



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

10th Session

9th Assembly

HANSARD

Official Report

DAY 3

FRIDAY, FEBRUARY 4, 1983

Pages 56 to 85

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

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, FEBRUARY 4, 1983

MEMBERS PRESENT

Mr. Appaqaq, Mr. Arlooktoo, Hon. George Braden, Mr. Evaluarjuk, Mr. Fraser, Mr. Kilabuk, Mr. MacQuarrie, Hon. Arnold McCallum, Mr. McLaughlin, Hon. Richard Nerysoo, Mr. Pudluk, Mr. Sayine, Mr. Sibbeston, Hon. Don Stewart, Hon. Kane Tologanak

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. Don Stewart): Orders of the day for Friday, February the 4th.

Item 2, replies to the Commissioner's Address.

Item 3, oral questions. Item 4, written questions and returns.

ITEM NO. 4: QUESTIONS AND RETURNS

Mr. Evaluarjuk.

Question 4-83(1): Study Of Marine Life, Hall Beach Area

MR. EVALUARJUK: (Translation) Thank you, Mr. Speaker. My question is to the Minister of Renewable Resources. I am not going to be talking about polar bears.

---Laughter

---Applause

I have been asked by the hunters and trappers of Hall Beach, regarding the mine site to be developed outside Hall Beach. Before the mine opens up, is there going to be a study of the marine mammal food? The hunters' and trappers' association met and made the following motion, moved by Issac Nangmalik and seconded by David Kanutaq: "We ask that a survey be carried out on the food chains of the marine animals in lakes as well as the sea surrounding Hall Beach area before operations start at the new mine. In order not to have any problems arising in the future, we would like the study to commence in August of this year, 1983, to avoid any delay." The motion was carried unanimously. As the Minister for Renewable Resources, I think it would be in your best interests to fully support the request made by the residents of Hall Beach.

MR. SPEAKER: Thank you, Mr. Evaluarjuk. Written questions. Are there any returns for today? Any Ministers' statements?

Item 5, petitions. Item 6, tabling of documents.

ITEM NO. 6: TABLING OF DOCUMENTS

Mr. Braden.

HON. GEORGE BRADEN: Mr. Speaker, I wish to table the following document: Tabled Document 4-83(1), 28th Annual Report, Liquor Control System and Liquor Licensing Board, April 1st, 1981 to March 31st, 1982.

MR. SPEAKER: Thank you. Tabling of documents.

Item 7, reports of standing and special committees. Item 8, notices of motion.

ITEM NO. 8: NOTICES OF MOTION

Mr. MacQuarrie.

Notice Of Motion 3-83(1): Appointment To Special Committee On Constitutional Development

MR. MacQUARRIE: Mr. Speaker, I wish to give notice that on Monday, February 7, I will move, seconded by the honourable Member for Mackenzie Delta, that this Assembly appoint the honourable Member for Slave River, Mr. McCallum, to the special committee on constitutional development. I will ask for unanimous consent later in the day to move the motion.

MR. SPEAKER: Thank you. Notices of motion.

Item 9, notices of motion for first reading of bills. Item 10, motions.

ITEM NO. 10: MOTIONS

Mr. MacQuarrie.

MR. MacQUARRIE: Mr. Speaker, I ask for unanimous consent to proceed with the motion that I gave notice of earlier.

MR. SPEAKER: Unanimous consent being sought.

SOME HON. MEMBERS: Agreed.

---Agreed

Proceed, Mr. MacQuarrie.

Motion 3-83(1): Appointment To Special Committee On Constitutional Development

MR. MacQUARRIE: Mr. Speaker:

WHEREAS the resignation of the Hon. Donald Stewart has created a vacancy on the special committee on constitutional development;

AND WHEREAS it would be desirable to fill this vacancy;

NOW THEREFORE, I move, seconded by the honourable Member for Mackenzie Delta, that this Assembly appoint the honourable Member for Slave River, Mr. McCallum, to the special committee on constitutional development.

MR. SPEAKER: Your motion is in order.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. Mr. Sibbeston.

MR. SIBBESTON: Mr. Speaker, the position that Mr. McCallum is being proposed for, is to be a Member of a good, very hard-working, very important committee, and it is very demanding on the people that are on it, and I would, offhand, be interested to see whether Mr. McCallum has the right attitude and the interest -- the time necessary to be on such a good committee. The committee, as you know, is involved in very serious matters these days. They are involved in such things as holding constitutional conferences, and generally dealing with working, setting the basis for a new government for the western part of the North in the future. I am aware that Mr. McCallum has had different views than some of us in regard to government in the future. I know he liked the past Council's position on constitutional development, and so I, offhand, would be very interested to know Mr. McCallum's views on constitutional development now, whether his views have changed in the past few years. After hearing this, I would only then be able to make an intelligent decision as to whether he ought to be on this committee or not. So I welcome Mr. McCallum if he would say a few words, and give us a clue as to what his views are on the things that I raised.

MR. SPEAKER: To the motion. Certainly under the rules of this House, he has asked you for information but you are certainly not obliged to give any.

---Laughter

You are speaking to the motion, Mr. McCallum?

HON. ARNOLD McCALLUM: Mr. Speaker, no I am not speaking to the motion. I think it would be rather out of order, should I speak to the particular motion. However, as you yourself have indicated in the discussion of a particular motion in the formal session, when there were questions raised as a point of information, I think that you have allowed them. So with that precedence, I think that I would be amiss, then, not to take the opportunity to somehow, I was going to say elucidate, maybe ramble on about my particular viewpoint. I would hope in so doing, that I would now be able to add to the common sense that should prevail after it so that Mr. Sibbeston would then be able to make an intelligent decision whether he would be for this particular motion or not.

I recognize first and foremost that this is a very important committee, a committee that I have sat with on the peripheral part of it, if you like, on two occasions, where he, Mr. Sibbeston as chairman of that group, has been able to call together groups from around, especially the western part of the Territories, but other places. However, though I am not that good a sheep, there are times when I do follow the leader. I suggest to you, Mr. Speaker, that in this particular interest, we have a very astute, a very learned person as the leader of that group. Having been in a situation a few years ago when I led him in certain areas, and was able to indicate to him in other different endeavours how to get to the best possible solution, I look forward to working with the honourable Member for Mackenzie Liard area, Mr. Sibbeston as chairman, and others on that so that he now will lead me. I do not think I have ever accused or could be accused of having a closed mind.

AN HON. MEMBER: Hear, hear!

HON. ARNOLD McCALLUM: I do not want to suggest that, and I had better be careful in this, that I have an open mind, that there is nothing around in there, there certainly is.

---Laughter

By the same token, I think that I have been open. As others have changed in their viewpoints in this the Ninth Assembly because of their past experience either in the Eighth or Seventh Assembly of the then territorial Council, where people had changed their minds about how things should proceed, I, as well, will be able to take the kind of advice to look at the concerns that are being put forward by people whom I represent, not only in my constituency but throughout the Territories, to be able to look at things in a very open way, and to weigh the pros and cons and to make sure that we move forward as a Legislature, as a territory, into taking a much more responsible position. So I have no difficulty assuring him and other Members of this Legislature now that -- as I have been in the past, as I am now in the present, so I shall also be in the future -- I shall have a very open mind about how things should proceed in the Territories. When there are times to take hard decisions, I will take the hard decisions. When there are times that I will have to compromise without compromising my own principles, I shall compromise as well, because I think that is the key word of getting along with people.

So whether I have changed my views, as one grows older, one becomes a little bit more wiser. Looking on the past experience and dealing with the people that are in this particular Legislature on that particular committee, I think I have found the wisdom by which I would be able to make pertinent and more exacting decisions as to how this Legislature, or the Territories and the people of the Territories, should be moving in the future. So I want to assure my good friend, former teammate and student teacher, that I believe that we have been able to do things properly and I look forward to working in the future.

---Applause

MR. SPEAKER: To the motion.

AN HON. MEMBER: Question.

Motion 3-83(1), Carried

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

---Carried

---Applause

Motions. I believe there is one more motion. Mr. Nerysoo.

Motion 1-83(1): Sitting Hours For February 7, 1983, Carried

HON. RICHARD NERYSOO: Yes, Mr. Speaker.

WHEREAS the president of the Treasury Board, the Hon. Herb Gray, will be in Yellowknife on February 7th;

AND WHEREAS it is desirous for the Members of the Legislative Assembly to meet with Mr. Gray;

NOW THEREFORE, I move, seconded by the honourable Member for Mackenzie Great Bear, that the Speaker set the hours of sitting for Monday, February 7th, as 2:30 p.m. to 6:00 p.m.

MR. SPEAKER: The motion is in order. To the motion.

AN HON. MEMBER: Question.

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

---Carried

I believe that completes motions for today.

Item 11, introduction of bills for first reading.

Item 12, second reading of bills. Item 13, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

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

Tabled Document 1-83(1), First Report of the Standing Committee on Rules and Procedures; Bill 1-83(1), Appropriation Ordinance, 1983-84, with Mr. Fraser in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 1-83(1), FIRST REPORT OF THE STANDING COMMITTEE ON RULES AND PROCEDURES

CHAIRMAN (Mr. Fraser): The committee will come to order. We are dealing with Tabled Document 1-83(1), First Report of the Standing Committee on Rules and Procedures.

Motion To Delete Rule 11A From The Rules Of The Legislative Assembly, Restated

When we reported progress last night we had a motion on the floor, that Rule 11A be deleted. We are still dealing with that motion. To the motion. Mr. Sibbeston.

MR. SIBBESTON: Thank you, Mr. Chairman. I have had a chance to sleep on the subject before us here, and I must say I have given it a great deal of thought. In fact, this morning about 1:00 o'clock in the morning it was still on my mind and I was thinking about it. What we are talking about here is the Commissioner's role with regard to this Assembly. My motion is to delete Rule 11A of the present rules so that the Commissioner will not be able to sit with us in committee of the whole. As you know, the Commissioner, Mr. Parker, presently sits here with us, and he occasionally takes part, though of course he does not vote.

This matter of the Commissioner sitting in here with us came up before us a couple of years ago, and it was not too long after our election. It was about the time that the Drury Report was made public and was tossed around. At the time I thought that this Assembly made a bit of a surge for power, and I was afraid that we would be following along the steps that Mr. Drury was recommending, which was more or less a straightforward case of having a government like Ontario or Alberta, which the people of the North reject. So at that time I was against doing anything. It seems as if there were some Members here that were simply interested in promoting this Assembly along the lines mentioned earlier, without much thought about the possibility of devising and putting into place a system much more in tune with the people of the North. Certainly at the time, too, nothing was done in regard to some of the ideas that were being advanced by native people in such a document as Denendeh.

Optimistic Future For Northern System Of Government

Since this time, however, I do feel that things have changed. We have had a great deal of activity, and some of it is very promising, to where it is a much better government structure and system for the North. We have the Constitutional Alliance, we have Nunavut forum, we have the Denendeh forum, we have had a plebiscite, we have had constitutional conferences. We have even had the federal government agree in principle with division. So I really think that we have come a long way in the past two or three years, so the thinking now is not that we simply advance along the lines as is normally done in the provinces, but I think the general thinking now is that we are working toward a unique government system in the North, and the people of the West here in particular, I believe, have begun working together. It is just very exciting and makes for a lot of optimism for the future.

So what we are ending up with is that white people in the North are not going to shove the territorial government down the native peoples' throat, and likewise it is recognized that the Dene or native people are not going to try to impose the ideas they have on white people. The end result will be a negotiated compromise solution that is satisfactory to everybody.

I do believe that the attitude and the atmosphere has changed in the past two or three years, and all the while this Assembly is getting more credible. Things like the opening ceremony which we just saw a couple of days ago, I think, do a lot so the public can appreciate and identify with us here.

So this is why, when it has been a couple of years since we last talked about this subject of removing the Commissioner from this House completely, I am prepared at this stage, anyway, to take one more step in the evolution of responsible government here in the North. We came by this very innocently yesterday, but I do think that it is a big deal, a very, very important step that we would be taking if we were to remove the Commissioner completely from our Assembly. If we remove the Commissioner, we would be saying that we as elected people in the North can handle things on our own. We do not need the Commissioner or appointed people any more to hold our hands or to keep us thinking in the right way, to keep us thinking in the Canadian way, or generally to make sure that we uncivilized or uneducated or inexperienced people of the North are not misled. So it would be saying that we were capable now of handling our affairs in this Assembly. We do not need a big brother, big daddy or whoever -- a friend from Ottawa -- to sit with us to guide us along the way lest we go in the ditch somewhere.

When you think of it, why else is the Commissioner here? He is not elected like us. I mean, what gives him the special importance or status? For what reason is he sitting with us here? Nobody else in the North gets to sit with us elected people, so there must be some reason. I think the official reason has to be that people in the North are not capable, or have not been capable up to now, of running our own affairs. So, I think, to remove the Commissioner at this time is to say that we have reached a stage in the history of the North when we can do it on our own and it would be like saying, "Give us the trust, give us the responsibility alone as elected people, to conduct our affairs."

Appointed Members Gave Guidance

When I was here in 1970, many of you were not even born -- no, many of you were around but maybe were doing other more important things. When I came here in 1970, there were 14 of us and there were 10 elected and four appointed. I remember I was seated beside Air Marshal Campbell, I guess to be guided and to be given advice and so forth. They were sprinkled amongst everybody here, I guess with the idea that elected people do not really know, they are not sophisticated and they need the appointed people to keep us in the right direction, to help us out if necessary. We had people like Dr. Hamelin, Air Marshal Campbell, there was this guy from Edmonton and Pierre Genest.

At the time too, in 1970, there were no elected people on the Executive Committee; it was Commissioner Hodgson and Deputy Commissioner Parker, who were the government. They answered all the questions about government in the House, and I must say that, at the time, even I used to marvel at Mr. Parker's knowledge of all the government departments, because invariably questions were raised about government departments and it was Mr. Parker who, basically, answered all the questions. He was the person that knew, or had to know the goings on of all departmental activity and I used to marvel at his knowledge of all the day to day affairs of government. In those days, I think, as far as the day to day running of government, it was Mr. Parker that had a great deal of say, or certainly, was responsible for the day to day government. And this happened while Stu Hodgson ran around the North getting headlines and being Santa Claus to people.

Responsibility Of Elected Executive

So, things have changed greatly since then; it is no longer Mr. Parker, I think, that has the overall responsibility over government. Elected people in the last few years have increasingly taken over responsibility and are running the day to day affairs of government much more. I believe 1975 was the first year that we had a fully elected Assembly, and from that Assembly four persons were chosen to be on the Executive Committee. That was the start of having elected people in charge of departments in government. We have advanced to the point where, in 1979, there were five initially chosen to be on the Executive Committee and now we have seven; to this date now, where, I believe, all departments have been assigned to Executive Committee Members. So I feel this is further reason that we do not need Mr. Parker here with us.

I know that at times like this, when we talk about things like a Commissioner, that some people get sentimental. Yesterday, Mr. Butters showed a little bit of sentimentality, I guess, or maybe it is just that we have been colonized for so long that that feeling tends to stay with you and you feel sorry for the appointed people after a while. Mr. Butters yesterday said, "I think that the removal of the Commissioner from the House, at this time, would be premature." He said, "I think we can reflect back over the last three years and consider the number of times on which he has contributed to the debate; you could almost ... find that his contribution has been a very valuable contribution..." and so forth. And, to me, this smacks of colonialism. No question that people like Mr. Parker -- during their day the appointed Members did help us along, did contribute, but you must not be sentimental about that. I think you must look beyond the person who occupies the position, and deal with it on a rational basis rather than become sentimental, or become colonialistic. I guess it is hard to throw off the shackles of colonialism when we have been in that system for so long.

Right Of Non-Elected Person To Sit In House Questioned

So, I would suggest that people do put personal feelings aside and look strictly at the issue. We have an Assembly, we were elected by the people, we come together once in a while to talk about things and make decisions and when we get together, to this point in our history, we have had the Commissioner sit with us. I do believe it is time to question what he is doing here with us. Does he have the right to sit here with us? Was he elected? And, who put him here anyway? What special reason is there for him continuing to sit with us? The basic difference between us and the Commissioner is that we were chosen by the people, whereas the Commissioner was chosen by the federal government, and there is a major, major difference. If we are going to have an Assembly that is a place where just elected people sit, then what is an appointed person, what is a person who has not been elected doing amongst us? We really have to look at that. And, I can tell you Members, friends, that from my experience, and a little experience, that responsible government is never given to you. It is something that you have to fight for, and I am sure many of you people do know that.

Time For Removal Is Now

Put very simply, we have a chance now to remove the Commissioner from this Assembly because he really has no right, no business sitting here with us. We are elected people, and elected people only should be sitting at an Assembly. I think we have reached the stage in our history when we ought to -- nicely -- suggest to Mr. Parker that he leave us. Members know that in about a years time from now we have to go through the turmoil, we have to go through the hardship, we have to go and be accountable to the people. That whole process of being elected is for some people a traumatic experience, for some it is an exciting time, but we have to go through that. Mr. Parker, though, does not have to; if we do not kick him out or remove him after the next Assembly, he will be sitting here along with us though he has never had to work or account to the people of the North. I do know that it is up to us as elected people, to remove him.

Mr. Parker -- not talking about him personally, but the role of the Commissioner, the position -- will sit here forever if we let him; he likes it. The Commissioner, you know, he likes sitting here with us, being given the same recognition and status as we have, talking with us and so forth. So he is not going to move by himself, he is not going to one day say to himself, "Well, I guess the time is here in history when I should remove myself from the elected people." No, he will sit here for the next year, five, 10 years if we let him. I think he knows that it is our responsibility, it is we who have to take the initiative to remove him from sitting with us and it is we who have to push him out -- in a sense we have to kick him out. This is democracy, and I am sure he knows democracy and supports democracy, and I am sure that he would understand. I think we can do it ceremonially; we can, after the motion is passed and everybody supports it, ceremonially remove his chair and remove him from within our circle here or, if people do not like it, we could do it at night. Tonight.

---Laughter

Somehow or another, we ought to remove him, so he is not sitting with us anymore. It is a very famous chair and table; we could sell it, too. So, I know that Mr. Parker does not take all my comments personally; he knows that we are talking about democracy, more responsible government. So, I do urge all people to be brave, to throw off the colonialistic idea and make the big move to have only elected people sit in our elected Assembly. Mahsi cho.

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

HON. GEORGE BRADEN: Mr. Chairman, I regret my absence for the last few days. Could somebody read the motion for me before I launch into my address?

CHAIRMAN (Mr. Fraser): Yes, it is in Tabled Document 1-83(1), and the motion is to delete Rule 11A.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. I guess I would like to make a few comments on the role of the Commissioner in our institutions of government; that is the Legislature, the Executive branch and our administration. Like all good civil servants he does not mess around with the courts and the judges.

Role Of Commissioner In Executive Committee

First, as far as the Executive branch is concerned, Mr. Chairman, I think it is important to recognize that at the present time the Commissioner has responsibility for very, very few departments. I hope that that would change in the very near future so that Ministers of the government would have responsibility, direct responsibility for all the departments of the government, although I suspect it may be a bit difficult at this time for the Minister of Indian Affairs to turn over everything. I would suspect -- and this is my personal opinion -- that the federal Minister will want to retain some input to the decision making of the Government and the Legislature by ensuring that the Commissioner at least has a role to play in respect of some financial and personnel matters. However, generally speaking, there is a situation now where the Commissioner is not really involved in the day to day operation of my department nor McCallum's department, or whatever. I think also you have to recognize that in the Executive Committee itself, the Commissioner assumes the role of the chairman of that particular committee, and, in my experience on the Executive Committee and also in the Financial Management Board where he is the chairman, the Commissioner functions basically as a chairman. I have yet to see where the Commissioner, the current Commissioner, is not sensitive to the political issues, the desires of the elected branch of the government. So generally speaking, I see the role of the Commissioner evolving further to that of a lieutenant-governor.

Legal Responsibility Of Commissioner To Government Of Canada

Now I think, as well, we have to recognize that in law, in federal law, the Commissioner is the Chief Executive Officer of the Government of the Northwest Territories. Now in law, that carries with it a certain amount of responsibility. Further, the Commissioner of the Northwest Territories is designated by letter of instruction as the chairman of the Executive Committee of the Government of the Northwest Territories. Obviously, given these conditions, Mr. Chairman, the Commissioner is ultimately accountable to the Minister of Indian Affairs and Northern Development and through the Minister of Indian Affairs, to the cabinet or to the Government of Canada.

Now, I recognize fully what my colleague for Mackenzie Liard is saying. I appreciate that he reflected on the Drury Report. It seems to me that that report, or the substance of that report, is cropping up from time to time, and being considered in a bit more positive light than it was a few years ago when the report was tabled by Mr. Drury in this House. However, I recall in discussing this issue of the role of the Commissioner with Mr. Drury that he felt that there was a need for some presence of the Commissioner in the Government of the Northwest Territories, if only for the reason that the Commissioner has a great deal of additional responsibilities. Some of these are federal responsibilities where he is expected to represent the Government of Canada here where perhaps they do not have a senior officer.

Role At Political Level

Mr. Drury also felt that the Commissioner had a bit of a role to play as a facilitator, perhaps, or a mediator at times, at the political level. Now, I did not agree with that particular recommendation of Mr. Drury because I think what we have seen through committees such as the one that the Member for Mackenzie Liard chairs, we have seen a great deal of interaction between political leaders in the North.

I would perhaps draw one further observation about the current Commissioner, and also the way in which the position is evolving. I was responsible with my staff about a year ago for finalizing an agreement with the Solicitor General of Canada to provide for police services in the Northwest Territories. Well, the Commissioner, beyond his capacity as the chairman of the Executive Committee, really had nothing to do with all the development work and the final signing of that agreement between myself and the Solicitor General of Canada. There are countless other examples, I think we all could use, to demonstrate that at the political level, the Commissioner is assuming a very reduced role.

Function Of Commissioner In The Assembly

I think I would like to comment further in one other area, and that has to do with the way the Commissioner functions in the Legislative Assembly. You are aware that the Commissioner has to assume a number of responsibilities in his role with the Legislature. He gives us the speech from the throne, so to speak, and in that way he is acting as a lieutenant-governor. He gives assent to bills, and concerning the particular issue under discussion right now, he also in the past has participated as a member of the Executive Committee because he was responsible for certain departments of the Government of the Northwest Territories. Now, as I understand it, we have taken some steps so that the Commissioner will no longer be answering questions during question period. Is that correct?

MR. SIBBESTON: Yes.

HON. GEORGE BRADEN: I think that this is a positive step, and I suspect that it is going to carry over from when we are in formal session into the committee of the whole, as well, where if a Member is defending the budget of a department, people are going to speak to that particular elected Member and not to the Commissioner. However, I would urge all Members to consider for the remainder of this particular session, anyway, the usefulness of having the Commissioner remain in the chamber while we are in committee of the whole. Now, I suppose that this could be interpreted by some as buckling under the shackles of neo-colonialism.

Evolutionary Approach To Responsible Government

However, I think that what we have to recognize is the evolutionary approach to responsible government. I think we have done as an Assembly a really good job of evolving the role of the Commissioner in our Executive branch and also in our legislative branch to the point where the Commissioner, while he, I suppose, can exercise his authority, very seldom does so and at times when he has, it is with the full consultation and the full agreement of the Executive Committee. I would urge Members to give very serious consideration to the impact that this could have. If we make an informal agreement among ladies and gentlemen of this chamber that we are not going to ask the Commissioner any questions in committee of the whole, basically ignore the guy, maybe he will get kind of bored and go back to his office. However, there are probably going to be times when we are dealing with overall financial matters, in particular, where I think his presence may be required, and I am not putting down my colleague, the Minister of Finance, in his ability to deal on financial matters. The reality is that Mr. Butters and his staff have played the major role over the last year, in particular in negotiating with the federal government.

So, Mr. Chairman, I do not really know if we have to go this far at this point in time. I think that the role of the Commissioner is becoming less and less of a political issue in the Northwest Territories, as far as having the Commissioner interfere in the business of what the elected representatives want to achieve. I think, Mr. Chairman, that after the next election you will see the next group come in and do a major rewrite of these rules and probably do exactly what Mr. Sibbeston is suggesting, and that will be the right time for it. At this point in time, I would urge that we not amend the rules in the manner in which Mr. Sibbeston has suggested, and that we take an evolutionary approach, which I think has worked so well for us over the last three years. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Braden. Mr. Nerysoo, to the motion.

Decision Required For Development To Proceed

HON. RICHARD NERYSOO: Yes, Mr. Chairman. I do not always, as Mr. Sibbeston would say, oppose my Executive Committee colleagues, but on this particular issue I think that I would have to support the principle Mr. Sibbeston is putting forward. The idea of using the evolutionary process to accomplish everything that this Assembly has done to date is all well and good, but there is a time when the Assembly has to take a position as to whether or not we proceed to the next step in the development of this Assembly. There have been a number of comments made over the past two days suggesting that we should wait until the next election. Well, if that was the case of the last Assembly, then certainly seven Members in this House would not be here. I think it is most important that when anyone is going into elections that they know exactly what they are going to be faced with, and I think it is most important that this Assembly decide exactly in what direction they are going to be going.

The other point with regard to the evolutionary process is that it does not always work. It does not always accomplish exactly what you want, because the Legislative Assembly of the Yukon certainly did not wait for the Government of Canada or the Minister of Indian Affairs to remove the Commissioner from their Legislative Assembly. They took the step themselves and removed the Commissioner.

I think that there have been precedents set already as to how we can approach the idea of removing the Commissioner from committee of the whole or from the Assembly itself. That does not mean that you remove the Commissioner from certain duties that he has to carry out, as a member either of the Executive or, as you might say, as a lieutenant-governor to the Legislative Assembly, because certainly there are options available to us. I do think it is necessary to make a decision, and that decision, in my opinion, is in fact to begin practising the workings of this Assembly without the Commissioner in the House, and I certainly am going to support the motion that Mr. Sibbeston has put forward.

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

MR. MacQUARRIE: Thank you, Mr. Chairman. Yesterday I was carried away by the eloquence of the honourable Member for Mackenzie Liard, and put my mouth in motion before my mind was in gear.

---Laughter

AN HON. MEMBER: If that happened, it is the first time.

---Laughter

MR. MacQUARRIE: That is right.

AN HON. MEMBER: It is difficult.

Access Required To Ensure Accountability

MR. MacQUARRIE: He recognized it. Yes, but I did also think about it a great deal last night and again this morning, because it is a significant matter. There are a couple of very serious facts that have to be considered, and these are, regardless of how we might like it to be, the truth is that the Commissioner is the major link that this Assembly has to the federal government, and that federal government still has considerable authority and power in the Territories. It is a fact too, that he is the Executive Member responsible for at least one significant department, so there is the question, then, of accountability. He is certainly accountable to the federal government, but we want to ensure that as much as possible he is accountable to us as well. When I listened to Mr. Sibbeston speak today I would have to say that I agreed with everything that he said, so it is not that I disagree, that we ought not to be doing that. I have just come to think that we ought to do it a little more carefully. Mr. Sibbeston's words were, "We came by this very innocently yesterday." It arose quickly; it was an incidental thing, but I think it is significant enough that we should not handle it incidentally, and that we ought to absolutely begin in that direction. I disagree with the word that Mr. Butters used, that it is "premature". I do not think that it is premature. The time is now to take that step, but to pass this motion would be doing it hastily, and we may not have thought of some important implications with respect to accountability.

Therefore, I would like, along with Mr. Nerysoo, to take a position -- it is time to take that position -- but I think we can do that by voting against this motion, and immediately following it with a motion to direct our rules and procedures committee to address this very matter and, before the end of this session, to indicate to this House how the Commissioner can be removed from the Assembly and committee of the whole, but so that we ensure that we still have access to him where and when we want him to be accountable. So a motion like that would unquestionably put the wheels in motion. It just would not leave things up in the air. Something very definite would be being done, and it would be done so that there is nothing to our detriment. That is what is most important in all of this. We want to be sure that the Assembly can be as effective as possible. It would be a matter of four or five months before it was accomplished, but because it is a very significant step I think it is worth while taking that four or five months.

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

MR. McLAUGHLIN: Thank you, Mr. Chairman. I would like just to point out to Members that it is the intention of the rules and procedures committee to completely redo all the rules of the Assembly and have them approved before our term expires in this House. That would certainly be one area that could be looked at then.

I would also like to speak against Mr. Sibbeston's motion, because I feel that we are doing it more or less on the spur of the moment. I fully agree that it is an objective I would like to see this Assembly have before the end of our term, but I do not want to do it on the spur of the moment like this, and so I am going to vote against the motion.

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

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question is called. Are you ready for the question? Mr. Sibbeston.

Role Of Lieutenant-Governor And Chief Executive Officer

MR. SIBBESTON: "We obviously have to talk about this a little more. Take time," you say. No, I think one of the things that it is important to know very clearly is that when we say that the Commissioner should not sit with us here, we are not suggesting that he not have any role at all in the Assembly. The Commissioner will still have the role of giving the opening speech. That is the role of the lieutenant-governor which is done throughout Canada. It is not the Prime Minister or the premier on the first opening day that sits up on the big high chair and talks. It is the lieutenant-governor, and the Commissioner can have that role, and we give him that, and it is a proper role for him to have. So he will do that, so he is not going to be kicked out for ever and ever and never grace our Assembly at all. No, he will give nice speeches up there. The other thing is he will still have the responsibility of giving assent once the bills are passed. He has to give his assent after third reading, and then I think he has the role of proroguing the Assembly, so he will still be around, and we will want him to be around sometimes. People should know that. The other thing, too, the Commissioner technically is still the Chief Executive Officer, and he will continue that role in the day to day running of government. He will still have a role to play on the Executive Committee.

I just am a little bit amused. I find it funny how people think sometimes when it comes to a question like this. I see, for instance, Mr. Braden, I am sure agreeing logically that it is the right thing to do because I think he was involved with the Drury Report and it said all these things, but I guess you have been friends for a few years now and you have worked together on a day to day basis. You are friends, and maybe you do not want to insult Mr. Parker by having him removed at this time. I would say to Mr. Braden, however, that it is worse to have him sit there and say, "Let us just ignore him." I think that is worse. Let us be straight. I think it would be better if we have him removed completely. It is all a matter of changing that seat from there to behind, over there where Mr. Pilot is. Mr. Pilot is properly seated; he was not elected and he does not sit with us. Mr. Parker should sit right along out there, and there is not much of a change, just 10 feet in distance, but in some ways, if we can do it, it will say a lot for us.

I just find it ironic that here we are, people of the North, talking about responsible government. We are talking about Nunavut, we are talking about Denendeh. These are big things where northern people are going to set up their own governments and so forth. We have to deal with the federal government about that; it is not something we can do by ourselves. And here we have a chance as northern people to show responsibility, to show that we can take steps to be more responsible, and so forth, and we cannot even remove Mr. Parker from our Assembly. We seem to be chicken. Some Members are chickening out, are weak, get weak-kneed, are sentimental. It is still hard to take off the shackles of colonialism, as they say, and I just find it funny when people like

Mr. MacQuarrie say they agree with everything I say but they are not going to vote for it today, and generally are in agreement but it is not the right time. He is suggesting a committee to study, to look at ways that we can do it. It is very simple; you do not need a committee; all you have to do is vote for this motion and it wipes out present Rule 11A, which provides for the Commissioner to sit in. You do not need a committee to tell you that. You can do it straightforward and simply.

So I do suggest to Members, let us be brave, let us be responsible, and let us act like properly elected people. We were elected, we sit together once in a while to talk about problems, and only elected people should sit together. An appointed federal government official has no business sitting here with us. He was not chosen by the people; he was chosen by Ottawa. We have a chance now to make that happen, and let us do it. Let us go for it, as they say in simple language.

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

HON. DON STEWART: Thank you, Mr. Chairman. I had hoped that the committee would have seen fit to relieve me of having to get involved again in the Legislative Assembly.

---Applause

Valuable Assistance Given By Commissioner

However, on a matter of this nature I think that it is only right that I should express my opinion. Philosophy is a great thing, however the actual day to day operations of any organization are not necessarily based, nor successful, because of a philosophy. If you analyse the situation, the Commissioner is our first line of defence and if you do not think you are in a war with Ottawa on getting what you want, you better rethink your position. Now, I would rather have the man that is answerable to the Minister, on our behalf, taking part in the decision making process, although he does not vote. If you will check the records, you will find that Mr. Parker, at no time, or the Commissioner at no time has abused his privilege to sit in this House, has only spoken when we were about to make a mistake that he could not defend and would put us in jeopardy with the final control in Ottawa and has assisted us in circumventing these problems so that our end result was what this House actually wanted.

You know, probably the second World War was lost because Hitler in his wisdom decided to move the Desert Fox out of Africa -- just one false move of a top person, doing a top job. I suggest to you that we are in the same type of position. We are at war with Ottawa to get what we want. We need the assistance of the Commissioner. I would much rather see him being part of this group, than being a federal civil servant sitting in the ivory tower, and I assure you that if he does not take a part here -- although knowing the man, Mr. Parker, and his dedication to the North, I do not suppose he would go that far -- but it is still a position, then, that he has one master and that is the Minister, rather than the co-operation and being part and parcel of this House. Now, I know of two occasions since this Assembly has been elected, that through his direction he stopped us from making a very serious mistake. Not forcefully, but he convinced us that this was a wrong way to do it, that we could do it this way and still get the net result we wanted.

Unfortunately, we are not a completely free and elected Assembly. We are still a Council, the Commissioner of the Northwest Territories still has a veto, the Minister has a veto and, of course, the cabinet of Canada has a veto. Now, this is the type of situation we are in. We need a person to help us make sure that we do not get into a position where this veto power has to be used. Because if this veto power ever starts being used, it is the beginning of the end for growth of the democratic system the way we want to see it in the Northwest Territories. And I say keeping the Commissioner here with us will help us prevent that happening to us.

Now, if he were abusing his right and trying to influence daily decisions that are made here, I would feel entirely different, but I know that his actions in the past have only been taken under very serious circumstance, and I think that we need him here to protect us from ourselves on occasions. So I, certainly, will oppose the motion and hope that others will see the wisdom in keeping assistance here. We are learning, we have come a long way, but we are a long way from perfection. When we get into the big league matter of fighting Ottawa and the system down there, we need all the help we can get, and so I say, we keep him in the House as long as he does not abuse his rights in here and only speaks on very important matters. Thank you.

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

HON. ARNOLD McCALLUM: Thank you, Mr. Chairman. I just wanted to make a few comments in terms of the motion of Mr. Sibbeston. Refer back to the kinds of things that have occurred in the past. In the Eighth House there was a motion and a change of rules to remove the Commissioner and the Deputy Commissioner from question period. I voted for that particular motion at that time and lost it by a Broderick Crawford count, 10-4. Then, 10 people wanted to keep the Commissioner in question period and four did not. In that particular session, I did not agree with having the Commissioner and the Deputy Commissioner in the House during question period and yesterday, when we voted on that, I voted as well with others to remove the Commissioner out of the question period.

Position Of Commissioner At Issue

I think, however, that what we have come into is a situation that is not dealing with the Office of the Commissioner; it has gone beyond that. I think that I agree that the business of this House should be conducted only by the elected people, but we are talking about the position. I do not think we should be involved or talking about the individual concerned. I suggest to you that this is not a comparable situation to that which occurred in the Yukon. In the Yukon, the then Commissioner of the day wanted to control the Legislature and was not prepared to deal with the Legislature in the same manner as our present Commissioner has been able and willing to deal with this Legislature. They had to assert themselves.

The past House endorsed the position, endorsed the individual that we now have as a Commissioner and made a recommendation in the Assembly, in formal motion, but that no way detracted from trying to remove the position of Commissioner, and that is the point. It is not the individual, it is the position of the Commissioner from carrying on, or involving himself with the business of this House. I believe that we will have a further problem if, in fact, we act as hastily on this as we are now supposed to. I agree that we have to be responsible. I agree that we have to take particular steps, but I am telling you now that if we do and take this step to remove Rule 11A now, we are acting in haste, because the Members who are here now today will remember yesterday.

Review Of Rules And Regulations Needed

In the second change to the rules -- you have the copy in front of you -- in amendment two we put it down, "'Strangers' means any person admitted to the Assembly chamber, but does not include the Commissioner, the Deputy Commissioner, Members, officers or staff of the Assembly, or witnesses"... So that, if we do remove him from this House, we will allow the Commissioner and the Deputy Commissioner to wander in and out at will. I think that we should remember that we are trying to do something to make sure that the operation of this House is done only by the elected people and the people that we employ, and if we are going to be hasty about doing this -- without doing a proper review of it -- then I think, we are not going to come to the proper realization of the goal that we are striving for. So, I have no difficulty in supporting the principle that this House deserves to be run by itself, but in our haste to do it -- in our haste to make the changes -- we have not been responsible in looking at all things. On the one hand, we allow people to come in; on the other hand we say, "No, you cannot sit down." Does that mean that the Commissioner and the Deputy Commissioner can stand around within this rope when we are conducting our business -- without sitting down, but just wander around? That is what we are saying.

In saying that I approve of the principle of having this House run by itself, I believe that this time I would take the kind of advice that Mr. MacQuarrie has suggested, give the chore to the rules and procedures committee, whose recommendations we are now discussing; that we do come back before the end of this session with the proper hard look at the kinds of rules and review of the rules and regulations of this House, and that we do not throw everything out in haste, but that we do act responsibly. So I have no difficulty then in suggesting that I am not prepared at this time to go through with approving this particular motion, but I would be in favour and if Mr. MacQuarrie does not make the motion, I will, that we review it -- the total bit of it -- because, again, we have removed the Commissioner from the question period and I agree wholeheartedly, as I did in the Eighth Assembly, that the elected Members of the government should answer for the operation of the government.

On the one hand, now, we have allowed the people to come in and not be addressed as strangers and on the other hand we are now saying that he cannot come in at all. I am not sure what we mean and I think we have acted a little bit too hastily in dealing with this. I am not laying the total question aside. I fully expect that we should come back and make sure that we resolve the issue, but let us do it in a responsible manner, as Mr. Sibbeston has suggested, but not in haste.

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

MR. EVALUARJUK: (Translation) Thank you, Mr. Chairman, I would like to make some comments. I like the motion and I feel it makes sense, and this motion -- I would like to note -- I just want to let you know that I am not going to vote either way. I am going to abstain. Either he can sit in the House -- if there are some problems arising, and he needed to come into the House, I would vote for it. If there was no problem -- I do not think we should deal with this right now, maybe the future MLAs could deal with this. Or maybe when we get to Nunavut, the whole problem could be settled then. Right now I just want to keep things the way they are right now. I am not supporting that he sit across from us, but I am not scared either even if we forbid the Commissioner from sitting in the House any more. I would like to say furthermore that last year we went to Ottawa -- we will never forget that visit we had -- and the Commissioner did a lot, and we were very thankful to the Commissioner. He really helped us and supported us. I would just like you to know that we will never forget that visit we had to Ottawa. There are no problems right now even if he could sit in the House, and I do not want to deal with this. I would like to have him sitting in the House if we are going to be dealing with the main estimates. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Evaluarjuk. We will take a 10 minute coffee break.

---SHORT RECESS

We will call the committee back to order. I have Mr. Nerysoo. I do not see him in the House. Mr. Pudluk.

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I agree with this motion today, but right now I cannot support him, for this reason. Right now I guess we could pass this motion, right this moment, and I think we could get into some problems about this. Also eight months from now we will be having another election. There will be no MLAs, and we might not get re-elected. There will be new Members. I guess we will have seven Executive Committee Members chosen from these new Members, and I think the Commissioner will be helping them right from the beginning with the positions they will be following throughout this session. For this reason, I do not think we should pass this motion right now. Maybe in our 10th Assembly, this motion should be dealt with. That is the reason why I cannot vote on this motion. I agree with the person who made this motion, but up until now I cannot support him. I do not want to deal with this suddenly, and I cannot vote on it now. Maybe in our 10th Assembly, if I get elected again, I would support him then. Thank you.

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

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. About this motion, I am supporting it right now. I might not get re-elected so I am supporting this motion right now. I do not know exactly why there are some problems about the Commissioner. I am supporting this motion, and also I guess the Eastern Arctic my constituency would be supporting me in supporting this motion, even though we are not going to use it right this moment, right this moment as MLAs. Even if we are not going to use it this moment in this session, I am going to support it. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Arlooktoo. Mr. Nerysoo, you indicated you wanted to speak before coffee. Mr. Nerysoo.

Direction From Assembly Necessary

HON. RICHARD NERYSOO: Yes, Mr. Chairman, no one has convinced me not to vote in favour of the withdrawal of Rule 11A. I do want to say one thing to clarify the removal of the Commissioner from the Executive Committee in the Yukon, and that is that it was the Executive Committee, the elected Executive Committee, that took the position that the Commissioner could not, or would not, play a role in that government. With the kind of comments that have been made to date by the Executive Committee, it would be somewhat difficult to come to a final conclusion as to the role, or the removal of the Commissioner. So I just think that it is most necessary to have some direction from the Assembly, and I am still going to vote on the principle and the removal of the Commissioner from this House.

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

MR. KILABUK: (Translation) Mr. Chairman, probably you will be reading our thoughts at this time, but I am going to be saying -- most of you have made very good speeches, and very understandable in regard to the motion that has been made. The officials have been travelling to the other communities. In Greenland, they do not even have the Commissioner invited to their meetings. We are probably making a mistake, even if we were to remove the Commissioner from this House. I do not think we are making a mistake in regard to the removal.

Federal Recognition Of Commissioner

The second thing I have in mind is that he has been appointed Commissioner by the federal government, and we try our best to get things done, but the federal government has never agreed with us because they do recognize the Commissioner there is the person that they have appointed. We, Members of the Legislative Assembly in the House, should be working more together through removing the Commissioner, because we all would like to run the North, but we have to be working together now, and we probably should wait because we listen to the Commissioner so much. Sometimes government officials listen to the Commissioner more. I will be supporting this motion that is made, and for the next Members of the Legislative Assembly that will be sitting after the next election, they can probably amend it afterwards if we should make a mistake, but I do not think that we are. Because of the fact that we are dealing with something we should not be dealing with, the removal of the Commissioner, the microphones are not working.

I want to make it very clear that I will be supporting the motion, because of the future, because the elected Members do not seem to be recognized because the Commissioner's responsibilities are more recognized within the Northwest Territories, although he is only appointed. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Kilabuk. To the motion, Mr. Sayine.

MR. SAYINE: Mr. Chairman, I do not have any problem with this motion, voting against or for, really, at the present time, because all Rule 11A says is that the Commissioner may be seated with Members during consideration of business in committee of the whole. However, he is not entitled to vote on any question. I have been here, we have all been here for over three years now, and we have had the Commissioner here for that period of time during the life of this Assembly anyway, and I have found no great problems with that, and so, like I say, I really have no difficulty with voting against or for this motion. However, for the present time, I think I will be voting against this present motion, because I feel that what Mr. MacQuarrie and Mr. McCallum have said, I agree with. I think we should give it more time and give it back to the standing committee on rules and procedures, and have them come up with something before the end of the session. Let us work it out -- more properly than just today, just passing this motion through. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sayine. Any further discussion? To the motion, Mr. Sibbeston.

MR. SIBBESTON: Let me try to convince you just one more time. Mr. Chairman, I think this has been a good discussion. I do believe that if it does not happen today it will happen very shortly, perhaps in the next few months, that the Commissioner will be completely out of this Assembly. It seems today that some of the people are getting cold feet, and I guess part of the problem is the very realistic fact both Mr. Parker and Mr. Pilot are very good men. I think people have respect for them, and I too have a great deal of respect for them. I consider Mr. Parker to be the best Commissioner that has ever...

---Applause

I appreciate that people are a little bit sentimental, or else partly too, it is a matter of people closing guards. Some of the Executive Members who I thought were going to support the motion, now are in a sense closing guard. They are maybe friends of Mr. Parker, and some people are just being extremely cautious or conservative. I thought this was a liberal bunch; and maybe it is the Liberals closing ranks with one another. I hear people like Mr. Stewart, the Speaker, suggesting that we be wise, that we might make mistakes, that Mr. Parker has been helpful to us and so forth. He made the point about the Commissioner still having a certain amount of veto powers, but I say that the Assembly is not as helpless as he would have us believe. The Assembly is the foremost body in the North that makes decisions in respect of legislation and moneys for the government, and the day that the Commissioner vetoes any bills, then that is the day we are into a new round of confrontation politics. I dare say it is not going to be the Commissioner who wins out when we reach that day. It is going to be the elected people that win out when this happens.

Agreement For Principle But Not Action

So, it seems the people are generally in agreement with the principle of excluding the Commissioner, but do not want to do it so directly, so suddenly, or so openly. People want time. People suggest that there be a committee. Some Members even suggest the next election. So I do, in my own mind, feel that these are simply excuses, and people are a little afraid to meet the issue head-on. Maybe some of you are not ready for responsible government. Maybe that is a test. Maybe what today shows is that this Assembly is not ready for responsible government. It could be -- examine your souls. I find this funny that it is native people that are suggesting that we take the next step toward becoming a more responsible government. I do not know. Maybe native people have more guts to stand up. I just find it funny that white people or non-native people are the ones today that are hesitating. I thought that people liked democracy, people liked responsible government, and that is the way that everybody wanted to go -- to be like Alberta, to be like Ontario, where they have fully elected people, where you do not have lieutenant-governors and commissioners sitting with you. I thought white people liked responsible government, and yet it is primarily a lot of white people here that are the ones that are not prepared to make the move. I do think that if we do not support the motion today that we are in a sense the laughingstock of the North in Ottawa, because we have been talking about setting up our own governments, making changes, and we are dealing with things that are still beyond our control. However, on a matter that is very much within our ability to show responsibility, we are chickening out. In some respects I do think that some of you can be laughed at, and you are not really concerned about responsible government, as some of you say. Some of you are afraid, you like to have the comfort of having the Commissioner with us, lest we go wrong or lest we make a mistake, or lest we hurt his feelings, and that in my view is just pure immaturity, and not being very responsible.

I would say Mr. Parker to date has not contributed very much to our discussions. When is the last time he has contributed to a discussion in committee of the whole? He cannot vote, and so it is not as if we are removing him from a position or from a place where he is contributing greatly to our Assembly. He hardly ever says anything and properly so. So I say be bold, be responsible, and let us take a little step toward having this Assembly more responsible. If we do not, do not anybody talk about responsible government to me. Let us forget about our constitutional conferences because we cannot even make a petty little change that we can. So why talk about things that are beyond our control at this stage? So I urge Members to be bold, be brave, it is not going to hurt Mr. Parker's feelings. He understands. Let us be responsible and vote for the motion to simply displace him, or remove him from this elected Assembly. Are we an elected Assembly, or not? We say we are, but here we have a federally-appointed person sitting with us, and you guys say, "We like that. We do not want to change that. It is comfortable. We might make mistakes." So I urge Members to support the motion.

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

MR. MacQUARRIE: Question.

CHAIRMAN (Mr. Fraser): Mr. Pudluk.

MR. PUDLUK: Yes, Mr. Chairman. Are we going to be voting on 11A (1) and (2)? Both, or just one?

CHAIRMAN (Mr. Fraser): The motion is to delete Rule 11A, in the other book, the present rules book.

MR. PUDLUK: I do not have that book.

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

MR. SIBBESTON: In the interests of people knowing exactly what they are voting on, could you explain what happened yesterday and where we are at today so people do understand and can vote intelligently?

CHAIRMAN (Mr. Fraser): Yesterday we voted on the report of the standing committee, page two, amendment six. We defeated 11A(1). Now we are into the rules book and Rule 11A. Point of order, Mr. McLaughlin.

MR. McLAUGHLIN: Basically, Mr. Chairman, what we did yesterday was this. The motion I made was that Rule 11A should be amended by substituting Rule 11A(1) and 11A(2) for the existing Rule 11A and that was defeated. So that means that Rule 11A is still as it was, and Mr. Sibbeston has made a motion to remove the existing Rule 11A.

CHAIRMAN (Mr. Fraser): Maybe we will just ask the Clerk to read Rule 11A. Mr. Clerk, will you first read Rule 11A so that everybody knows what we are voting on?

CLERK OF THE HOUSE (Mr. Hamilton): The motion is to remove in the existing rules of this House, Rule 11A on page five in the Members manual, which reads, "The Commissioner may be seated with the Members during consideration of business in committee of the whole, but shall not be entitled to vote on any question." The motion is to delete this rule.

CHAIRMAN (Mr. Fraser): Everybody clear on that? Mr. Sibbeston.

MR. SIBBESTON: Recorded vote, please.

Motion To Delete Rule 11A From The Rules Of The Legislative Assembly, Defeated

CHAIRMAN (Mr. Fraser): Recorded vote being requested. Question is being called. All those in favour, please stand.

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Arlooktoo, Mr. Kilabuk, Mr. Sibbeston, Mr. Nerysoo.

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

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Pudluk, Mr. Tologanak, Mr. Sayine, Mr. McCallum, Mr. Braden, Mr. McLaughlin, Mr. MacQuarrie, Mr. Stewart.

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

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Evaluarjuk, Mr. Appaqaq.

CHAIRMAN (Mr. Fraser): The motion was defeated eight to four with two abstentions.

--- Defeated

CHAIRMAN (Mr. Fraser): Mr. MacQuarrie.

Motion To Refer To The Committee On Rules And Procedures The Matter Of The Commissioner Being Seated In The Assembly

MR. MACQUARRIE: I ask your leave, Mr. Chairman, to introduce a motion dealing with the same topic. I move that this committee refer to the committee on rules and procedures the matter of the Commissioner being seated in the Assembly, with a view to removing his privilege of sitting in the Assembly, but at the same time ensuring adequate access to him for purposes of accountability.

CHAIRMAN (Mr. Fraser): Could we have a copy of that motion, please? The motion is in order. To the motion. I do not think we have this translated. Maybe we could give it to the interpreters, and they could read it out to the Members. Did you get the motion? Did you get it through on the translation? The motion was, I move that this committee refer to the committee of rules and procedures the matter of the Commissioner being seated in the Assembly, with a view to removing his privilege of sitting in the Assembly, but at the same time ensuring adequate access to him for purposes of accountability.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): Question. Did you get the motion? To the motion. Question is being called. Mr. Sibbeston.

MR. SIBBESTON: I just want to know what the mover of the motion meant by "with the matter of accountability". Again it seems, if I could just speak to the motion, it attempts to do what we failed to do today, and at the same time it is still not very clear. It is seemingly a desire to remove him, but then, some concern about accountability, and the only way he can account, obviously, is to come into the House and answer questions, or be seated with us, so it does not make sense to me. It suggests that we keep things exactly the same way that we have, so the motion does not do anything. If the latter part of it were removed, then it would make more sense. If Mr. MacQuarrie is not prepared to do that, perhaps he can explain what he means about the part that deals with having access to him in respect of his accountability. How else other than being in here, can he account?

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

Examination Of Implications

MR. MacQUARRIE: Thank you, Mr. Chairman. Yes, I see the concern that Mr. Sibbeston has. I say that the motion to refer clearly indicates to the committee on rules and procedures that they should move to have the Commissioner's privilege of sitting in the House removed. The second part of it is simply to -- and it may not even be necessary, I presume the committee would do that -- and that is to examine any implications that might be involved in it. It is possible right now, even with the change that we made earlier, that the Commissioner can come into the Assembly for question period if every Member agreed that he should. That is one of the principal rules, that where there is unanimous consent, Members can change any of the rules. So it is possible that some day a Member would request, despite what was passed yesterday, a Member would request that the Commissioner be allowed to come into the House to answer a question, and if every Member agreed, he would be allowed to come in. All I am saying, then, is, in examining that kind of thing, write a rule that considers all the implications, but has as its major aim the removal of the Commissioner from the Assembly, from sitting in the committee of the whole.

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

MR. SIBBESTON: Mr. Chairman, I wonder what is the purpose of this motion, because it appears as if, judging by the vote today, people are not interested in removing the Commissioner at all, and I would say judging from the way the vote went, that there would be no chance of getting any changes whatsoever. So I wonder if there is any purpose or any use in having such a motion. We have had our chance and everybody seems to be against removing the Commissioner. Now the mover of this motion is suggesting that the matter be referred to the rules and procedures committee which I suspect, if it is the same Assembly and the same people, would end up voting in the same way as we did today, so I do not see any purpose. Let us just wait until the next election, or the one after. Maybe 20, 30 years from now, we will get people a little braver than now, so I am certainly not going to support the motion. You have had your chance, as far as I am concerned.

CHAIRMAN (Mr. Fraser): Thank you. Mr. Stewart, to the motion.

HON. DON STEWART: Basically, I think I can understand what Mr. MacQuarrie was trying to get at, but I would suggest to him that the present rules are more than adequate to do what he wants, because although he may be the Commissioner, there is no reason if you wanted him to appear in the House that you could not call him as a witness, so really I do not know what you would expect the committee to do. He could be called as a normal witness if you just wanted to question him, so what more could you expect? I am like Mr. Sibbeston, I do not really think the motion accomplishes anything.

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

MR. MacQUARRIE: The committee presumably would examine matters such as that. If the Commissioner were summoned as a witness, does he have any obligation to attend? Does this Assembly have that kind of authority? That is one of the questions that the committee might ask, but I beg to differ that it does not accomplish anything. It directs the rules committee to rewrite the rules, with a view to removing the Commissioner's privilege to sit in the Assembly on a normal basis. That is presumably what Mr. Sibbeston wanted done, and contrary to what the honourable Member for Mackenzie Liard said, it is evident that some Members wanted it done today, immediately. There were other Members who want it done, but are simply advising that the honourable Member who sometimes advocates rash actions, may very well have done so again in this case. These other Members simply want to see that this matter, because it is a significant step, is carried out in a thoughtful and orderly way. That is the purpose of the motion. Unless it were simply a matter of petulance, I cannot see why those who supported the last motion would not wish to support this one. It will accomplish the same thing, but in a little more orderly way.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Fraser): To the motion. Question is being called. Are you ready for the question?

SOME HON. MEMBERS: Question.

Motion To Refer To The Committee On Rules And Procedures The Matter Of The Commissioner Being Seated In The Assembly, Carried

CHAIRMAN (Mr. Fraser): All those in favour, raise your hand. Down. Opposed? The motion is carried.

---Carried

Mr. Commissioner.

COMMISSIONER PARKER: Mr. Chairman, I would ask permission of the committee to say just one or two words on this subject, and I would promise to be very brief.

CHAIRMAN (Mr. Fraser): Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Fraser): Agreed.

---Agreed

Commissioner Parker's Comments On His Presence In The Legislature

COMMISSIONER PARKER: Thank you very much. Of course, I would not have spoken during the debate. The position might be taken that I should have absented myself, but I was not disinterested in what was going on, and was reluctant to leave for any period of time, because I am interested vitally in the discussions of the Legislature in committee of the whole. I would just like to make one or two very brief remarks.

I want it understood very clearly that I am not sitting in the Legislature while it is in committee of the whole because of any instruction from anyone in Ottawa or because I have been required to be here, or because I am under any pressure, or because this Legislature is under any pressure from anyone else to have me here. The reason that I have been sitting here in committee of the whole in the past is because this Legislature has extended to me the privilege -- and indeed it is a privilege -- to be present so that I can, on the rare and I hope it is rare occasions, speak to an issue, hopefully not to debate the issue -- although I must admit to becoming carried away from time to time -- but basically to attempt to supply information. So I just want to make certain that it is understood that I have been here and will continue to be here perhaps for some short period of time as a guest of this Legislature, and as a guest, therefore, I must and will obey the wishes of the Members.

I would like also to think that in this matter of the growth in responsibility of the Legislature and of the Executive Committee, that I have been an instrument of change, because I have adopted from the start of my service as Commissioner the position that the Legislature must take over its proper responsibilities and carry them out in as efficient a manner as possible. Therefore I have attempted, I think in most instances, to enhance the Legislature wherever I can in any small way, and to endorse and strengthen the activities of the Executive Committee.

One could say that a practical approach would lead to my sitting here because I have still very onerous responsibilities under the Northwest Territories Act, and I suppose from a practical standpoint, perhaps I can be helpful. But in the long run, you are absolutely right that no appointed person should sit in this Legislature.

Now, there is no question about my sitting here in formal session, but I would remind you that your committee of the whole sessions are somewhat different than the committee of the whole approach in other legislatures, I believe. I believe that committee work is done in most other legislatures in chambers apart from the main legislative chamber, and at that time officials are called and heard from if their contribution and information is necessary.

Finally, I would say that it is not always easy to effect change. As an aside to that, I would say that as all of these changes take place, I wish my workload would reduce, but it does not seem to change all that much. All of us have a tendency to resist change, and I suppose I am guilty of that from time to time, and as Mr. Sibbeston has said, I have enjoyed, and do enjoy, being here, but I will in no way feel that I have had ill treatment when the decision is finally made, as it must be made, for me to remain outside the ropes. Thank you very much.

---Applause

CHAIRMAN (Mr. Fraser): Thank you, Commissioner Parker. Can we go on then, Mr. McLaughlin, to amendment seven? Mr. McLaughlin.

Motion To Repeal Subrule 24(2)(d) And Add New Subrule 24(2)(d) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1), Carried

MR. McLAUGHLIN: I would like to point out that the Commissioner got a little bit more than 66.9 per cent support there. Mr. Chairman, I move that amendment seven be adopted.

CHAIRMAN (Mr. Fraser): Amendment seven. To the motion.

SOME HON. MEMBERS: Question.

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

---Carried

All right, Mr. McLaughlin, amendment eight.

Motion To Repeal Subrules 29(2) And (3) And Add New Subrules 29(2) And (3) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1)

MR. McLAUGHLIN: I would like to move that amendment eight be adopted.

CHAIRMAN (Mr. Fraser): To the motion? Mr. Sibbeston.

MR. SIBBESTON: Yes, Mr. Chairman. This area here concerns me a bit because the new order of business, as it were, excludes Members' statements, or Members' replies on opening day. I actually do not see it anywhere in the list of routine business that it is suggested we adopt. I wonder if that is an oversight.

CHAIRMAN (Mr. Fraser): Mr. McLaughlin.

MR. McLAUGHLIN: Yes, Mr. Chairman. The committee determined that because the first day is formal and that there are different situations like the people who are guests of the Speaker, who sit within the ropes, and we do not want to keep them in there for an undue amount of time. The opening day is a day primarily of ceremony, the Speaker has various functions planned for later in the afternoon, and the committee recommends that there not be replies to the Commissioner's Address on opening days.

CHAIRMAN (Mr. Fraser): Mr. Sibbeston, if you go to amendment nine, it explains it in a little more detail.

MR. SIBBESTON: Mr. Chairman, I am conscious of that but, Mr. Chairman, I am of the view that Members should be able to make their statements on the first day, too, because I find that opening day is the day when there are most people interested in seeing the Assembly. Actually I think it is a good time for Members that are asked to make the replies -- it is a good day for them to make their speech and make their comments, while everybody is here. I have found that, and I have made my opening speech on opening day and this is because there are more people to listen and see and you know what happens on the second day, there is hardly a soul in here and we are just speaking to one another. You hope that CBC will carry the message to the people on our behalf but sometimes they fail and so people get left out.

I am of the strong view that Members should be able to make their opening statements on the opening day, and I would suggest that we do not call it replies to the Commissioner's speech but we could call it Members' statement or constituency report, or something of that nature, rather than having it as a reply to the Commissioner. It is too colonialistic as it were, reply to the Queen, reply to the King, or reply to God -- reply to the Commissioner. It is too colonialistic in nature; it ought to be titled the people speak, or report from the people, or report from Members', constituency report, or something. In the last while I have not heard very many people -- there seems to be a lessening of reports of Members. To me, the idea of a Member talking is a very good thing. You can tell people what is going on in your area. Of course there are sometimes good things but occasionally there are problems, so there is a good chance for people to tell other people about their constituencies. I have made a little report every time telling you what is going on, and I do not hide anything under the table, but I notice some Members never say anything. One would think that everything is perfect in their constituency, which I really wonder about. I

think this practice of being elected, coming to a place where all elected people are gathered, where we can talk and tell one another about how life is, how people are or how our constituents are, is very important, and we should have the chance to be able to say it on opening day.

In the last few years, the Address of the Commissioner has been getting less and less of substance. The Commissioner, taking the role of the lieutenant-governor, talks about the weather, talks about the people who have died, talks about giving awards. It is very non-political in nature and I think it is, properly, his role. So, if a Member wants, he ought to have a chance to speak of more substantive and important things to his constituents. Rather, I would not want to see opening day just left to be just a big formality. The last one was very nice, but I know that on opening day the chief from my constituency was here and so was the mayor of one of the towns, but the next day they were gone and there was hardly a soul here, like now -- except for a couple of civil servants. It is not very nice talking to an empty hall or to these civil servants. So, let us get Members' statements or Members' constituency reports back in there on opening day too. Okay?

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. If you want to put that in the form of a motion, just change it and then we can carry on.

Amendment To Motion To Repeal Subrules 29(2) And (3) And Add New Subrules 29(2) And (3) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1)

MR. SIBBESTON: I would amend it to provide for Members' opening address, or Members' replies, or Members' constituency report. Not replies to the Commissioner.

CHAIRMAN (Mr. Fraser): Which one? Do you want all three, or just one?

MR. SIBBESTON: Three of them.

CHAIRMAN (Mr. Fraser): All three of them.

MR. McLAUGHLIN: Question, Mr. Chairman.

CHAIRMAN (Mr. Fraser): Just a minute, Mr. McLaughlin. We have a motion on the floor here. Could we have a copy of that? Would you repeat it again? Maybe we could write it. Just repeat it slowly and we will write it down.

MR. SIBBESTON: I will amend the motion to add: "Members' opening address", after the "Commissioner's Address".

CHAIRMAN (Mr. Fraser): The motion reads: "Members' opening address", after the "Commissioner's Address". Right?

MR. SIBBESTON: Mr. Chairman, can I just leave the precise wording open, whether it be Members' statements, or constituency report, or that to be dealt with by the committee that is dealing with the rules and procedure, but the principle that a Member be able to make a speech or reply or a statement?

CHAIRMAN (Mr. Fraser): Members' reply? Would that sound right? Members' reply.

MR. SIBBESTON: It is a compromise, sure.

CHAIRMAN (Mr. Fraser): The motion then would read -- to add "Members' reply" after the "Commissioner's Address" on opening day. Is that right? To the motion. Mr. McLaughlin.

MR. McLAUGHLIN: Mr. Chairman, just to make things simpler, would Mr. Sibbeston also like to insert that, then, in 29(3)? That is the first of the list. Just so we do not have to go through this again, because 29(2) concerns opening day only.

CHAIRMAN (Mr. Fraser): Do you want to amend it?

MR. McLAUGHLIN: Well, I moved to adopt the full amendment, so if he amends both sections at once we will not have to go through the vote twice. Unless you like going through the vote twice.

CHAIRMAN (Mr. Fraser): We will deal with his motion first. To the motion? Mr. Sibbeston.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mr. Fraser): Question is being called. All in favour? Mr. Braden, to the motion.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. Could I ask, not the mover of the motion, but one of the committee Members a question of clarification concerning this subject?

CHAIRMAN (Mr. Fraser): Go ahead, Mr. Braden.

HON. GEORGE BRADEN: In deliberating on this issue, Mr. Chairman, did the committee consider leaving in the replies to the Commissioner's Address item, but limiting the number of replies that could be made on opening day? I ask that question, Mr. Chairman, because it has been the practice of the caucus to choose -- I believe it is two -- Members to make replies on opening day, in order that it does not stretch out forever and forever.

CHAIRMAN (Mr. Fraser): Mr. McLaughlin.

MR. McLAUGHLIN: One of the problems discussed is that we have often had trouble trying to find two Members who would be prepared to reply to the Commissioner's Address on the day of the opening, because a lot of Members would like to actually make comments about the content of the Commissioner's Address, so we have had trouble finding people to do it a lot of times. That was one of the things we discussed, but we did not specifically discuss limiting the number. The idea was to make opening day short and formal and get the first reading of bills and tabling of some documents over with, so the government could do that part and so that we would have business to do the next day.

CHAIRMAN (Mr. Fraser): Thank you, Mr. McLaughlin. Mr. Braden, to the motion.

HON. GEORGE BRADEN: To the motion, Mr. Chairman, I have no problem with the amendment. I would hope that we would continue the practice -- it does not necessarily have to be written in the rules -- but I would hope that the caucus would continue the practice of having a couple of Members speak to the Commissioner's Address. I have no problem with taking a second look at the wording to reduce the colonial inference that is made in this statement, "Replies to the Commissioner's Address". Thank you.

CHAIRMAN (Mr. Fraser): Thank you. To the motion. Mr. Evaluarjuk.

Opening Day Should Be More Involved

MR. EVALUARJUK: (Translation) Thank you, Mr. Chairman. I will be in support of my good friend's motion. I am not here for the reason of wanting to talk so much, but we meet at the opening for a short time and we do not get tired at the opening of the session, because you are energetic to go ahead and meet at the opening of the session. We usually meet the next day, and then we have committee meetings in the evenings too. I feel that at the opening session, we should do a little bit more. I will be in support of Mr. Sibbeston's motion. Thank you.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Evaluarjuk. Mr. Sibbeston, to the motion.

MR. SIBBESTON: Mr. Chairman, I am glad that I have one friend that I can count on. I think it is really important to have it so that elected people have free access -- a good chance, a very wide open chance, to come to the Assembly and say what they want, and I would not like to see this Assembly bound up in so many rules and regulations that you have to be a lawyer or you have to spend a long time to get used to the rules before you are able to function. I think it is very important to have it so that on opening day, and every day after, that Members can speak freely and very openly about the concerns of their constituents.

My idea of democracy is that you are elected, and that you come from the people to a place in Yellowknife or to a central place where everybody that is elected is gathered, to get together, to tell one another about how life is, and to talk about some of the problems. I know after this last election I had so much to say, I was just burning. I had come from a situation where I had seen an Assembly that was so bad -- and I felt so compelled with a great desire to say what was the feeling of the people that I represented, the people that voted for me. As it happened, it all came out the way it did, and I think it is important to have it such that the Members can speak freely on opening day and every day thereafter, to say what their constituents feel. I do not think we should have too many rules and have anything to stand in our way of speaking. If we at least do not have that, then we have nothing. If people do not talk freely and say what is the feeling of their constituents, then we have nothing. People must not be afraid, people must not be worried about insulting government or anything like that. They have to really feel free and speak truly from their hearts and speak how they think the people that voted for them feel. So it is important to have that ability and chance, even on the opening day.

I can see how maybe the Speaker or the people that are involved with the Assembly want everything to go like clockwork on the opening day. They do not want anybody to screw it up or blemish it, as it were, but I do not think that that would be right. If you want to speak on the first day and have something to say, you can shout it out, cry it out, or whatever, and you should have that chance. That is supposed to be democracy.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. To the amendment.

SOME HON. MEMBERS: Question.

Amendment To Motion To Repeal Subrules 29(2) And (3) And Add New Subrules 29(2) And (3) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1), Carried

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

---Carried

To the motion as amended. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. As a non-believer, I am heartened to see that Item 1, that usually appears on the orders of the day, the prayer, has been dropped, but as I realize that is probably not the feeling of most people, I recognize that it may have been an oversight...

MR. McLAUGHLIN: Point of order.

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

MR. McLAUGHLIN: We are not amending Subrule 29(1) which says the Speaker shall read prayers every day at the meeting of the Assembly...

---Applause

If the Members would get out their present rules and compare them with the rules that we are introducing, they could make a lot more sense out of what we are trying to do here.

---Laughter

CHAIRMAN (Mr. Fraser): Thank you, Mr. McLaughlin. To the motion as amended. Mr. McLaughlin.

MR. McLAUGHLIN: You have a problem if you -- do you want to leave number three as it is, or do you want to have "Members' replies" listed in there? If you are going to list it on the first day, you might as well list it for the orders of the day for the rest of the days.

CHAIRMAN (Mr. Fraser): I think amendment nine...

MR. McLAUGHLIN: Well, amendment nine deals with the number of days that it appears, but if number 29(3) does not say that it is going to appear, it does not help very much, either.

CHAIRMAN (Mr. Fraser): Mr. Sibbeston.

Further Amendment To Motion To Repeal Subrules 29(2) And (3) And Add New Subrules 29(2) And (3) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1), Carried

MR. SIBBESTON: I shall make a motion to amend Subrule 29(3) to provide for "Members' replies" at the very start before oral questions.

CHAIRMAN (Mr. Fraser): To the amendment? Question is called. All in favour? Down. Opposed?

---Carried

Amendment eight as amended?

AN HON. MEMBER: Question.

Motion To Repeal Subrules 29(2) And (3) And Add New Subrules 29(2) And (3) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1), Carried As Amended

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

---Carried

Amendment nine, Mr. McLaughlin.

MR. McLAUGHLIN: Mr. Chairman, on amendment nine, 34(1) is no longer needed, and I believe that the amendment that we just passed on 29(3) might mean that we do not even need this. We could possibly even delete that rule entirely, now. I would suggest that number nine be amended, which is to read that Rule 34 is repealed.

CHAIRMAN (Mr. Fraser): Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I suggest the chairman of the rules and regulations put forth the recommendation as put forth by the committee, the seven Member committee of which Mr. Sibbeston and I are Members -- who recommended these particular changes...

---Laughter

...and then I will make an amendment to it.

CHAIRMAN (Mr. Fraser): Carry on, Mr. McCallum.

Motion To Repeal Subrules 34(1) And (2) And Add New Subrules 34(1) And (2) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1)

MR. McLAUGHLIN: Mr. Chairman, then I shall move that amendment nine be adopted.

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

Amendment To Motion To Repeal Subrules 34(1) And (2) And Add New Subrules 34(1) And (2) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1)

HON. ARNOLD McCALLUM: Mr. Chairman, I amend amendment nine, so then the new 34(1) would read, "The motion of appreciation for the Commissioner's Address shall be introduced on the opening day of session." And in 34(2), "the item 'replies' shall be placed on the orders of the day for the opening day of a session and for all days thereafter, but shall not be so placed for the day that can be expected to be the last day of a session." In essence, Mr. Chairman, I have amended both 34(1) and (2) by deleting the word "second", and putting in the word "opening".

CHAIRMAN (Mr. Fraser): To the amendment, Mr. Braden.

HON. GEORGE BRADEN: Well, Mr. Chairman, I just wonder if the mover wants to maintain the colonial expression, "Commissioner's Address".

AN HON. MEMBER: Might as well.

HON. GEORGE BRADEN: Or are we going to liberate ourselves and a motion of appreciation, or just a motion for reply? I mean I think in light of the amendment that was made just a few minutes ago, we should look at the wording of this. Do you not think so, Mr. Chairman?

---Laughter

CHAIRMAN (Mr. Fraser): Do not ask me what I think. I am liable to tell you.

---Laughter

To the amendment, Mr. McCallum.

HON. ARNOLD McCALLUM: In the amendment eight, Subrule 29(2), there was no change to the first order of business which was the Commissioner's Address. The amendment that Mr. Sibbeston put forward was to make sure that he had Members' replies or opening day statements or reports from the constituency. It had nothing to do with the Commissioner's Address. I do not see anything colonial about it.

CHAIRMAN (Mr. Fraser): To the amendment. Mr. Pudluk.

MR. PUDLUK: Yes, Mr. Chairman. I have a little difficulty. What is going to happen if we have to call the emergency session? It is probably going to last about two days. I know the Commissioner is still going to have opening remarks and are we still allowed to make replies?

CHAIRMAN (Mr. Fraser): Mr. Pudluk, I think there is something that covers that in the old rules. All we are doing here is amending certain rules. So we will just look up the book here. I am informed that they can change the rules with unanimous consent. To the amendment, Mr. MacQuarrie.

MR. MacQUARRIE: I would ask the mover of the amendment whether it was intended that that wording very specifically be used, and that is that the motion of appreciation "shall be" introduced. You changed it to the first day. I certainly agreed with Mr. Sibbeston that if there were people who wanted to speak on that day, they ought to be allowed, but this would compel a reply on that day. I am just asking for clarification. Is that your intention?

CHAIRMAN (Mr. Fraser): Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, I took from the discussion prior to this that it was by a vote of this committee that there would be, or there shall be opening day statements by Members. I do not have any difficulty if you want to make it permissive. I do not want to put in the 13th, or whatever number of commandment this would be, to make it any more difficult. I do not have any difficulty with "shall" or making it permissive, but the wording is there. It was going to be that it shall be done in the second day. I am suggesting for the sake of clarity to continue with what was just previously agreed to, that it shall be done on the opening day.

CHAIRMAN (Mr. Fraser): Mr. Sibbeston, to the amendment.

MR. SIBBESTON: Mr. Chairman, I am wondering why a Member may not be able to speak on the last day. Is it some plan to make sure that it closes without an interruption, or is it a devious plan to muzzle Members on the last day so that everything can just close properly and without any concern? Because I would like to have the option of speaking on the last day and speaking for 20 hours if I think it is necessary to get the point across.

CHAIRMAN (Mr. Fraser): Thank you, Mr. Sibbeston. To the amendment, Mr. McLaughlin.

MR. McLAUGHLIN: Yes, Mr. Chairman, the present Rule 34 only allows for Members to make replies on the first five sitting days of the session. Our amendment would allow Members to reply on every day except the last day, because on the last day there is a flurry of bills to be passed and, hopefully, after six weeks all Members would have then had the opportunity to make their reply. So, basically, what we are trying to do is extend the number of days you make a reply from five days, to throughout the whole session, except the last day.

CHAIRMAN (Mr. Fraser): Who determines what is the last day? When do we know what the last day is? Mr. Sibbeston, to the amendment.

Amendment To Amendment To Motion To Repeal Subrules 34(1) And (2) And Add New Subrules 34(1) And (2) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1), Withdrawn

MR. SIBBESTON: When the time comes, I am sure you will know the last day. Mr. Chairman, I would like to amend it to provide for all days, and to not have any impediment, any obstruction to free speech even on the last day.

CHAIRMAN (Mr. Fraser): For the duration of the session; is that right?

MR. SIBBESTON: Yes.

CHAIRMAN (Mr. Fraser): You must make an amendment to the amendment. Mr. Sibbeston.

MR. SIBBESTON: In order to do this, I then think the best way actually is to just delete what is 34(1) and (2) here, and that would have the effect of being able to have a Member speak every day of the...

CHAIRMAN (Mr. Fraser): It is still an amendment to the amendment.

MR. SIBBESTON: Okay, I will withdraw my amendment.

CHAIRMAN (Mr. Fraser): To the amendment. Mr. McCallum has an amendment on the floor.

MR. SIBBESTON: What is the amendment? Tell us.

CHAIRMAN (Mr. Fraser): Mr. McCallum, give us that amendment again.

---Laughter

HON. ARNOLD McCALLUM: Mr. Chairman, I do not think it would be necessary for me to read the whole thing. I will simply indicate to you what the amendment does. In 34(1) under amendment nine, between the letters "the" and "day" on the second line, delete the word "second" and put in "opening". In 34(2) on the second line, between the words "the" and "day" delete the word "second" and replace it with the word "opening".

CHAIRMAN (Mr. Fraser): Mr. Sibbeston, to the amendment.

Amendment To Amendment To Motion To Repeal Subrules 34(1) And (2) And Add New Subrules 34(1) And (2) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1), Carried

MR. SIBBESTON: Mr. Chairman, is it possible to amend the amendment? Then I would amend it by deleting all words after "but" in the second paragraph.

---Laughter

Including "but". So the words "but shall not be so placed for the day that can be expected to be the last day of a session". I move that those words be deleted, so this would in effect give us a chance to speak every day of the session.

CHAIRMAN (Mr. Fraser): To the amendment.

HON. KANE TOLOGANAK: Question.

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

---Carried

HON. ARNOLD McCALLUM: What was the score?

CHAIRMAN (Mr. Fraser): Six to four for the Yanks. To the amendment now.

HON. ARNOLD McCALLUM: Everything is too late.

CHAIRMAN (Mr. Fraser): Ready for the question? All those in favour? Mr. MacQuarrie, to the amendment.

MR. MacQUARRIE: Yes, in which case I will have to vote against the amendment because I think it is not wise at all to have replies on the last day of the session. Everybody will be waiting until everybody else speaks. It is only going to encourage tardiness and create difficulties at the end of the session for a lot of people, so I will vote against the amendment.

HON. KANE TOLOGANAK: Question.

Amendment To Motion To Repeal Subrules 34(1) and (2) And Add New Subrules 34(1) And (2) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1), Carried As Amended

CHAIRMAN (Mr. Fraser): Thank you. Question being called to the amendment. All those in favour? Down. Opposed? The amendment is carried.

---Carried

Motion To Repeal Subrules 34(1) And (2) And Add New Subrules 34(1) And (2) Of The Rules Of The Legislative Assembly, Tabled Document 1-83(1), Carried As Amended

CHAIRMAN (Mr. Fraser): To the motion as amended. Do I hear question?

HON. KANE TOLOGANAK: Question.

CHAIRMAN (Mr. Fraser): Question being called.

MR. McLAUGHLIN: Thank you, Mr. Chairman. I would just like to ask all the Members of the committee, especially Mr. Sibbeston, to attend the committee meetings now and give us his wisdom in these areas.

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

---Carried

The Clerk tells me to go back to page three of the report. Could we have approval from the committee then that we go to page three and deal with recommendation one, that the amendments to the rules of this Assembly attached as schedule A be adopted and apply, beginning with the next sitting day after their adoption? Is that agreed? Mr. McLaughlin.

MR. McLAUGHLIN: Maybe I should just explain to all the Members that recommendation one concerns itself with all the amendments we just dealt with, yesterday and today, as amended. So all the work that we have done yesterday and today is included in this recommendation one now.

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

Motion To Accept Recommendation One, As Amended, Tabled Document 1-83(1), Carried

MR. McLAUGHLIN: Yes. I already moved that recommendation one be adopted as amended, so I will move it today that it be adopted as amended.

SOME HON. MEMBERS: Question.

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

---Carried

Mr. McLaughlin.

Motion To Accept Recommendation Two, Tabled Document 1-83(1), Carried

MR. McLAUGHLIN: Thank you, Mr. Chairman. I move that recommendation two be adopted.

SOME HON. MEMBERS: Question.

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

---Carried

Number three. Mr. McLaughlin.

Motion To Accept Recommendation Three, Tabled Document 1-83(1), Carried

MR. McLAUGHLIN: Thank you, Mr. Chairman. I move that recommendation three be adopted.

CHAIRMAN (Mr. Fraser): To the motion.

MR. MacQUARRIE: Obviously very necessary.

AN HON. MEMBER: Question.

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

---Carried

Mr. McLaughlin.

Motion To Accept Recommendation Four, Tabled Document 1-83(1)

MR. McLAUGHLIN: Thank you, Mr. Chairman. I shall move that recommendation four be adopted.

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

MR. MacQUARRIE: No way. I think it is not desirable just to have in a long afternoon one coffee break. I think that what we will find is Members disappearing anyway, and having difficulties holding a quorum, and so on. I see nothing wrong with the present system, providing we get back in time, and the bells do seem to be working in that direction, so I will not approve this.

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

HON. ARNOLD McCALLUM: Mr. Chairman, I agree with the recommendation, notwithstanding that we have just made changes to our hours of sitting where we now only have one morning sitting and we have one coffee break in that morning -- that should be plenty. In the afternoon sitting -- we have those in each afternoon -- we are saying one coffee break in each afternoon. So the recommendation says that effective immediately, which I suggest is on Monday, we will take one 15 minute coffee break on Monday afternoon, Tuesday, Wednesday, Thursday, and then one coffee break on Friday morning.

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

MR. MacQUARRIE: Yes, I understood that very clearly, but I am saying that I would like to see two coffee breaks on Monday, Tuesday, Wednesday, Thursday, and Friday...

---Laughter

Not Friday, pardon me -- one on Friday.

CHAIRMAN (Mr. Fraser): Well, let us take a 15 minute coffee break...

---Laughter

---SHORT RECESS

I shall call the committee back in order dealing with the motion. To the motion.
Mr. MacQuarrie.

MR. MacQUARRIE: Yes. I have to confess that when I said I wanted to vote against this, because I wanted two coffee breaks, that I was thinking largely of myself, but it is true that there are other people that are tied to the Assembly operation, such as some table officers, court reporters, CBC reporters, and so on. They would find it very difficult to go the whole afternoon with one break only, and so that is an additional reason why I think we should carry on the present practice. However, I absolutely support any efforts to make sure that coffee breaks begin or end on time.

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

MR. EVALUARJUK: (Translation) Mr. Chairman, I just want to ask if it has been amended, or has it been changed, or are we following it the way it is?

CHAIRMAN (Mr. Fraser): Mr. Evaluarjuk, recommendation four says they want to change the coffee breaks, one in the morning and one in the afternoon; that is the motion. Coffee breaks right now are not in the rules. Mr. Pudluk.

MR. PUDLUK: Could you give me a little more time? One second, please.

CHAIRMAN (Mr. Fraser): Do you want another coffee break?

---Laughter

Amendment To Motion To Accept Recommendation Four, Tabled Document 1-83(1), Carried

MR. PUDLUK: No, thanks. I would like to make an amendment. If we are going from 1:00 to 6:00 on any of those days, make it two coffee breaks in the afternoon instead of one.

CHAIRMAN (Mr. Fraser): I understand the amendment to read that in sitting hours from 1:00 to 6:00, you want two coffee breaks in the afternoon; in the morning, only one. Is that right?

MR. PUDLUK: Right.

CHAIRMAN (Mr. Fraser): To the amendment. Do I hear question?

SOME HON. MEMBERS: Question.

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

---Carried

To the motion as amended.

AN HON. MEMBER: Question.

Motion To Accept Recommendation Four, Tabled Document 1-83(1), Carried As Amended

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

---Carried

Mr. McLaughlin.

Motion To Accept Recommendation Five, Tabled Document 1-83(1), Carried

MR. McLAUGHLIN: Thank you, Mr. Chairman. I move that Recommendation five be adopted.

CHAIRMAN (Mr. Fraser): Recommendation five. To the motion.

MR. McLAUGHLIN: Mr. Chairman, the reason for this is that we felt that the Speaker and the Deputy Speaker should be on the rules and procedures committee because they are the ones who have to try to operate the House within the rules, which is not always an easy thing to do.

CHAIRMAN (Mr. Fraser): That is awfully white of you. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Mr. Pudluk.

MR. PUDLUK: I would move that the House report progress.

CHAIRMAN (Mr. Fraser): A motion that we report progress.

SOME HON. MEMBERS: Question.

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

---Carried

MR. SPEAKER: Mr. Fraser.

REPORT OF THE COMMITTEE OF THE WHOLE OF TABLED DOCUMENT 1-83(1), FIRST REPORT OF THE STANDING COMMITTEE ON RULES AND PROCEDURES

MR. FRASER: Mr. Speaker, your committee has been considering Tabled Document 1-83(1) as amended, and wish to report this matter concluded.

MR. SPEAKER: Thank you. We had also put into the committee of the whole Bill 1-83(1). I presume it is your wish, then, to close for this evening, to recognize the clock?

SOME HON. MEMBERS: Agreed.

MR. FRASER: There was a motion on the floor to report progress, which passed, Mr. Speaker.

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

CLERK OF THE HOUSE (Mr. Hamilton): There will be a meeting of the standing committee on legislation at 10:00 a.m. on Monday in the caucus room. There will be a meeting of the standing committee on finance and public accounts at 11:00 a.m. on Monday in room 211.

ITEM NO. 14: ORDERS OF THE DAY.

Orders of the day for Monday, February the 7th.

1. Prayer
2. Members' Replies
3. Oral Questions
4. Written Questions
5. Returns
6. Ministers' Statements
7. Petitions
8. Reports of Standing and Special Committees
9. Tabling of Documents
10. Notices of Motion
11. Notices of Motion for First Reading of Bills
12. Motions
13. First Reading of Bills
14. Second Reading of Bills
15. Consideration in Committee of the Whole of Bills, Recommendations to the Legislature and Other Matters: Bill 1-83(1)
16. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 2:30 p.m., Monday, February the 7th.

---ADJOURNMENT

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Published under the Authority of the Commissioner
of the Northwest Territories

INTERNAL

Public Affairs Officer 4899
Legislative Assembly of
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