preliminary stage, where the meetings have been held at official level and at working group level, I would say the recommendation or the position has been received reasonably well. The example of New Zealand has been quoted several times, and has generated a great deal of interest among the provincial and federal delegates at this conference, but I would venture to say that it is too early at this stage to determine whether they would go along with this proposal or not. I might add that Prince Edward Island's was the quietest one at this meeting.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. I see the Minister is back in the House. I imposed on your deputy minister to make your opening remarks, if that is okay with you. Comments on part nine, political representation. Do you have anything to add, Mr. Braden?

HON. GEORGE BRADEN: No, I have nothing else.

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

MR. MACQUARRIE: Thank you. I agree with this recommendation, Mr. Chairman. Two brief comments. One, having looked at the legislation that forms the basis of the New Zealand constitution, I notice that there are voting rolls, and that any individual can either be on the aboriginal roll or not, and he would therefore vote in the regular elections. I would hope that that is the procedure that would be pursued here. As I say, I agree with special representation, but not with someone having two votes at each election, in other words. So people would make the choice as to whether they wish to run as a candidate for one of the aboriginal seats, or to vote for one of the candidates running for an aboriginal seat, or not to be on the aboriginal roll at all but to seek election in the general election or to vote for people who are running in a general election. The other brief comment I have is that while I also agree with the suggestion that there should be representation in the federal Senate, special representation for aboriginal people, I do not necessarily agree with the formula that was suggested.

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

MR. LAL: Mr. Chairman, just to say that it is almost essential in my view that there should be a separate roll for electors electing aboriginal members to these institutions. If the aboriginal candidates were to be elected by the general roll, there is a great risk that those candidates who are the strong proponents of aboriginal positions would find themselves being outvoted by those candidates who perhaps support the total view as opposed to protecting the special interests of the aboriginal people.

CHAIRMAN (Mr. Fraser): Any further comments? Are we ready to go to part 10?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Part 10, ongoing protests. Mr. Braden.

Ongoing Protests

HON. GEORGE BRADEN: Mr. Chairman, the purpose of this section is to get the views of the House on proposing that an additional or additional First Ministers' Conferences must be held within a specified time frame to continue to address the aboriginal rights items. The reason we are putting this forth, Mr. Chairman, is to recognize that it may be unrealistic to expect that the aboriginal rights question will be resolved completely to everyone's satisfaction in March, 1983. I think that we have to recognize this factor and to encourage the first ministers to guarantee that another conference will be held within a certain specified period of time. Hopefully, taking a positive view, as Mr. Curley indicated, there will be a momentum, there will be progress made by March, 1983, and I think we have to look for some kind of provision which will allow for completion of the work. Therefore, Mr. Chairman, we are recommending that the constitution provide for an ongoing process to deal with aboriginal rights and that a First Ministers' Conference be held within a specified period of time to deal with this matter. Thank you, Mr. Chairman.

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

MR. SIBBESTON: I was just reading the first part of the part on ongoing process. It says: "The Government of the Northwest Territories should not find itself in the position of defining aboriginal rights; the native people of this country are well able to do that themselves."

Government In A Good Position To Define Native Rights

Well, I could not help but see that if there is one government in Canada that finds itself in a position, a strong position, to deal with aboriginal rights, it is actually this government. It is because this Assembly has a majority of native people. This government does not, but this government is supposed to, represent the thoughts and views of this Assembly. So you are in a good position, I would say, as a government, to represent aboriginal peoples in respect to the constitution. The way it is written, it sounds as if the government and this Assembly were distinct, were something different, and you are suggesting that this government does not have much of a right to be able to deal with aboriginal rights. On the contrary, I say this government is in a very good position, because it ought to reflect the majority of the Assembly Members, who are native, so you have a strong, very strong, mandate -- this is not just a bunch of white people that are going to be sitting there on our behalf, supposedly; it will be native people and white people representing the people of the North -- and a very good position to be involved in defining aboriginal rights.

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

Native People Have A Primary Role

HON. GEORGE BRADEN: Mr. Chairman, in response to the Member's points, we are able, as a Legislature and as a government, to propose or advance or recommend broad subject areas -- as we indeed have done in this paper, when we made reference to the significance of language and culture. I think the intent of this particular statement is that it reflects the position of this Legislature, that the defining of aboriginal rights, through land claims or aboriginal claims negotiations, is a matter for the native people of the Northwest Territories and the Government of Canada. Now, we are not intending by this to just throw native people or native organizations to the wolves -- well, you go out and do the job -- and I suspect my deputy minister can correct on this, but in this particular sentence we are trying to reflect the position of this Assembly, that native people have a primary role, through negotiations, in one sense, to define their rights and benefits. In this particular case, in dealing with the constitution, we could certainly contribute to defining broad subject areas that have been identified by native people in the Territories, and by this Assembly in particular.

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

MR. LAL: Mr. Chairman, just to confirm Mr. Braden's comments. The position that is taken in this sentence, is what I understand to be the position of all the aboriginal groups in the

Northwest Territories -- which is that the definition of what does "aboriginal rights" mean should be determined by a process of negotiations between the aboriginal people and the governments involved in the process. Mr. Sibbeston referred to two terms defining and dealing with aboriginal rights. I do not believe that this sentence would preclude the Government of the Northwest Territories from participating -- and, I might add, participating actively -- in dealing with the aboriginal rights questions in the constitutional conference. This sentence refers to the very narrow and specific aspect of actually defining what those aboriginal rights are, it in effect states that it is for the native people to put forward at this conference the various items that would comprise the definition of aboriginal rights. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. Any further comments? Are we ready to deal now with Mr. Sibbeston's motion? Mr. MacQuarrie. Comments.

MR. MacQUARRIE: Thank you, Mr. Chairman. There is some difference between the body of part 10 and the recommendation. So I will say first, with respect to the recommendation that the constitution provide for an ongoing process, I absolutely agree with the recommendation. I do have a little concern with some of the body, and I refer to the same sentence that Mr. Sibbeston referred to, for a different reason, I guess. "The Government of the Northwest Territories should not find itself in the position of defining aboriginal rights; the native people of this country are well able to do that themselves."

Now, if what is intended there is that it is up to the native people to assert what they believe their rights to be -- agreed absolutely, that is what they ought to do. But then, of course, the process demands that all of the governments involved in the process have then to say, "Okay, that is what you are asserting as aboriginal rights. How does the rest of the country view that?" More importantly, from my point of view, "What can the rest of the country live with?" In addressing that very practical problem, there will of necessity be definitions by the governments that are involved. They will have to say, "Well, we feel that we could not entrench such and such a thing, because of these implications." If your position is that that sort of definition is fine for the federal government and for provincial governments but not for the Government of the Northwest Territories, I cannot quite agree with that either, because I do say that whatever finally is defined as an aboriginal right, or generally as aboriginal rights, will have an impact in the Territories.

Public Governments In NWT Will Have To Live With Results

We are trying to establish two public governments, in what is now the Northwest Territories, and those public governments will have to live with whatever finally is defined. So I would feel that this Executive Committee, this government, would have to have some concern about what is being defined finally as aboriginal rights. I do not know quite how to put that, because I know the Executive Committee is bound to follow the lead of the Assembly -- certainly there is a native majority in the Assembly, as Mr. Sibbeston pointed out -- and I cannot expect that my views in the matter are going to carry. They are a minority view, and I recognize that. But I still would urge the Executive Committee to consider that along the way, that these public governments will have to live with the results, and act accordingly, as they see it necessary.

CHAIRMAN (Mr. Fraser): Any further comments? Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, just in terms of general advice, or general hopes, and it has to do a bit with the ongoing process. As I can imagine it, when the first ministers and Prime Minister get together, generally I suppose it is going to be a situation where native people will be advancing their ideas about aboriginal rights in the constitution. Then all the rest are going to be sitting there, posturing -- their attitude is to hold back, to give out as little as possible, to be -- not unco-operative, but the native people have to convince all of the premiers and Prime Minister who are reluctantly there perhaps, or who are withholding as much rights to themselves as possible. So it is generally going to be a reluctant kind of negotiator that the native people are dealing with, and I would hope that this government would just state very clearly at the outset that you are a government whose majority in the North is native, and that your position is clearly to support native initiative, to support the aboriginal people of Canada in their quest; and so depart, set yourself aside, aside from the rest of the premiers, who are generally going to be against any entrenchment, or any further definition of aboriginal rights. They are going to be trying to withhold rights. But on the other hand I think you, Mr. Braden, as the leader, have the confidence of everybody here, pretty well, and most of us are native.

Government Leader Has Confidence Of Native People

I think you should state very clearly that you have a mandate to support the native people of Canada, and that you intend to do so, and not be part of the gang, or part of the group that are going to be generally reluctant to give up any rights to native people in Canada. If you would do this I think it would be very good. I suppose the rest of Canada would wonder, "Gee, if the native people are in the majority in the North, what is a white man doing representing them?" But you could show that you do have our support, you have the confidence of the native people of the North, and so it would be very good if you were to do this. Of course you would have a few native people very close to you, either beside you or behind you, so that people do see that it is not a government of white people up north here, that there are native people involved -- besides simply being elected, that there are native people on the decision-making body of the government.

CHAIRMAN (Mr. Fraser): Any further comments? Do you wish to deal with Mr. Sibbeston's motion? Mr. MacQuarrie.

MR. MacQUARRIE: I would just like to say that I know, while having raised a variety of concerns as we went through the paper, to some that would seem very negativistic, so I would like the opportunity to echo what Mr. Sibbeston said. I hope that the Executive will take account of some of the concerns that I raised. I feel some of them are important, but at the same time I also agree that it will be a hard row to hoe for native people and that this government can have a special role to play. I also hope that they would keep in mind the situation that Mr. Sibbeston outline, when they appear at the conference. I think, generally, the paper is a good paper and I think that the hope that we have in that regard will be realized if they pursue the same sort of approach that they are taking now.

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

MR. CURLEY: Mr. Chairman, I was very impressed to see that Mr. Stien Lal, during his opening remarks, did state exactly what Mr. Sibbeston was trying to seek, some assurance from the government. I think this government has set the tone, and I think even with the other previous meetings, the information that I got from them was that the NWT representatives were leading members of all the representatives amongst the provincial representatives. So I am very optimistic about that part.

Fear Of Native Majority

However, I cannot help but to react to Mr. MacQuarrie's paranoia about the possibility of native people becoming the majority in any public government. When he talks about public government, I hope he means a public government, not a native state or whatever. I would just like to state clearly, as a Canadian Inuit, I do not fear for one minute that native people could be a majority in any given public government. We have never feared that the white people, one part of the ethnicity, would be a majority in any government. No one has ever complained about that. I would urge him to recognize that there is nothing wrong in having native people being the majority voters in any Canadian federal system. Otherwise, I really would wonder what he is trying to get at, because to me there is nothing wrong being a native majority, as a Canadian in a Canadian federal system. I must state, though, I have been wondering about what paranoia is all about, when you begin to see that native people are beginning to become a majority. They are doing very well in the Eastern Arctic in local municipal governments under existing legislation, so I do not see any reason why they could not make an equally important contribution through any public government by being a majority. That is my position and I will hope that there will not be any more of this negative attitude toward native people being a majority in any public system. Thank you.

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

MR. MacQUARRIE: Well, I would like to say, Mr. Chairman, that if there is paranoia, I think it is on the other side and not on mine. I would remind the honourable Member that I had a lot to do with the report of the special committee on unity, which recognized the possibility that there could be an Eastern Arctic territory which had a majority of native people, and so I have no paranoia about that and no fear about it. I think maybe the Member misunderstood the remarks I made with respect to public government a short time ago.

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

HON. GEORGE BRADEN: Mr. Chairman, I assume that we are ready to deal with Mr. Sibbeston's motion. Is that correct?

CHAIRMAN (Mr. Fraser): Do you want to give up your place? Ms Cournoyea has a remark. Ms Cournoyea.

MS COURNOYEA: Just a short remark, Mr. Chairman. I am a little bit concerned about the kind of ideas that Mr. MacQuarrie is bringing forward for consideration on the Executive Committee. He must remember that we have already voted on this territorial government's position as it relates to land rights and the position is very clear and that is a position voted on and duly respected by this Legislature. The position he is giving now is that we should take a more senior position than we have already agreed to and I want to make that clear, that we already have a position.

CHAIRMAN (Mr. Fraser): Thank you. If we are ready to deal with Mr. Sibbeston's motion, I will let Mr. Braden finalize the discussion. Mr. Braden.

HON. GEORGE BRADEN: Just before we proceed to the motion, Mr. Chairman, yesterday we had the presidents of two western native organizations appear for a short time before this committee. John Amagoalik, the president of ITC, was asked if he would want to appear and as I understand it he would like to make a few comments on this subject. He probably will be here tomorrow. Now, I would hope that tomorrow this committee would recognize that he has the same privilege as the other presidents and that we would give him half an hour to make some comments.

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

Motion To Accept Paper On Aboriginal Rights And The Constitution And Provide Detailed Position, As Amended, Withdrawn

MR. SIBBESTON: Mr. Chairman, I will withdraw my motion for the time being.

CHAIRMAN (Mr. Fraser): Do you want to withdraw it or defer it until we get the further remarks from Mr. Amagoalik?

MR. SIBBESTON: I will withdraw it.

CHAIRMAN (Mr. Fraser): Withdraw the motion. What is the wish of the committee now, to leave it on the order paper until tomorrow? Mr. Curley.

Motion To Defer Paper On Aboriginal Rights And The Constitution To February Session

MR. CURLEY: I would move that the paper will be deferred until the February session.

CHAIRMAN (Mr. Fraser): Is that a motion, Mr. Curley?

MR. CURLEY: Yes Mr. Chairman. The reason I said that is because we were proceeding on the ad hoc basis and if we are going to do that, we might as well accept that, that we are just carrying on on an ad hoc basis. We are not really considering what we are really doing in this Assembly. We have wasted two bloody days on this document, which I do not think should have gone that far. The reason is, there are other people involved. For instance, I am not sure whether John Amagoalik will have time to consult with other members of the Inuit Committee on National Issues, which is involved in direct dealings with this issue. He has given that mandate to Charlie Watt and his staff, who are working full time on the matter, so I cannot understand why decisions like this are being made without real consultation with other people. Why deal with the position now?

CHAIRMAN (Mr. Fraser): Mr. Curley, we have a motion on the floor to defer this paper to the winter session. The motion is in order. Mr. Braden. To the motion.

HON. GEORGE BRADEN: Mr. Chairman, the reason we took this action was because of some of the comments made by Members yesterday to have some time available for representatives of major territorial native organizations to provide some brief comments. I have no problem with proceeding with Mr. Sibbeston's motion or, if someone wants to reintroduce one, to get some feeling of what this group feels, and then to offer Mr. Amagoalik just a bit of time tomorrow. I do not think we should defer this paper to the winter session. I think we have made a lot of progress here, and we should attempt to have some general motion which would give the government direction.

HON. TOM BUTTERS: Point of order.

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

HON. TOM BUTTERS: What is the state of Mr. Sibbeston's motion?

CHAIRMAN (Mr. Fraser): Mr. Sibbeston has withdrawn his motion. To the motion. Mr. Curley.

Motion To Defer Paper On Aboriginal Rights And The Constitution To February Session, Withdrawn

MR. CURLEY: Mr. Chairman, I will withdraw my motion, then. You know, I just wanted to state this, that my impression was, in order to have a decent presentation, that the best that we could hope for was to have the representative of ITC or ICNI appear in the winter session, because at this time we have not given them a decent time to really put forth their case. Sure, he is going to appear, but we are going to be so pressed for time that we are not doing justice to the good will that we are trying to achieve. You cannot attempt to carry on just by feeling sympathy for everybody.

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

MR. SIBBESTON: Well, Mr. Chairman, I withdrew my motion, really, because I felt that there were other organizations to appear before us in the next few days, but if, as Mr. Curley says, he feels it is not necessary, that there is not really ample time, maybe we ought to consider adoption of the paper in general, as my motion had earlier been. It was withdrawn with the hope, really, of opening it up so that other people could still appear before us in the next couple of days. But if there is not that desire, then I am prepared to make another motion adopting the paper in principle and having it reintroduced again at the next session for our consideration once again, with a proviso that there be opportunities again for the native organizations to appear if necessary, so they can provide more detail or more profound thoughts on the subject. Everything has happened so quickly, it is true, in the last couple of days.

CHAIRMAN (Mr. Fraser): Thank you. Mr. Sibbeston, are you making a motion?

Motion To Accept Tabled Document 25-82(3) In Principle And To Consider Further Position Paper At Winter Session, Carried

MR. SIBBESTON: Okay, I will make a motion, Mr. Chairman, that this Legislative Assembly accept in principle the Government of the NWT's paper, Aboriginal Rights and the Constitution, and that the Executive Committee provide a further refined, amended or detailed position paper for consideration of the Legislative Assembly at the winter session.

CHAIRMAN (Mr. Fraser): Thank you. The motion is in order. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I am certainly going to support the motion. As I said earlier, I think it is a good paper; but I would like to say one thing, because if we pass it, that would apparently forestall the opportunity for other witnesses to appear. I would merely like to say that yesterday I gave a personal undertaking that I would not oppose such a move, and so I wish to declare now that I still would not oppose it if that were the desire of some Members, to have them here; I would welcome it, but since that is not being brought forward, then I will support the motion.

AN HON. MEMBER: Question.

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

---Carried

Do we wish to report this matter concluded? Mr. Patterson.

HON. DENNIS PATTERSON: I understand that John Amagoalik is on his way here to seek an opportunity to present his views on this matter, so I would suggest it be put over to committee of the whole tomorrow in case the committee might wish to give him the same opportunity that was given to other leaders.

CHAIRMAN (Mr. Fraser): What is the wish of the committee? Leave it on the order papers?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Thank you. Could we then go to Bill 22-82(3)? Just one moment. Could we thank Mr. Lal, please? Thank you very much, Mr. Lal.

---Applause

Mr. Butters. Bill 22-82(3).

Bill 22-82(3), Supplementary Appropriation Ordinance, No. 1, 1982-83

HON. TOM BUTTERS: Mr. Chairman, Bill 22-82(3) is the Supplementary Appropriation Ordinance, No. 1, 1982-83. It has been reviewed by the standing committee on finance, and I believe it is now available for reference to this committee. Members are familiar with supplementary appropriations, and realize that they deal with moneys that are being revoked or additional requirements of funds for the carrying out of the government's responsibility for the Northwest Territories. There are two parts: capital appropriations and operations and maintenance. I believe that the procedure used in the standing committee on finance should be followed, in that we discuss the capital items first. Ministers present in the House will respond to questions from Members regarding the capital and operation appropriations that are before us at the present time. With those comments, I defer to the chairman of the standing committee on finance.

CHAIRMAN (Mr. Fraser): Thank you. The chairman of the standing committee on finance, Mrs. Sorensen.

Comments From Standing Committee On Finance

MRS. SORENSEN: Thank you, Mr. Chairman. Yes, as Mr. Butters indicated, the standing committee on finance has reviewed the supplementary estimates. We are recommending that they be supported by the Legislature and, as each departmental supplementary estimate is discussed, the committee will inform the House of concerns it expressed and the supporting documents that were requested but have not yet been received because of the short time span since the committee meeting was held, but we are expecting these documents to be received shortly. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Is it the wish of the committee to start detail on capital? We have a little book; everybody should have one. Supplementary Appropriations No. 1, 1982-83, page 12. Has everybody got their book? Do you wish to proceed, Mr. Butters, to page 12, in this white book?

HON. TOM BUTTERS: Page 12, capital, yes, Mr. Chairman.

Executive, Capital, Regional Operations Secretariat, Agreed

CHAIRMAN (Mr. Fraser): Executive, capital, regional operations secretariat, in the amount of \$44,500. Mr. Butters.

HON. TOM BUTTERS: This item reflects a buy-back purchase. As you know, there is a provision in the policy which has been developed to sell houses to employees, that the government may be required to buy such residences back from time to time. This is a reflection of that requirement.

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

MRS. SORENSEN: Thank you, Mr. Chairman. The house in case was in Fort Simpson; the government employee was transferred and the government decided to purchase the house. The house has since been put into the government housing inventory.

CHAIRMAN (Mr. Fraser): Executive, capital, \$44,500. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Agreed.

---Agreed

Information, Capital, Directorate, Agreed

Page 13. Information, capital, directorate, a surplus, \$40,000. Mr. Butters.

HON. TOM BUTTERS: I would ask the Minister speaking for the Department of Information to cover these items, if he might.

CHAIRMAN (Mr. Fraser): Mr. Patterson. Page 13.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Basically, this reflects increased costs that resulted from the motion of the Legislative Assembly that a Dene interpreter corps be established as a priority of this government and reflects increased costs which have resulted from the increases in man years and the requirement for equipment that is going to be used by the trainees and by the corps.

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

MRS. SORENSEN: Well, I am not sure but are we dealing with directorate, \$40,000 surplus?

CHAIRMAN (Mr. Fraser): Right.

MRS. SORENSEN: Well, that reflects additional moneys that have been put somewhere else, so it is a surplus that has been identified there. So we do not want to vote on that. We do not vote on that, Mr. Chairman.

Information, Capital, Public Affairs, Agreed

CHAIRMAN (Mr. Fraser): Thank you. Public affairs, \$137,000. Mr. Butters.

HON. TOM BUTTERS: Mr. Patterson will speak if there are questions. I think that the items are quite clearly identified and possibly Members do not require an explanation on each item.

CHAIRMAN (Mr. Fraser): I have just been informed that we have to vote on each item so, Mrs. Sorensen, you had better just check your books again. We have to vote on each item, whether it is a surplus or a deficit. So is it the wish that we deal with each item and then come to the capital or deal with each and vote on each item?

AN HON. MEMBER: Agreed.

CHAIRMAN (Mr. Fraser): I will call each item and just ask for questions. I do not have to deal with the Minister each time, I guess. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Public affairs, \$137,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Information, Capital, Interpreter-Translator Corps, Agreed

CHAIRMAN (Mr. Fraser): Interpreter-translator corps, \$8000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Information, Total Capital, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$105,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Public Works, Capital, Architectural Services, Agreed

CHAIRMAN (Mr. Fraser): We will go then to page 14. Public Works, capital, architectural services, \$280,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Public Works, Capital, Accommodation Services, Agreed

CHAIRMAN (Mr. Fraser): Accommodation services, a surplus of \$119,800. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Public Works, Capital, Repair And Upkeep Of Buildings And Works, Agreed

CHAIRMAN (Mr. Fraser): Repair and upkeep of buildings and works, \$3,669,700. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, on page 15, with respect to the second item of \$106,500, repair foundation, Rockhill Apartments, Yellowknife, the standing committee asked the Minister why the government was responsible for the repair of a foundation of an apartment block and we were told that the territorial government is purchasing this apartment on a lease-to-purchase arrangement. The standing committee has asked for the details of the lease-to-purchase arrangement and is interested in finding out more about why we would be responsible for such things as foundation repairs. We are awaiting that information and shall make it available to Members, if they are interested, once we receive it.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. Commissioner, do you want to comment?

COMMISSIONER PARKER: No.

Public Works, Capital, Operation And Repair Of Equipment, Agreed

CHAIRMAN (Mr. Fraser): Thank you. Can we go then to page 16, Public Works, capital continued? Operation and repair of equipment, \$53,000. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, on page 15 we agreed to "repair and upkeep of buildings and works, \$3,669,700". Does that include the \$131,000 for Sanikiluaq and \$50,000 for staff housing in Baffin, too? It does. Okay.

CHAIRMAN (Mr. Fraser): Operation and repair of equipment, \$53,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Public Works, Capital, Highways, Agreed

CHAIRMAN (Mr. Fraser): Highways, \$794,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Public Works, Total Capital, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$4,676,900. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Local Government, Capital, Directorate, Agreed

CHAIRMAN (Mr. Fraser): Page 17, Local Government, capital, directorate, \$250,700. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, the standing committee was interested in where the fire alarm systems were being placed. This refers to fire alarm systems for the general community, as opposed to individual buildings, and we have asked for a list of communities, so that Members can determine whether their community is involved in this exercise or not.

CHAIRMAN (Mr. Fraser): Directorate, \$250,700. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Local Government, Capital, Municipal Affairs, Agreed

CHAIRMAN (Mr. Fraser): Municipal affairs, \$250,000 surplus. Mrs. Sorensen.

MRS. SORENSEN: With respect to that, the committee wondered why there would have been a \$250,000 surplus in municipal affairs for road/sidewalk construction grants, and what we learned is that this is a grant system whereby the municipality must pay 100 per cent of the cost of road and sidewalk construction and then can claim back from the government 50 per cent of the cost. Because of the restraint over the last couple of years and the lack of dollars available to municipalities for such construction, and because of changing priorities, they have not dipped into that fund. Therefore the government has experienced a \$250,000 surplus in this area.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Municipal affairs, \$250,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Local Government, Capital, Town Planning And Lands, Agreed

CHAIRMAN (Mr. Fraser): Town planning and lands, \$4,196,800. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Local Government, Capital, Recreation, Agreed

CHAIRMAN (Mr. Fraser): Page 18, Local Government continued. Recreation, \$576,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Local Government, Total Capital, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$4,773,500. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Social Services, Capital, Administration, Agreed

CHAIRMAN (Mr. Fraser): Page 20, Social Services, capital. Administration, \$20,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Social Services, Capital, Corrections, Agreed

CHAIRMAN (Mr. Fraser): Corrections, \$237,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Social Services, Capital, Services To The Aged And Handicapped, Agreed

CHAIRMAN (Mr. Fraser): Services to the aged and handicapped, \$102,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Social Services, Capital, Financial Assistance, Agreed

CHAIRMAN (Mr. Fraser): Financial assistance, \$15,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Social Services, Total Capital, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$374,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Economic Development And Tourism, Capital, Tourism And Parks, Agreed

CHAIRMAN (Mr. Fraser): Economic Development and Tourism on page 21. Tourism and parks, \$77,000.

SOME HON. MEMBERS: Agreed.

---Agreed

Economic Development And Tourism, Capital, Commerce, Agreed

CHAIRMAN (Mr. Fraser): Commerce, \$42,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Economic Development And Tourism, Total Capital, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$119,000.

SOME HON. MEMBERS: Agreed.

---Agreed

Education, Capital, Administration, Agreed

CHAIRMAN (Mr. Fraser): Page 22, Education, capital, \$36,000, administration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Education, Capital, Schools, Agreed

CHAIRMAN (Mr. Fraser): Schools, \$317,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Education, Capital, Continuing Education, Agreed

CHAIRMAN (Mr. Fraser): Continuing education, \$4000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Education, Capital, Colleges, Agreed

CHAIRMAN (Mr. Fraser): Colleges, \$2,000,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Education, Capital, Pupil Residences, Agreed

CHAIRMAN (Mr. Fraser): Pupil residences, \$20,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Education, Total Capital, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$2,337,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Finance, Capital, Treasury, Agreed

CHAIRMAN (Mr. Fraser): Page 23, Department of Finance, treasury, \$175,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Finance, Total Capital, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$175,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Is it the wish that we go to operations and maintenance?

SOME HON. MEMBERS: Agreed.

---Agreed

Executive, O And M, Executive Committee Secretariat, Agreed

CHAIRMAN (Mr. Fraser): Page one, Executive, operations and maintenance. Executive Committee secretariat, \$183,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Executive, O And M, Regional Operations Secretariat, Agreed

CHAIRMAN (Mr. Fraser): Regional operations secretariat, \$53,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Executive, Total O And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$236,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Financial Management Secretariat, O And M, Agreed

CHAIRMAN (Mr. Fraser): Page two, financial management secretariat, \$14,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Financial Management Secretariat, Total O And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$14,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Finance, O And M, Comptrollership, Agreed

CHAIRMAN (Mr. Fraser): Finance, comptrollership, \$14,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Finance, Total O And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$14,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Justice And Public Services, O And M, Consumer Services, Agreed

CHAIRMAN (Mr. Fraser): Justice and Public Services, consumer services, \$183,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Justice And Public Services, Total 0 And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$183,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Government Services, 0 And M, Systems And Computer Services, Agreed

CHAIRMAN (Mr. Fraser): Government Services, system and computer services, \$427,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Government Services, Transportation, Agreed

CHAIRMAN (Mr. Fraser): Transportation, \$23,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Government Services, Total 0 And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$404,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Public Works, 0 And M, Repair And Upkeep Of Buildings And Works, Agreed

CHAIRMAN (Mr. Fraser): Page six, Public Works, repair and upkeep of buildings and works, \$39,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Public Works, 0 And M, Utilities, Agreed

CHAIRMAN (Mr. Fraser): Utilities, \$27,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Public Works, Total 0 And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$66,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Renewable Resources, 0 And M, Wildlife Services, Agreed

CHAIRMAN (Mr. Fraser): Page seven. Renewable Resources, wildlife services, \$190,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Renewable Resources, Total O And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$190,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Local Government, O And M, Development And Training, Agreed

CHAIRMAN (Mr. Fraser): Page eight, Local Government, development and training, surplus of \$10,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Local Government, O And M, Municipal Affairs, Agreed

CHAIRMAN (Mr. Fraser): Municipal affairs, \$66,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Local Government, Total O And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$56,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Health, O And M, Territorial Hospital Insurance Services, Agreed

CHAIRMAN (Mr. Fraser): Department of Health, territorial hospital insurance services, \$1,160,000. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, just as a matter of explanation, the \$1.16 million reflected here, a sizable portion of that is in housing allowances only, that budget review hospitals are paying to their employees. It came to a total of \$708,000. In addition to that, the detox program was a further \$228,000, and the remaining was a small deficit that the review hospitals had in operations and maintenance, utilities, and things that are a part of their collective agreement. So the major part of that \$1.16 million is easily identified as things that we had agreed to, particularly the housing allowance and the detox program. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Territorial hospital insurance services, \$1,160,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Health, O And M, Medicare, Agreed

CHAIRMAN (Mr. Fraser): Medicare, \$1,445,000. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, the write-up under this \$1.4 million is somewhat misleading, in that it appears that it is providing the funds for a recruitment program, when in fact we are dealing here with doctors' wages, who are employed or contracted by the Government of the Northwest Territories, plus an additional amount for the recruiting program. The standing committee was very interested in finding out more about the recruitment program. It is basically a new program, but it sounds as if we are going to be able to develop a program under the recruitment area that will meet the needs, not only of the community, but of doctors who are wishing to come in and work in the Northwest Territories and make this their home. So we were quite pleased with the explanation, at least, that we got on the program that has been developed and it remains to be seen how successful it will be.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Medicare, \$1,445,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Health, Total 0 And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$2,605,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Economic Development And Tourism, 0 And M, Commerce, Agreed

CHAIRMAN (Mr. Fraser): Page 10, Economic Development and Tourism. Commerce, \$10,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Economic Development And Tourism, Total 0 And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$10,000 surplus. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Education, 0 And M, Administration, Agreed

CHAIRMAN (Mr. Fraser): Education. Administration, \$935,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Education, 0 And M, Schools, Agreed

CHAIRMAN (Mr. Fraser): Schools, \$23,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Education, Total 0 And M, Agreed

CHAIRMAN (Mr. Fraser): Total department, \$958,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. CURLEY: We are spending money like water.

---Laughter

CHAIRMAN (Mr. Fraser): Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, before we take the final vote, I would like to comment with respect to the review of the standing committee on finance. Mr. Curley has made the comment that we are spending money like crazy. Well, part of the reason that we are able to go through these supplementary estimates is because the standing committee has reviewed them in detail, and I can

assure Mr. Curley that the committee had several departmental witnesses, and did spend time going over the detail of each expenditure and each surplus. We could have spent more time, it is true, but we did feel satisfied at the end of the review that most things were responded to; on those things that we were wanting, we requested that information, and we have yet to receive it, but the Minister of Finance has indicated that it is on the way. Mr. Curley can have access to that information if he chooses, at any time. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Is it the wish of the committee to go clause by clause on the bill?

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 4, purpose and effect of each item. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 5, lapsing of appropriation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 6, transfer of money and accountable advances. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Clause 7, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Agreed

CHAIRMAN (Mr. Fraser): Operations and maintenance, supplementary estimates, \$4,190,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Total appropriations, \$356,128,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Capital, supplementary estimates, \$16,794,900. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Total appropriations, \$441,915,900. Agreed?

---Agreed

Mr. Commissioner.

COMMISSIONER PARKER: Mr. Chairman, I do not propose to prolong this, but I think it is very important to underline what Mrs. Sorensen has said, that the supplementary estimates that you have just reviewed do not represent tremendous amounts of new expenditures. They represent rather normal adjustments where we have made some transfers of functions from one department to another, and also they represent the revoting of substantial capital moneys which we carried from last year for projects which had all been properly approved, but for which the construction had not been completed.

There is one other area that is awfully important, and that is, under the direction of the Members of this House we have commenced on a major cultural and language program, particularly a language program, and that is really the only brand-new initiative that is contained in these estimates, and we are able to do that because of being cautious with our spending in times past. I just wanted that into the record, Mr. Chairman.

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

MR. CURLEY: Yes. Thank you, Mr. Chairman. It is not so much that I object to the government spending money and having it approved without really studying it in detail. I appreciate the finance committee chairman inviting me to look at the records, but I would think, if you are going to be approving further funds, the information that is provided to me here, for instance the one paragraph on major expenditures that are proposed here, is really not enough to convince me whether it was really necessary or not. You know, references to provide funds for so-and-so. That does not tell me exactly what it is going to do. I do not know whether there is any better way of providing further background to the Members, and I would think that if we really try properly it would be possible to table a further explanation in detail exactly why these funds were necessary. For ordinary Members like us who are not Members of the standing committee on finance, this really does not tell us exactly why the funds needed to be transferred from one department to the other. So that is why I object, mainly to the way we approve funds without really knowing what we are approving. That is my objection, not so much that the government should not be spending it. Thank you.

Total Capital, Agreed

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. I made an error here when calling the capital. We will just have to go back briefly to total capital supplementary estimates, \$12,604,900. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Total appropriations, capital, \$85,787,900. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Total voted appropriations, supplementary estimates, \$16,794,900, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Total appropriations, \$441,915,900, agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, I would like to respond to the comments that Mr. Curley has made by indicating to him and all Members that the standing committee on finance committee meetings are absolutely open to any MLAs who wish to come, and that always the government has been very open with the committee about giving it further information, providing it with witnesses who are deputy ministers or financial managers within each department. We have never had a problem, ever...

AN HON. MEMBER: Hear, hear!

MRS. SORENSEN: ...getting information out of the government, and it is simply a means by which we can assist the Legislature with putting this kind of thing through the Legislature at a faster pace. Now, Mr. Curley has come to some of the committee meetings when he has been interested in the issues, and from now on I will see that he gets a personal invitation to all our committee meetings that is separate and apart from the announcement in the Assembly. Thank you, Mr. Chairman.

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

HON. TOM BUTTERS: Just to add to that, the chairman of the standing committee did raise a similar point to Mr. Curley's -- during the discussion on these estimates, and we are looking at the possibility of providing more explanation with the text. I would point out, too, that there are here this evening a number of the senior officials of the various departments who were here and available for specific or detailed questions of Members, should they have been required.

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

SOME HON. MEMBERS: Agreed.

---Agreed

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

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Report the bill ready for third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Shall we go, then, to Bill 18-82(3)? Mr. Butters. Bill 18-82(3), Mr. Butters.

Bill 18-82(3), Public Sector Compensation Restraint Ordinance

HON. TOM BUTTERS: Thank you very much, Mr. Chairman. I would like to have available to me, and also to Members of the House, two senior officials of our government, Mr. Lal, deputy minister of Justice and Public Services, and Eric Nielsen, the senior financial officer of this government. If Members would agree, I would ask that they might be called.

CHAIRMAN (Mr. Fraser): Is it the wish that the Member bring in two witnesses? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Fraser): Mr. Lal and Mr. Nielsen. I should not have to remind the witnesses -- they have been here before -- that they have to speak slowly for the interpreters. Mr. Butters.

HON. TOM BUTTERS: Thank you, sir. I do not take any great pleasure in having to introduce restraint legislation in the public sector which, in effect, reduces the amount of increases that we make available to those persons that are defined in the legislation. By way of introduction, I would point out that this exercise began for the Government of the Northwest Territories, on July 17th of this year, when Pierre Bussières, Minister of State for Finance, visited Yellowknife and met not only with Members of the Executive Committee, but also with the chairman of our standing committee on finance and heard him indicate that the economic situation in Canada is approaching very grievous proportions. I believe that during the discussion the words "a national emergency" were used and there was a major requirement to attend to this problem and attend to it very quickly. The federal government's approach was explained to us, which is now known commonly as "six and five", and legislation was developed by the federal House in the late spring to enforce that legislation on the public servants of the Government of Canada.

When Mr. Bussières spoke with us, he did not say that that legislation would affect us, but he asked us to come on side, in the co-operative sense, and address inflation with the federal government in a similar manner and do what we could, as a responsible government, to reduce inflation and reduce the high cost of living. After listening to him, we pointed out that there are inordinate costs that are experienced by residents of the North, that there are very substantial costs to be paid in the area of power and energy and communication, and we also indicated to him our concern that the question of northern allowances had not been addressed. Mr. Bussières listened to our concerns and indicated that he would, on his return to Ottawa, look at things that could be done to ease the concerns that had been raised with him. In the interim, we know that NorthwesTel and Bell, I believe, are on six and five. NCPC, at the request of Mr. Munro, is coming on the six and five formula to the extent it is able to with the increases in fuel costs which it must experience exempted. There has been a decision on the northern allowance question and it has moved to resolve that matter. So it would appear that the federal government has moved to the extent that it could to ease our cost of living situation in the North.

Emergency Legislation

We, on considering the proposal by the federal Minister, I think recognized, by way of a joint press release, that something very unique had to be done and something very critical had to be done to address the economic situation and this is what this legislation is. It is emergency legislation. It is close-ended legislation, in that at the end of two years it ceases to have effect. The purpose of the legislation before you is to provide limits on increases in compensation of six and five paid to employees in the public sector in the Northwest Territories over a two year period. I would point out that while this legislation deals with that general aspect only, the Government of the Northwest Territories developed a package which not only included the restraint on public sector compensation, but also took into consideration costs that we currently are passing on to the public at large and we have done what we can to reduce and ameliorate the impact of those costs in a number of areas.

The legislation applies to what we have described as the public sector, not the public service. We took that approach from the situation that occurred in British Columbia, where specific legislation was developed to reach out and beyond the public service narrowly, and to affect other members of the working community serving the public. So this legislation applies to government employees in our public service, employees of the Housing Corporation, housing association, housing authority employees, teachers and employees of school societies, community education committees, boards of education, and Thebacha College. It applies to judges and justices of the peace, to territorial hospital employees, to employees and appointees of boards, committees, associations and councils. It applies to settlement councils and municipal employees. It applies to lawyers who are providing a service in the fields of legal aid and for doctors who have developed a fee schedule under the medical care plan.

I mentioned to you that besides the restraint we had other aspects of our program and I would just like to indicate those, in case I do not get an opportunity later on. In the area of fuel pricing, with our government distribution network, we have restricted cost increases for fuel distributed by this government to an increase of six per cent, effective October 1st, 1982. Price increases for 1983-84 will be set following evaluation of the 1982-83 operating costs. We are not able to determine at this time just what the second years costs will be. In the area of fuel taxes, we have added value tax on fuel introduced earlier in 1982. It was limited to increases of six per cent, effective October 1, 1982 to five per cent, October 1, 1983. Restrictions on increases to all government administered prices were examined in relation to their overall impact on the total Government of the Northwest Territories budget. As a result, prime cost increases on liquor products have been passed through to the consumer, as well as costs on tobacco products.

Six And Five Restraint Program

So in conclusion, Mr. Chairman, the Government of the Northwest Territories has taken this action in support of the federal government's initiative, since federal legislation did not directly include the Government of the Northwest Territories. It is, however, clearly evident that a balanced Government of the Northwest Territories six and five restraint program will form the basis for federal funding to our government, and I mention that because during recent intergovernmental committee negotiations for our 1983-84 funding, the percentages that were being worked on by the fiscal officials of the federal departments were six and five. In other words, if we were not to introduce a wage restraint program, the funding levels provided to us would necessitate program cuts in other areas. Were this government to restrict price increases at an unwarranted level, federal funding would not be provided to offset our rate of revenue growth and program reductions would also be required.

I would stress that none of the agreements that were negotiated with our major collective bargaining organizations -- the NWTTA, the Public Service Association -- will be rolled back. The legislation provides for the six and five program to go into effect at the end of those negotiated settlements which is April the 1st for the Public Service Association and September the 1st for the NWTTA.

Regarding the program developed in terms of our fee schedules for doctors, were two one year programs put in place. I believe as of June the first. We have accepted the first year program, but this legislation will be affecting the second year program in the area of fee schedules, and obviously we have brought the legal aid lawyers' fees into line with the six and five program.

It could be I have neglected some major element in this matter, and if I have then I would ask possibly Mr. Nielsen or Mr. Lal to speak to it. Mr. Nielsen has been very active in providing the co-ordinating expertise to bring the various departmental groups together and to examine the fiscal implications and to assist us putting together the total fiscal package, and the legal framework in which that fiscal package is carried has been put together for us by Mr. Lal and his experts in the legal division.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Butters. Mr. MacQuarrie, chairman of the legislation committee. Mr. Butters, are you finished?

HON. TOM BUTTERS: No, if there were no comments, I was going to defer, and Mr. MacQuarrie reminded me of something that I neglected to say, but I will ask him to respond, because the amendments he will be talking about came out of his committee.

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

MR. MacQUARRIE: Thank you, Mr. Chairman. The standing committee on legislation reviewed this bill and, as a result of the discussions that took place, the government will bring forward a couple of what could only be considered minor amendments. Generally speaking, the committee decided to refer this bill as it is to the committee of the whole.

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

MRS. SORENSEN: Thank you, Mr. Chairman. The standing committee on finance also reviewed the terms and conditions of this bill, and we met a total of three times to discuss our position. In addition to the Minister of Finance and his officials, witnesses who appeared before us included Mr. Fred Lamb, who is the president of the NWT Public Service Association. After serious consideration, the finance committee has decided to take no position on the bill. We felt that the bill related more to a political decision that was needed by the Legislature -- more to that than to a financial matter, although there are some indirect financial implications to this bill. So we have decided to recommend that it be debated in committee of the whole, and that individuals ask questions and bring forward their concerns to the government, if there are any. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mrs. Sorensen. Mr. Lal or Mr. Nielsen, have you anything to add to Mr. Butters' comments?

MR. LAL: No, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you. General comments. Is it the wish of the committee to go through the bill clause by clause? Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Mr. Curley.

Restraint Measures Should Not Affect Employees Of Housing Associations And Municipalities

MR. CURLEY: Before we do that, Mr. Chairman, I would like to make some general comments to the bill. I certainly understand and am convinced of the government's determination to proceed with the restraint program, although I have some reservations about it because their priorities seem to have changed a bit since they made the announcement last September. We will have other expenditures that certainly were not the priorities of the government at that time, which will require public spending, considering the bills that will be dealt with in this House. I have a concern, and I indicated during caucus last September, that I could not support restraint measures

that affect the employees of the housing associations and municipalities, because they certainly were not on parity with the government civil service employees, and particularly that they were continually underpaid and their benefits reflected that. I cannot understand why for many years those associations, those workers, were not even able to get a fair increase, let alone six per cent, and I believe that the government established associations so they can continue to provide service to the communities which is really the government's responsibility, to collect rents and administer housing programs in -- cheapest possible way. They did that by establishing associations rather than continuing to have employees in the communities as a part of the civil service.

So I cannot support that part of the section, and I am going to make it clear that I indicated at that time that I cannot support that part of the restraint, because they have already been underpaid for many years, ever since the government introduced the bill which created the Housing Corporation. It is a discriminatory practice. It discriminates completely against the people of the NWT whereby the members of the civil service have more benefits and better pay and all that, whereas the associations, who could not even control their own budget, are suppressed by the government policy, and I do not think it is fair. For that reason, I could not support that part of the program, and I would like to register my feelings on that at this time. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Curley. General comments. Mr. McLaughlin.

MR. McLAUGHLIN: Yes, I would just like to ask the Minister, and possibly the officials he has as witnesses, why the government chose to legislate this restraint specifically to the wages of the employees at the lower levels of government, and various communities, rather than just change their grants and contributions to those levels of government reflecting only a six per cent increase and let those levels of government set their own priorities?

CHAIRMAN (Mr. Fraser): Mr. Butters.

HON. TOM BUTTERS: It is very difficult, I think, to expect that some of these settlement organizations will carry out a particular direction that may be given by this government as a statement of policy. I guess we feel that the issuing of grants or the transferral of grants is no guarantee that the expenditures in the settlements will be in balance with this program. We could look to the situation where, when overexpenditures occur, a supplementary estimate would be required from this House, so by making it blanket legislation in the total public sector we would ensure compliance with the request.

I may just respond a bit to what Mr. Curley has said. The government recognizes that the conditions which he has detailed and outlined in the communities in not only the housing associations but in the areas of other organizations, that the pay and benefits received by employees of those groups are not comparable to those received by, say, public servants of this government. We recognize that, and we recognize that if there is a major leg-up to be given, it is obviously in that particular area. Mr. Curley has brought to the attention of the government particular and specific communities and concerns which are known to him, and I believe that from his experience we have tried to respond and tried to set the situation at rights if it is within our area of responsibility and ability to react.

So I guess what I am saying is that we would be willing to look at situations where there are disparities and see what process might be implemented to change the situation, to make the situation of employees in the communities much better than it is today. We recognize that there is much to be done in that area.

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

Affecting All Municipal Employees

MR. CURLEY: Yes, I have a question here. I would think all the municipal employees are affected. In clause 3, this would probably cover every municipality; is my understanding correct?

CHAIRMAN (Mr. Fraser): Do you wish that we go clause by clause, and then deal with the clause when you come to it, Mr. Curley? Or are you still under general comments?

MRS. SORENSEN: General comments.

HON. TOM BUTTERS: Okay, then, I would ask, possibly, if Mr. Lal knows the reference that is being identified?

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

MR. LAL: Yes, Mr. Chairman, Mr. Curley is right, and there is paragraph 3(1)(h): "every person employed by a settlement council or by a municipality as defined by paragraph 2(q) of the Municipal Ordinance." That would cover employees of hamlet councils, village councils, and town councils. I might just reinforce Mr. Butters' comments by making a reference to clause 11 of the proposed bill, which says "The Executive Member may, by order, substitute in respect of a compensation plan, or a class of compensation plans, a percentage different from the five per cent provided for in paragraphs 5(2)(b), 6(2)(b) and 7(2)(c), where he considers it to be in the public interest to do so."

In respect of Mr. Curley's concerns that this legislation may impede any initiative on the part of the government to give an increase of more than six per cent to deserving cases, I would make reference to that provision, which in my view would specifically allow the Executive Member to make that exception where he considers it to be in the public interest to do so. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Lal. General discussion.

MRS. SORENSEN: Mr. Chairman, a point of clarification. Is it not true, though, with respect to municipalities, that the city of Yellowknife and Pine Point are both exempt from this ordinance by virtue of being represented under Canada Labour Code and the Public Service Alliance of Canada -- and, I believe, the steel workers in Pine Point? So it is not true that all municipal employees are subject to this restraint bill? Am I correct in that?

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

HON. TOM BUTTERS: Yes, that is my understanding.

CHAIRMAN (Mr. Fraser): Thank you. General discussion on the bill. Ms Cournoyea.

Discriminating Against People In Smaller Communities

MS COURNOYEA: Mr. Chairman, I would like to express my concern about this bill and how it appears to discriminate against the people who work in the community, who have the thrust of the community. They take the first problem areas in dealing with the situations within their community. I cannot see how a caveat or an assurance by the Minister of Finance is going to have me feeling assured that anything at all is going to be done. This has been an overriding issue for many, many years, that smaller communities are asked to put together a working plan within their community under various associations -- oftentimes those associations do not have the funding in the first place. They are asked to do all the dirty work. They are asked to face all the consequences of decision making within that community, which often involves their own families, and their own very close relatives, and they have to live with those decisions. It is fine for anyone to say that this government has rolled back on other benefits, such as fuel services, and they are able to retain their northern benefits.

Let me bring to your attention, and I am sure everyone who is involved at a community level knows, that these people do not receive northern benefits, neither do they receive a trip to the South each year, so they can get away from it all. Most times, these people are paid on a per diem basis. I could not support B2 housing associations being under a restraint program. Community education societies -- within the community, often these people are paid by the hour -- oftentimes not having even enough money to prepare their classes before they go into a class. I do not believe that it is fair to have a caveat over all these people who have no ability to bargain for the benefits that are given automatically to public servants. I feel that the people who are being hit the most are the people who have the least, and most times have the largest families, and the largest responsibility in that community. It is fine for well paid civil servants to go into a community, and sit down, and try to educate people to take care of their own responsibility. However, I feel it a slap in the face to most of the people, because the well paid civil servants often can go back to a larger centre, and the dirty work is left up to the people who do not have the same benefits as the people who are giving the direction, and the people who make all the rules and regulations that people must live under. I would ask, when we go clause by clause, that these sections be deleted. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Ms Cournoyea. General discussion. Mr. Lal.

MR. LAL: Thank you, Mr. Chairman. I appreciate the opportunity. Just to clarify for Mr. Curley's sake, in case I may have inadvertently misled him, the provision in clause 11 would only apply to the second year -- that is, for the five per cent increase, and not to the six per cent increase.

In respect of Mrs. Sorensen's concern, I would simply like to state that even if the government wanted to legislate in those areas, that legislation would be ultra vires, since it would be contrary to a federal statute -- which is the Canada Labour Code -- and our legislation that would in any way affect the rights acquired under federal legislation would be ultra vires and therefore unconstitutional, by virtue of the Northwest Territories Act. That is the technical reason why those bargaining agents have been specifically excluded.

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

MRS. SORENSEN: I guess the point that I was trying to make, Mr. Chairman, is that if the employees of any housing associations wish to avoid both the federal restraint program and the territorial restraint program, all they simply have to do is organize under part five of the Canada Labour Code -- because clearly the municipal employees working for the city of Yellowknife are not subject to any restraint other than those that the mayor and his council wish to bring in. To me, that has to be unfair, when you are looking at employees in that sector who are well paid, and who have fairly good benefits, as opposed to employees of housing associations that are really working with very few benefits and low wages.

Mr. Chairman, I do have a general comment concerning my concern about paragraph 3(b), but I see that the time is very close to 6:00 o'clock, and I would prefer to wait until we get into the bill again tomorrow.

CHAIRMAN (Mr. Fraser): Thank you. Is it the wish we report? The time being 6:00 o'clock, we will report progress.

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF TABLED DOCUMENT 25-82(3), ABORIGINAL RIGHTS AND THE CONSTITUTION; BILL 22-82(3), SUPPLEMENTARY APPROPRIATION ORDINANCE, NO. 1, 1982-83; BILL 18-82(3), PUBLIC SECTOR COMPENSATION RESTRAINT ORDINANCE; 17TH REPORT OF THE STANDING COMMITTEE ON FINANCE

MR. FRASER: Thank you, Mr. Speaker. Your committee has been considering Tabled Document 25-82(3), Aboriginal Rights and the Constitution, and wishes to report progress, with one motion being adopted. The committee also wishes to report that Bill 22-82(3) is now ready for third reading. In addition, your committee considered Bill 18-82(3) and wishes to report progress.

MR. SPEAKER: Thank you. Are there any announcements from the floor this evening? Mr. Clerk, announcements and orders of the day, please.

CLERK OF THE HOUSE (Mr. Remnant): Yes, Mr. Speaker. The subcommittee of the special committee on division will meet at 11:30 a.m. tomorrow in room 211. The standing committee on legislation will meet at 11:30 a.m. tomorrow in Katimavik A.

ORDERS OF THE DAY

Orders of the day, Wednesday, November 24, 9:30 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 25-82(3); Bills 18-82(3), 2-82(3), 5-82(3), 19-82(3), 6-82(3), 12-82(3), 24-82(3), 25-82(3); 17th, 18th and 19th Reports of the Standing Committee on Finance; Tabled Documents 20-82(3), 22-82(3), 23-82(3); Motion 35-82(3)
14. Third Reading of Bills
15. Assent to Bills
16. Prorogation

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 9:30 tomorrow morning.

---ADJOURNMENT

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