



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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

# LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, FEBRUARY 23, 1983

MEMBERS PRESENT

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

ITEM NO. 1: PRAYER

---Prayer

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

Item 2, Members' replies. I would like to remind Members that we have not had any replies yet and it might create a tremendous load at the end. I suppose however, the fact still remains that if we just recess this session for a spring session, if there is to be a spring session, that replies would still be on the order paper because we will maintain the order but it would appear that election speeches are going to be made and everybody is waiting for the last moment and I can understand that.

---Laughter

MRS. SORENSEN: It is always well to have the last word, I realize and most ladies manage to.

MR. SPEAKER: Item 3, oral questions. Mr. Curley.

ITEM NO. 3: ORAL QUESTIONS

Question 40-83(1): Housing Corporation's Priority

MR. CURLEY: Mr. Speaker, I have a question to the Minister responsible for the Housing Corporation. I would like to ask the Minister what the Housing Corporation's priority is. Is it to build, is it to support small northern community contractors, or to build, ship and supply housing material as cheaply as possible without regard to the so-called northern preference?

MRS. SORENSEN: Get the Housing Corporation in here and talk to them.

MR. SPEAKER: Mr. McCallum.

Return To Question 40-83(1): Housing Corporation's Priority

HON. ARNOLD McCALLUM: Mr. Speaker, the policy of the Housing Corporation and the government is to get the best value for our money. In this whole business of supplying, shipping and erecting homes in the Territories for this coming year we have tried to maximize the benefits that would accrue to people. There have been some major firms that have been awarded or are in the process of being awarded contracts but they will be using local -- northern suppliers. Only northern firms are getting contracts to supply, ship and erect in the Territories in the coming year, as under our northern preference policy. So the general contractor who will be awarded the contracts is a northern business. They use northern suppliers to supply the materials and in the erection of units in a community they will be using local labour. So I think what we have been able to do under our housing policy of getting the best benefits for our dollars, is to ensure that northerners do benefit to the greatest amount possible.

I think that what we may very well find is that because of the competitiveness that is evident throughout the South and throughout the North that the amounts of money we have budgeted for may very well come in under those budgets. So our policy about supplying, shipping and erecting is to have northern businesses awarded the tenders, use northern suppliers to supply the materials and use northern labour to erect the units.

MR. SPEAKER: Thank you. Oral questions. Supplementary, Mr. Curley?

Supplementary To Question 40-83(1): Housing Corporation's Policy

MR. CURLEY: Supplementary, Mr. Speaker. I welcome the Minister's assurance that the supply, ship and erect policy does take into consideration the small business operators and labour, but it seems to me that the evidence is that in view of the list of contractors that have responded to the government tenders, does not seem to reflect what the Minister is saying, particularly in view of the fact that the small business operators are not able to supply and compete and ship and erect and give proposals to the government, because of the regulations affecting them with respect to bonding requirements.

So I wonder if the Minister would be a little clearer as to exactly how the small business operators will be assured that they will benefit from northern preference policies. I am aware that the government's goal is to build, erect and supply housing as cheaply as possible but in terms of the long run it does not benefit the northerners in view of the fact that high unemployment rates continue to eat up the government's revenue. Thank you.

MR. SPEAKER: Mr. Minister.

Further Return To Question 40-83(1): Housing Corporation's Policy

HON. ARNOLD McCALLUM: Mr. Speaker, it is the policy of this government as enunciated in the northern preference policy to ensure that northern businesses of whatever size get the kind of work, the kinds of moneys that this government expends to provide goods and services in the Northwest Territories. It is the policy of this government to ensure that northerners benefit. That is why the policy was developed, that is why the policy is in effect now. I related earlier in this session about 30 contracts that were let for rehabs; for example, 24 of these were northern bidders who gave the best possible bid, six others we had to apply a northern preference to but in five of those six cases the northern contractors were the second bidder and in only one case did we go as low as the third bidder on this total contract in order to give northern preference. In each case they were well within the 10 per cent northern preference. So I think that says something for our industry in the North.

As regarding getting businesses in the North to be bondable, we have introduced a piece of legislation that will allow this government to help small businesses in the Northwest Territories obtain bonding. We are going to be able to assist the small business. If you are a large business operation there is no need of you getting involved with our legislation but it is for the benefit of the small business people, the supplier, the small contractor to get involved. When I say "get involved" I mean to get these contracts. So what we have done is to set into motion a northern preference policy for the benefit of local contractors and local business people and we have seen the results of that particular policy over the last two years. Last year it was somewhere in the vicinity of about 92 or 93 per cent; this year in housing alone it is 100 per cent.

We have those concrete results and in order to enforce that particular policy, in order to further help small businesses get other contracts, we are bringing in the legislation whereby this government would indemnify a certain percentage of the bid bond or performance bond with a surety from the South. In that way, I think, we are simply enhancing what we have put down in policy. I want to assure the Member and other Members of this House that suppliers, contractors in the Northwest Territories are going to benefit from the government expenditures in providing goods and services throughout the entire Northwest Territories.

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

Question 41-83(1): More Housing For Arctic Bay

MR. PUDLUK: Mr. Speaker, I would like to ask the Minister of the Housing Corporation a question. I put a petition yesterday, Petition 3-83(1), which is on your table right now. It says three public housing units to be built will not satisfy the needs of this summer for Arctic Bay. I wonder if the Minister could find out, if the tender is going to be lower than the figured amount if it is possible to build some more houses for the settlements.

MRS. SORENSEN: Get the Housing Corporation in here.

MR. SPEAKER: Mr. Minister.

Return To Question 41-83(1): More Housing For Arctic Bay

HON. ARNOLD McCALLUM: Mr. Speaker, I indicated that I felt that our tenders for supplying, shipping and erecting, because of the northern preference and because of the competitiveness between companies to supply these units in the North, it very well may be that the amount of money we will have to pay out to the contractors is less than what we budgeted for. There may be a possibility of responding to the requests of the Member for the High Arctic for additional units in Arctic Bay. I say it very well may be possible. I know that there were as well, representations made in this House from the Member for Foxe Basin about more units in Pond Inlet. What we would possibly have some difficulty with, would be the acquisition of lots in those two particular communities and getting the foundations ready to build the units. If there is a possibility that we have excess money because of the tenders that come in on supply, shipment and erecting then I would assure the Member for the High Arctic and other Members that we would look more than favourably upon putting units and responding to the request that he has and the petition from Arctic Bay, if the units can be properly placed on lots and the lots are available in those communities.

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

Question 42-83(1): Reply To Written Question 19-83(1)

MR. EVALUARJUK: (Translation) Thank you, Mr. Chairman. I have a question for the Minister of Local Government. It has been about two weeks since I asked Question 19-83(1). I am wondering if I will get a reply, or if that question should have gone to your deputy or the Department of Public Works. I would like to get a clarified answer on that question before the session is over. What is the Minister doing about this question?

MR. SPEAKER: Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Speaker, I have a reply to the honourable Member's Question 19-83(1). Can I give the reply now?

SOME HON. MEMBERS: Agreed.

MR. SPEAKER: Yes, you may proceed because it has been asked as an oral question this time.

Return To Question 42-83(1): Reply To Written Question 19-83(1), And Return To Question 19-83(1): Extension Of Road Outside Municipality Of Igloolik

HON. JAMES WAH-SHEE: Mr. Speaker. I have a reply to the honourable Member's question in regard to the extension of the road in Igloolik. The department has reviewed the request by the hamlet of Igloolik for assistance in funding the extension of the road to Igloolik Point. A basic gravel trail already exists to that point. I am pleased to announce my department will make available a one-time grant of \$5000 to the hamlet council in 1983-84 to assist them in upgrading this trail. Although this department does not normally fund such projects, the trail is entirely within the municipal boundary and it is required by the community to provide improved access to the hunting and fishing areas. Thank you.

---Applause

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

Question 43-83(1): Maintaining Road In Arctic Bay

MR. PUDLUK: Mr. Speaker, I would like to ask the Minister of Local Government a question. I know Arctic Bay has been asking for the same...

---Laughter

...situation. We have been asking through regional government, which is Frobisher Bay, and Jim Britton told the Arctic Bay people that they cannot find any money to build a road to Victor Bay. It is not very far. It is going to be only for a summer road and that does not have to be maintained in the wintertime. I wonder if you could find some money for the Arctic Bay also.

MR. SPEAKER: Thank you. Mr. Wah-Shee.

HON. JAMES WAH-SHEE: I would like to respond to the honourable Member's question after I have had the opportunity to discuss the matter with my officials. I will have to see within the budget if I can come up with a similar arrangement for the community of Arctic Bay.

MR. SPEAKER: Thank you. Then you are taking the question as notice and will reply later? Thank you. Oral questions. Mr. Fraser.

Question 44-83(1): Road From Fort Franklin To North Of Bear River

MR. FRASER: Thank you, Mr. Speaker. I might as well get in the gravy pot here too. For about seven years now, we have been after the Minister of Local Government to put in a road from Fort Franklin to the north of Bear River. He was quoted in the House as saying that he would check it out two years ago and there still is nothing done about it. I wonder if he plans to complete that road this year.

MR. SPEAKER: Mr. Wah-Shee.

HON. JAMES WAH-SHEE: I will have to take the honourable Member's question as notice, and I will get back to him before this session is over.

MR. SPEAKER: Thank you. Oral questions. That appears to conclude oral questions.

Item 4, written questions. Are there any written questions today? Item 5, are there any returns? Mr. Butters.

ITEM NO. 5: RETURNS

Further Return To Question 16-83(1): Quota Of Narwhals, And Return To Question 38-83(1): Reply To Two Written Questions

HON. TOM BUTTERS: Mr. Speaker, my colleague, the Hon. Richard Nerysoo, has asked me to read this reply into the records. It is in response to a question asked by Mr. Evaluarjuk on February 8th and 22nd, respectively, relative to narwhal quotas.

Following the November 1982 session, Mr. Evaluarjuk's request for an increase in narwhal quotas in his constituency was sent to the federal Department of Fisheries and Oceans. Fisheries and Oceans stated that to conserve the whales for future generations, the quotas are related to the status of the narwhal population and could not relate to the increasing human population of the community. Narwhal population studies are ongoing and the quotas will be reviewed as data becomes available. Mr. Nerysoo indicates that it is his intention to continue to make the Minister of Fisheries and Oceans aware of the need to maintain a high priority for whale stock assessment and review of the community quotas.

MR. SPEAKER: Thank you. Returns, Mr. Tologanak.

Return To Question 28-83(1): Stanton Yellowknife Hospital

HON. KANE TOLOGANAK: Thank you, Mr. Speaker. I have a return to Question 28-83(1), asked by Mrs. Sorensen on February 14th, 1983. My reply is on the Stanton Yellowknife Hospital and the various questions that were asked.

1) The total cost of the new Stanton Yellowknife Hospital is projected to be \$33,294,000 in January 1983 dollars. Of this the federal share will be 35 per cent or \$11,655,000. The Government of the Northwest Territories share will be 65 per cent or \$21,639,000. The capital funds that are in the approved main estimates for the Department of Health are based on a total project cost of \$25 million in 1980 dollars. The revised project cost of \$33,294,000 represents the construction cost escalation over the period 1980 to 1983.

2) The project has not yet been approved by the federal Treasury Board. In late 1981, the federal government returned the Treasury Board submission to the Department of Health and requested that three items of information be incorporated into the submission:

a) The approved functional/architectural program for the new hospital. This document has been finalized and approved programs and program areas have been included in the text of the revised submission.

b) The impact of the Nunavut proposal on the new hospital project. Since the new hospital will serve as a referral hospital for the Western Arctic and since there will be no other hospital in the Western Arctic providing the same level of care, the impact will be negligible.

c) An updated construction and project cost estimate for the new hospital. The figures contained in the original Treasury Board submission were in 1980 dollars and were not based on the final functional/architectural program for the new hospital. In order to prepare a current project cost estimate, the department hired a cost consultant to prepare an estimate based on the architect's final design drawings and outline specifications for the new hospital. The architect completed these drawings in October 1982, and the documents are currently under review by the Departments of Health and Public Works in order to resolve a number of functional and technical deficiencies. Revised cost estimates in 1983 dollars have been prepared by both the cost consultant and the architect, and have been incorporated into an updated Treasury Board submission.

3) The Executive Committee and the Legislative Assembly fully support the construction of a new hospital in Yellowknife as evidenced by deliberations at the 1980 sitting of the Assembly in Baker Lake. Subsequent to this session there has been no indication that support for this project has changed.

4) Construction on the new hospital is projected to begin in May 1984, with completion anticipated in early 1987. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you. Mr. Wah-Shee.

Question 23-83(1): Gravel Crusher For Cape Dorset

HON. JAMES WAH-SHEE: Mr. Speaker, I have a return to Question 23-83(1), a question raised by Mr. Arlooktoo in regard to a gravel crusher for Cape Dorset. There may have been some misunderstanding in the translation of Mr. Arlooktoo's question when he suggested the community required a gravel crusher. I do not feel that a gravel crusher is needed in Cape Dorset at the present time. In fact, to my knowledge, no community in the Northwest Territories has a gravel crusher. What the community may have been requesting is a gravel screening plant which would separate the gravel into material of similar size. Two alternatives are being examined to provide Cape Dorset with a gravel screening plant.

One alternative is the purchase and repair of an old gravel screening plant that was left in the community after the Department of National Defence completed the construction of the airport runway. If this piece of equipment can be repaired it will be used in the community. Another alternative available to the community is to use a portable screening plant owned by the Baffin regional office. This portable plant can be transported by air to Cape Dorset or any other community in the region when the need arises. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Are there any further returns? There appear to be no further returns for today. Item 6, Ministers' statements. Mr. Butters.

ITEM NO. 6: MINISTERS' STATEMENTS

Minister's Statement On Maintenance Of Seal And Trapping Industries

HON. TOM BUTTERS: Mr. Speaker, again on behalf of my colleague, Hon. Richard Nerysoo, I would like to provide a brief statement with regard to the ongoing concern for the maintenance of the seal industry and the trapping industry of Canada. What I have here are two telegrams, one from Mr. Mackling, Minister of Natural Resources, Manitoba, to Mr. Nerysoo, which I will read first. It was a telegram addressed to all wildlife ministers.

"I feel you will be as concerned as I am about the consequences for the seal industry of recent developments. Antifur forces in Europe are now moving against the entire wild fur industry.

AN HON. MEMBER: Shame!



HON. TOM BUTTERS: "Arthur Frayling, chairman of International Fur Trade Federation, London, England, advises that antifur presentations will shortly be placed before the European Economic Parliament in Strasbourg. An urgent message from Mr. Frayling states: 'Mr. J. Rössmann, German agent for Vancouver-based Association for the Protection of Furbearing Animals, has been invited to appear before the European parliament in Strasbourg and show delegates and press two films, "Canada's Shame" and "Skins", both depicting the nastiness of trapping. He has furthermore been assured by the member extending the invitation to him, a certain Dr. Fritz Guatier, Social Democrat for West Germany, of the possibility of formulating an initiative which will bring about a full debate on "trapping" in the European parliament. This is the seal story all over again -- this time in the guise of trapping. Extremely important your Ambassador Bonn be immediately alerted to try to stop this. Effect could be devastating having regard current mood German public. Was informed both films are fixed anyway which if correct should be exposed to Bonn forthwith.'

"The wild fur industry is worth some \$600 million annually. Of particular concern in the present economic circumstances are the many thousands of Canadian trappers and their dependants who have no real alternatives to wild fur harvesting, and who would be denied the dignity of meaningful, productive work if the industry collapses. In my view action by federal government is essential to tell the truth about the Canadian situation. This must be carefully planned and effectively delivered. On your behalf I would like to send the above message to Mr. Trudeau. May I indicate your concurrence? Please telex comments to my office as soon as possible. I will forward to Ottawa. Lessons of the seal hunt loss indicate need for prompt, determined, and unified response to antifur protests that are either misguided or shy of the truth, by design. Your prompt support in this matter is earnestly requested."

Mr. Nerysoo has advised Mr. Mackling as follows: "We are extremely sensitive to the situation and fear the worst if no collective action is taken, therefore you have my full support and concurrence to forward your message to Mr. Trudeau and indicate his personal appearance in Europe would be desirable."

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

Item 7, petitions. Are there any petitions today?

Item 8, reports of standing and special committees.

Item 9, tabling of documents. Item 10, notices of motion. Mr. Sibbeston.

ITEM NO. 10: NOTICES OF MOTION

Notice Of Motion 15-83(1): Change Of Sitting Hours On Wednesday

MR. SIBBESTON: Mr. Speaker, I wish to give notice that on February 25th I will move the following motion: That Subrule 3(1) of the Rules of the Legislative Assembly be amended by deleting the time "12:00 noon" which occurs immediately after the words "Wednesday from", and substitute the time "1:00 p.m."

---Applause

MR. SPEAKER: Thank you. Even I can agree with that. Notices of motion.

MR. McLAUGHLIN: That is a grass roots initiative.

---Laughter

MR. SPEAKER: That appears to conclude the notices of motion.

Item 11, notices of motion for first reading of bills. Item 12, motions. Mr. Sibbeston.

ITEM NO. 12: MOTIONS

Motion 15-83(1): Change Of Sitting Hours On Wednesday

MR. SIBBESTON: Mr. Speaker, I seek unanimous consent to deal with the notice of motion I just gave.

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SIBBESTON: Mr. Speaker:

I MOVE, seconded by the Member for Frobisher Bay, that Subrule 3(1) of the Rules of the Legislative Assembly be amended by deleting the time "12:00 noon" which occurs immediately after the words "Wednesday from", and substitute the time "1:00 p.m."

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

SOME HON. MEMBERS: Question.

Motion 15-83(1), Carried

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

---Carried

MR. McLAUGHLIN: That is the only positive thing you have done in three years.

---Laughter

MR. SPEAKER: Are there any other motions for today? Item 13, first reading of bills.  
Mr. McCallum.

ITEM NO. 13: FIRST READING OF BILLS

First Reading Of Bill 20-83(1): Wildlife Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move, seconded by the honourable Member for Yellowknife North, that Bill 20-83(1), An Ordinance to Amend the Wildlife Ordinance, be read for the first time.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question being called. All those in favour? Opposed, if any? Bill 20-83(1) has had first reading.

---Carried

Item 14, second reading of bills.

Clarification Of Speaker's Ruling

Before we resolve into the committee of the whole, I would like to make a statement with regard to Motion 10-83(1). I ruled yesterday that this motion was in order by way of precedent in this House. That statement was incorrect. I could not find any precedent when I checked the records. However, fortunately, compensating errors sometimes are in favour of even people like myself, and after seeking legal advice, the motion is in order. The basis of that ruling is that any motion is in order as long as it does not contravene the Northwest Territories Act. Now, we all know we cannot instruct the CBC. The motion might not have been diplomatic but I do not think it is the business of the Speaker to decide. That will clear the record so that it does not become "by way of precedent" for anything further.

Item 15, consideration in committee of the whole of bills, recommendations to the Legislature and other matters.

ITEM NO. 15: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS TO THE LEGISLATURE AND OTHER MATTERS

Bill 1-83(1), Appropriation Ordinance, 1983-84, with Mr. Sayine in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 1-83(1), APPROPRIATION ORDINANCE, 1983-84

Department Of Justice And Public Services

Total O And M, Court Services

CHAIRMAN (Mr. Sayine): The committee will come back to order. Mr. Braden, do you need your witness back at the table? Is it agreed that Mr. Lal come back to the table?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Sayine): We are under the Department of Justice and Public Services, court services, \$3,214,000, page 8.03, when we finished and I think we left off with Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I just want to say a few words about the Eastern Arctic justices of the peace conference. This conference had a unique format to other justices of the peace conferences held in the Northwest Territories. It had an intense emphasis on the linguistic factors and a workshop model which centred on performance of the actual tasks involved in JP work, rather than the more common lecture format.

This different model resulted in very positive comments from the Inuit JPs themselves. I would just like to note that there were a total of 15 justices of the peace in attendance at the conference, mostly from Baffin Island, but also two who came from Rankin Inlet. The attendance was 100 per cent. I understand that JPs, many of whom have been sitting for many, many years and have never really been able to benefit from the training that has been offered in the more orthodox English language format that has been available in previous years. Many have been very inactive JPs because they have not been utilized in communities, they have not had the confidence to take on their duties -- that particular class of JPs were extremely happy with the results of the conference and have come away from the conference with a self-confidence and determination to actually become active. I will speak about this in a moment.

The conference was organized by basically a partnership of two experienced justices of the peace, one of them was Mr. Tim Dialla of Pangnirtung, who has been a JP for over 15 years. The other JP was Mr. Pierre Baril of Frobisher Bay who has not been a JP that long but has quite a knowledge of education and languages. They were aided by three language experts, one of whom works in the legal aid centre in Frobisher, the others who have had quite a bit of experience interpreting, particularly in various levels of courts.

The conference itself covered an amazing amount of territory for a two day workshop. Basically the curriculum covered the investigative phase of justice of the peace duties, that is, the information necessary to obtain a search warrant, the search warrant form, pre-court matters, including the contents of an information, swearing an information, compelling an appearance and then briefly on the issue of interim release. They went through in detail court processes and particularly court forms, swearing of information, reading of the charge, taking of the plea, hearing the circumstances, the crown and defence role in sentencing, the decision to convict or not, and sentencing. They covered after-court matters, the necessary records and dockets and several other matters including interdictions, show-cause hearings, subpoenas, and the like.

What I would like to stress, Mr. Chairman, is that at each step of the way in this workshop the work was done simultaneously developing appropriate Inuktitut concepts and terminology. I have some copies of the forms and the work that was done in the workshop. Basically these are English forms and documents which have been interlined with Inuktitut terminology. I am informed that the words that appear here were developed after very careful discussion with the justices of the peace themselves so that they know exactly now what the best ways are, in Inuktitut, of describing distinctions between such matters as summary and indictable offences.

I would like to also mention, Mr. Chairman, as I said yesterday, that this had not been done before in this manner and the Department of Justice really deserves to be commended for handing over the responsibility for organizing the conference to the two JPs who organized it and for basically handing them a budget. I am pleased to note in the report of the co-ordinators that the budget was well under the \$25,000 amount forecast so that in addition to being a great success it was also done with a fair amount of efficiency as far as costs are concerned, and most of those costs would be travel costs.

Recommendations From Eastern Arctic Justices Of The Peace Conference

There were a number of recommendations that were made at the workshop and the Minister and the department have those recommendations. Some of them include doing the same thing in the Keewatin, allowing Keewatin justices of the peace to benefit from the work that was developed in Frobisher Bay. Also it is recommended that in the coming fiscal year they have a second phase of this conference which would be an in-depth conference which would go into some of the matters that were only touched on at this session, to some of the more complicated issues such as interim release, and getting into more detail of the legal processes and concepts that just could not be covered at this session.

Mr. Chairman, I would like to draw attention to two particular recommendations and perhaps ask the Minister of Justice about them. One of them relates to a complaint that was received by organizers of the conference from a number of the Inuk JPs. I think it is quite understandable because really those unilingual older justices of the peace have just had no real opportunity to benefit from the training that was offered, primarily in English. They complained at the conference, "No one is asking for our services." They live in communities where the majority of the population is Inuit, yet the RCMP have consistently gone to the English speaking JP to get help with almost all matters, and it is only when the English speaking JP is not available -- usually this is a relatively short-term resident of the community who would not speak Inuktitut at all, when that person is not available or is out of town for some reason, only then do they go to the Inuit JP. As I said, I fully understand why the police have been doing this because really they recognize that the JPs who have been appointed have just not had the opportunity to get proper training in how to do their job. However, I am now satisfied from what I know of this conference that this situation has been completely eliminated by the excellent training that was given and by the -- I hesitate to call them manuals -- but by the collection of documents and written materials that each JP took home from the conference.

So I would like to ask the Minister of Justice whether he would be receptive to recommendation two. I will just quote from the JP co-ordinators report: "That the Minister of Justice issue forthwith, a directive or policy statement to all RCMP detachments in communities with workshop alumni" -- graduates -- "that all process be taken to those Inuit alumni on a strict priority basis, preferably by Inuit special constables or failing that, by regular members accompanied by an interpreter to the exclusion of any non-Inuit JP alternative unless a delay caused by the Inuit JPs temporary unavailability risks loss of jurisdiction." I guess, Mr. Chairman, what they are saying is that after years of virtual inactivity as appointed JPs they are now trained, they have the information they need to perform the basic functions of a JP in the community. Can the Minister of Justice help to make sure that the police now start to take advantage of their expertise?

CHAIRMAN (Mr. Sayine): Mr. Minister.

RCMP Advised To Utilize Inuktitut Speaking Justices Of The Peace

HON. GEORGE BRADEN: Mr. Chairman, this issue has been brought to our attention before and we have encouraged the RCMP to make better use of the Inuktitut speaking JPs. I am not quite sure if I can agree to having all cases heard by Inuktitut speaking JPs with the provision that if they are not available then a non-native person would hear the cases. However, I am prepared to go back to the RCMP one more time and tell them to make more efficient use of the Inuktitut speaking JPs and to distribute the caseload on a more equitable and rotational basis. I certainly agree with what my colleague has said about how, with the new training program that is in place, we are going to have JPs who are Inuktitut speaking but who have a much more thorough knowledge of what their job entails. So I am not quite sure if I can go along with the absolute intent of the motion of the conference but I am certainly going to tell the RCMP to use the resources that are available in the community and not to rely, almost solely as the Minister has implied, on non-native JPs.

CHAIRMAN (Mr. Sayine): Mr. Patterson.

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I can accept that the Minister should not direct or request the RCMP to now start to exclusively use the Inuit JPs, having exclusively used the non-Inuit JPs; it is really compounding one error after another but I do appreciate that he will use his office to request the RCMP to take this action. I will just mention that I do understand

that the senior police in Frobisher Bay, for the Baffin detachment, are well aware of the results of this workshop and are very sympathetic to the notion of proceeding in this manner. I think if the Minister can use his good offices to see that that is conveyed to headquarters here, this will allow the JPs to capitalize on their new training and build on the confidence that they have developed, so I am grateful for that.

#### Emergency Adviser System For Remote Communities

Mr. Chairman, one other question I would like to ask of the Minister: the JPs have recognized in their conference that sometimes it gets pretty lonely on the bench in say Resolute Bay or some other remote communities in the Baffin, in the middle of winter when a decision has to be made and they are not precisely sure of how to deal with the particular situation that comes up in court. At the conference the JPs agreed that what would be an ideal situation, if a matter came up where a JP just did not know what to do, is if he could adjourn court, he should be able to adjourn court for five or 10 minutes and call either a senior justice of the peace from the Baffin region, and they have identified several who would fulfil that role; failing that, their being able to contact a senior justice of the peace in Baffin Island, for some reason, they would like to be able to call the JP training officer in Yellowknife or failing that, a judge of the territorial court.

The JPs themselves have come away from the conference with a list of available contact persons on a nearest to farthest basis and what they have requested is that the Department of Justice seek some means to make available a modest budget, through credit card or third party billing procedures, such that the court night emergency adviser system could begin functioning without delay. It is not anticipated that this would cost a great deal of money; it would rather be an emergency system just so that the JPs would not feel stuck or would not feel that they would have to use their own resources to get a little help in a tight spot. So I wonder if I could get some reaction from the Minister on that question, Mr. Chairman.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, we already have a system in place now where JPs can call the inspector of legal offices to get advice. However, I like the idea that the Baffin JPs have proposed, that they want to consult with one of the senior members of the fraternity in Baffin. I would be prepared to look very positively at establishing some means for the Baffin JPs to seek advice, whether it would be from one of their colleagues in Baffin or from one of the senior legal officers of the Department of Justice.

I think this practice is needed and I certainly want to look at how it could be instituted more effectively throughout the Territories, not just in the Baffin. It might go part way to resolving some of the problems that I know JPs run into and they end up referring the case to a higher court. Then there is a whole other set of problems that come into play. So I think it is a good suggestion and I am prepared to look positively at it. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Patterson.

#### Proposed Future Conferences

HON. DENNIS PATTERSON: With your permission, Mr. Chairman, I just have a few more questions on this -- I know I am monopolizing the floor a bit. I understand that it is possible that a similar Keewatin-Central Arctic conference could be sponsored when funds are available for training of Inuit JPs along the model of the Baffin JPs workshop. Here in this report, it is recommended that the same model might be used and that perhaps the department might be considering using at least some of the same staff. My question is we have heard about the new departmental training officer and this is good news of course, but it seems that we have witnessed the development of quite a successful and exciting new model for training of JPs across the language barrier. I am wondering if the Minister might favourably consider another recommendation from the eastern JP conference -- that the new departmental training officer might begin his orientation by observing sessions of the proposed Keewatin central conference, so that perhaps exposure to the successful methods of training across the language barrier might benefit him and might be applied in other parts of the Northwest Territories, particularly perhaps with encouraging the appointment and training of Dene JPs.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, sure I shall have the JP training officer attend workshops in the Keewatin and the Central Arctic and obviously other parts of the Territories as they are held. I think that the officer in question can learn a great deal from the JPs and vice versa. He can assist the JPs a great deal.

Now, as to where and when those conferences are going to take place in Keewatin and Central Arctic and other parts of the Territories, I cannot really make a commitment at this point in time. It depends on dollars available. As you are aware, to sponsor these, I would like to get from the other JPs groups, as I did from the Baffin, proposals on what they see is necessary, and then what it is going to cost. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I am quite pleased with the workshop that was held. I can definitely say that it was satisfactory. However I think there are going to be some problems in other areas with JPs who are not bilingual. If there are going to be other workshops held, I am pleased with that. Regarding court services. Both of my communities already have court services and they have JPs who are not bilingual. I am not quite sure as to whether they can still hold their positions as JPs. Is it possible that we could get some bilingual persons to be recognized as JPs? Sometimes when a person is older it is very hard to get familiar with the laws, although some of the people who had workshops or who went to the workshops in Frobisher Bay were older people. I think some of them will have difficulties when they go back to do their work in their communities. I wonder if some attention could be put by Justice and Public Services to correct that problem. I am not trying to get the current JPs removed from their jobs, but I think it would be more appropriate if we had bilingual people who could speak both Inuktitut and the white men's languages. Sometimes when there are court cases held, some of these people are more familiar with the North than the unilingual JPs, and it is embarrassing when things are dealt with like that. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

Recommendations Include Very Practical Suggestions

HON. GEORGE BRADEN: Mr. Chairman, I understand what the Member is referring to, and we will endeavour, as we are doing now, to find JPs who are bilingual. However, getting back to the affirmative resolutions of the conference in Frobisher, there are some very practical suggestions in these resolutions which I want to pursue further with the people in the courts and with the RCMP. Because I think if some of the forms and other documents that are used very often in JP court are translated, that will go a long way to helping JPs who are unilingual; I think it will help even some of the JPs who are bilingual. There are other suggestions in here for simply wording in ordinary language Inuktitut versions of the charge which is included on each information -- so I think, Mr. Chairman, if we were to put into place some of these recommendations, not just in the East but in the West as well where they are required, I think we can go a long way to ensuring that language barriers, language problems are reduced to the greatest extent possible. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Sayine): Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, in regard to the JP conference that was held and the documents that have been provided, I would like just to express appreciation and bring to the notice of this Assembly that one of the recommendations is that joint sittings by teams of two or three Inuit JPs be allowed and encouraged. I was very pleased to see that we had a common concern all across the Northwest Territories to encourage that type of dealing, when we are dealing with court proceedings at community level. I just wanted to bring that to the attention of the House.

CHAIRMAN (Mr. Sayine): Court services, \$3,214,000. Mr. Appaqaq.

MR. APPAQAQ: (Translation) Thank you, Mr. Chairman. I am quite pleased with the job that the Department of Justice and Public Services is doing, but there has been some information issued to me from my riding that I have not been well informed about the court services held with regard to when they are sentencing people and they are fined. There is some word that, even though the guilty parties are fined, they are likely to get into trouble again, but I have to get some more information about the court services.

Also, I believe that sentencing or fining a person will not stop a person from doing wrong things. Personally, I can pay my fine if I were to be in court -- I would not be afraid to be back if I had enough money. My people have told me that they are dealing with things that way. The older people are also concerned about that problem. For example, if there were to be damage done to a vehicle or a snowmobile, the people who did this are being fined, but I feel this will not stop people from wrongdoing because I have seen sentenced people get into trouble again. So are there any actions going to be taken, or is the Minister taking into consideration my comments? Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: The Member is raising some very fundamental questions or issues. As my deputy tells me, I think we covered these questions or issues in part when we debated or discussed in great detail the corrections system. The issue that the Member talks about, of people continuing to commit crimes over and over again and not being discouraged from committing crimes through fines or jail sentences, is I guess the fundamental issue or question. I suppose I can go and encourage the judges to get tough and Mr. Tologanak can tell his corrections people to get tough. Those are actions which we could take. I am not quite sure really how to answer the Member's concerns. I think that the expression by Members of this committee over the past few weeks was not just to myself and to Mr. Tologanak, but it has reached out into the community. I believe that the judges and the JPs are aware that people are getting fed up with residents who continue to commit crimes and who are not, in the eyes of the community, being given a stiff enough penalty when they are charged and found guilty in court. That is really all I can say on this subject at this time.

CHAIRMAN (Mr. Sayine): Court services. Mr. Sibbeston.

Northern Dress And Decor In Courtrooms

MR. SIBBESTON: Mr. Chairman, any time one talks about judges, one has to be careful that it not be seen as an infringement on the independence of the court, but I want to say that I raised the

matter of dress, as defence counsel in territorial court over a year ago with the chief of the territorial judges here in Yellowknife. Basically I said that the Legislative Assembly has gone some distance in accepting native dress and that we are working on changing the decor of the Assembly to a more northern setting. I must say that I was quite pleased with the response of Chief Judge Slaven to this request as he basically said that the matter of dress in a courtroom is a prerogative of the court judge, and indicated that the territorial court judges in the North were open to native people appearing in their native dress, as it were, but that in the end it still depended on the individual judge. I must say that since this time I have not tested it out. I have not arrived in court with this moosehide vest on and been imprisoned or kicked out or anything like that, so I do not really know what the response of individual judges will be. This is something that I am going to be dealing with in the next few months, as I will likely be doing some court work beginning this spring.

However, I wanted to see what the Minister could do in this area, whether he could indicate to the territorial and maybe even the supreme court judges, in a general way the view of the Assembly with respect to native dress, and certainly -- with respect to native or northern decor for the Assembly -- see whether the territorial court judges would look favourably on maybe having a more northern decor in the court houses where they sit and likewise indicate too that the court ought to be very open to people coming into the court with special northern flair or dress or characteristic added to their dress. I know that supreme court judges and territorial court judges, for instance, wear black robes with red trim, and some of them have nice red stoles. I am wondering if maybe the government could encourage them to add some northern colour to that, maybe some moosehair tufting for our parts of the North and, when they go up in the Inuit country, if they could wear something from the Inuit people. This will do something to make people identify with the court system and I cannot help but think it would be looked upon as very good, and appreciated by people of the North. It is just a general suggestion, and I wanted to see what the Minister has to say on this matter. I am certainly not suggesting though that the Minister interfere in the court system.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: When a lawyer enters a courtroom he becomes an officer of the court, and as Mr. Sibbeston indicated, the presiding judge sets the standards in his courtroom for how officers conduct themselves. I think the Member's suggestions are good, and I think we have a group of lawyers under our jurisdiction at the territorial level whom I am certainly prepared to speak to on the subject. As I say, I do not think I can tell them what to do. In fact it would be a bit out of bounds if I did that, but certainly I would encourage the territorial court judges to give some serious thought to their personal appearance while they are in the courtroom. I like very much the garment that the Speaker wears with the tufting -- I assume it is just on opening day now. As far as the actual courtrooms are concerned, that is an area where I assume we exercise some controls, is that correct? It will be done. I will certainly pass that on, Mr. Sibbeston.

CHAIRMAN (Mr. Sayine): Court services. Mr. Curley.

#### Location Of Judges And Lawyers Outside Yellowknife

MR. CURLEY: (Translation) Mr. Chairman, earlier when we were discussing this regarding court -- I was asking why all the judges are over in this area and in Hay River. There is an ordinance that says that offenders should be brought to court right away instead of awaiting a trial hearing. There is not proper reason and some of them really worry and are concerned as to why they are waiting to get a trial hearing. It worries a person, and the fact that they have broken a law -- because of this reason I think we have to be given assistance regarding all the judges or lawyers settling in Yellowknife. If we can think along the lines of moving some of the judges and lawyers to different parts of the Northwest Territories not because they are remote areas, but as the population grows and there is growth of the government base, I do not think it should be taken for granted that the judges or the lawyers have to settle here. I think they could settle over in other areas. We have been discussing that the Northwest Territories is a very large vast land. If they have a judge in other areas and they would be able to hire lawyers, the Ministers said that maybe they would be working too closely together. Why have they not thought ahead concerning this? The judges and lawyers do not always have to work closely together. Because in other small areas or settlements, I know that they are working in different areas regarding the law and that some of the Northwest Territories lawyers or the court workers would work too closely together, and that they would work together on some sort of scheme where it could give other people some ideas and I think it would be nice. Could the Minister give me an answer to this?



CHAIRMAN (Mr. Sayine): Mr. Minister.

Establishment In Regions Encouraged

HON. GEORGE BRADEN: In terms of the Member's concern for encouraging lawyers to establish themselves in places outside of Yellowknife, we have been concerned about this as well. Last year, I was made aware of the need to try to get a lawyer established in Inuvik, as an example. We proceeded to investigate how we could get someone to establish a private practice in Inuvik, and ensure that this particular private law firm would get a certain amount of business so that the operation would be viable and profitable. Fortunately, a lawyer decided to establish a practice on his own in Inuvik and our Legal Services Board has provided encouragement to the lawyer presently in Inuvik by giving that lawyer and his firm the right of first refusal on any legal aid circuits or individual cases originating in the region. That is one way in which we can encourage the establishment of a permanent presence of a private law firm in the regions. So that is what I would say in response to the Member's concern about establishing lawyers or establishing private law firms in the regions.

He is aware that we are, on a test basis, putting a government lawyer into Frobisher Bay. We want to see just how much direct business there is of a legal nature from within the government. I suspect that our government lawyer will from time to time have to deal with parties outside the government, perhaps in putting together a contract between the Department of Economic Development and an individual from the Baffin region.

With respect to having a judge in an area outside of Yellowknife to ensure that cases are heard quickly, I indicated yesterday that under the new Canadian constitution the courts will not be able to hold off on a trial for what is considered to be an unreasonable length of time. So I think there is some provision in the new Canadian constitution to start to begin addressing the problem.

One of the other points I raised yesterday was that the Government of the Northwest Territories does not have jurisdiction over prosecutions. It is handled by the federal government and the crown attorney's office out of Yellowknife. I suppose maybe if we did some time down the road establish a judge in Frobisher Bay, it could improve things a bit, but unless the crown prosecutor's office became more efficient or was located somewhere else, we may still have the same problems.

No Immediate Relocation Of Judges

I indicated yesterday that we have been approached on putting a judge into Frobisher Bay, but at this point in time, we decided not to take any further action because of what we feel are additional costs associated with a judge and the additional staff that are required in setting up a court. So I am prepared to follow it up further but, for the next fiscal year, it is just not on.

CHAIRMAN (Mr. Sayine): Mr. Curley.

MR. CURLEY: Thank you, Mr. Chairman. I just want to say first of all that I have a lot of respect for the justice system even though it may not always seem like that because of the way I sometimes behave in this House, but I just want to say that I do have a lot of respect for justice. It seems like we are spending a lot of money in this area -- \$23 million is quite a lot of money -- and in view of the fact that we are considering other political institutional changes in the Territories I think we should be prepared to at least play around with the notion of relocating or locating judges in the Territories. It may be beyond our present means and ability to place them permanently, but I think we must have some evidence why it is impossible and why we cannot do it in a year or two, or three, and I think we should also have at least evidence of the possibility of doing so. In order to be positive about the future possibility of placing these very essential elements of the government of the Territories and Canada, we should give some direction to the Executive Committee that they prepare a report and give all the reasons why they cannot place a judge -- considering the implications of the federal government and federal Ministry of Justice.

Motion Requesting Report On Possible Location Of Judge In Eastern Arctic

However, I think it is important that we look into that, so I am going to move a motion to that effect, and the motion is: Whereas it is desirable that justice be made as accessible as possible

to all people of the Northwest Territories; and whereas the Eastern Arctic is the most remote and costly region now served by judges now located in Yellowknife; now therefore, I move that this committee recommend to the Executive Committee that a report be prepared for the next session of the Assembly about the possibility of locating and placing a territorial court judge in the Eastern Arctic.

CHAIRMAN (Mr. Sayine): Your motion is in order. To the motion.

MR. CURLEY: Mr. Chairman. Just to add further, I think any significant change in the North, whether it be political or whether it be judicial change, always starts with some significant benchmark. I think that that would be one, and I think we should take the lead, at least in preparing and justifying and analysing all parameters involved, and some of the complications that would evolve as a result of the possibility of relocating a judge in the Territories. I think unless we see those problems in a report form we cannot really conclude or make a satisfactory decision in this House. I think the motion is clear. We should ask you to prepare a report to that effect, and allow us to work from that and see if we can eventually place a territorial court judge in the eastern part of the Territories. Thank you.

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

HON. GEORGE BRADEN: Mr. Chairman, I support the Member's motion. I did not mean to imply that I was not ever going to think of placing a judge in the Eastern Arctic. I think Mr. Curley makes a good point in terms of the division issue, and the subject of developing a system of justice in Nunavut is something that I know my officials are working on and they are working in conjunction with Mr. Whittington who is doing just that kind of work for us. I am prepared to support this and to get back to the House in the spring session. There are obviously needs in the Eastern Arctic and I think you are obviously going to see expressions from the Delta as well, as that area continues to grow. So I would urge Members to support Mr. Curley's motion.

CHAIRMAN (Mr. Sayine): To the motion. Mr. Patterson.

#### Advantage Of Local Knowledge

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. Just a few comments in support of the motion. I do understand what the Minister was saying yesterday about the possible disadvantages of a judge located in the Eastern Arctic becoming perhaps too intimate with the people and the community and through no fault of his own being seen to perhaps be biased or too subject to local influences, but I think we have to balance that with the tremendous advantages that could accrue from that as well. I would say specifically that I would imagine that an Eastern Arctic judge might well find himself able to develop some mastery of the Inuktitut language, even enough perhaps to be able to say a few words, and certainly enough to be able to pronounce the names of the accused. Also, I think that there are such social/cultural factors as kinship that are really essential to understanding crimes and criminology in the Eastern Arctic. I think it does not take that long to find out that really most people are related or connected to each other in one way or another, and I think, having this kind of background, understanding a bit about kinship and family relations, just makes a judge's job infinitely easier.

I would like to note that I am aware the department made some efforts last year to train an Eastern Arctic person to be court clerk. I applaud them for their efforts in that regard but I realize that the experiment did not succeed. The person did not stay. I would observe that it would be likely much easier to actually succeed in training a local person, a native person, to be a court clerk if the court were to be actually located in the Eastern Arctic, so that such a person need not travel or live away from home to get that kind of experience in the capital city.

Another brief comment, Mr. Chairman. I have heard people from the Department of Justice say it is impossible to find people who are willing to work in Rankin Inlet or Frobisher Bay or wherever this court might be located. I must respectfully say that I very fundamentally disagree with that. I think that comes from a Yellowknife perspective and it is false and wrong. There are qualified graduates coming out of our high schools. There is a very keen desire for useful employment on the part of people in places like Rankin Inlet and Frobisher Bay. I will probably say more about this in my reply to the Commissioner but the myth that Frobisher Bay, Rankin Inlet and Cambridge Bay are unattractive, undesirable places to live has to be dispelled. I am not accusing the Minister for a moment of adhering to that viewpoint, but the argument that it is hard to find people who are willing to work in such godforsaken places just does not hold any water with me. It does not hold any water any more. I would be most interested in seeing a report of the costs and the benefits that might be associated with this kind of move. I am pleased that the Minister would be willing to do this.

Successful Experience In Hay River

Finally, on this point of familiarity being a problem, there is a certain standard of conduct expected of judges. Unfortunately, wherever they are, they cannot live like ordinary people. They cannot go down to the bars because they have a certain profile in the community and I think that it is a problem judges face anywhere, even in Yellowknife. I feel that this is not a problem that would be any worse in a smaller place, and I suppose that if living in a small community is impossible for a territorial court judge, then we have been making a mistake for the last four or five years in locating a judge in Hay River. I do not think that anyone would say that that has not been a positive experience although I recognize there were some disadvantages with the Crown not being located there and this sort of thing. I think these sorts of things have to be balanced and this report would be a good opportunity to look at the pros and cons and assess it, hopefully objectively. So I welcome the motion and am happy to speak in support of it. Thank you.

CHAIRMAN (Mr. Sayine): To the motion. Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I strongly feel that it is high time this government put a territorial court judge in Frobisher Bay. I am somewhat amazed that it has not been done to date. In our area, the territorial government placed a territorial judge in Hay River a number of years ago and in my view it has worked very, very well. Having a judge living in the area, having a judge go in the same area of the North all the time, provides for consistency, accountability and the judge gets to know the area and the people and I feel that he can provide better justice to the people as a result.

The present practice, particularly when dealing with the Eastern Arctic, of having Yellowknife judges and Yellowknife lawyers go to the Eastern Arctic and into the Inuit area, I am sure must be a very difficult task and situation. The Eastern Arctic is so different from our part of the North. The people are different, so it is just like going into another world. You have Yellowknife based judges and members of the court party who come with a Yellowknife or urban-based attitude and knowledge and in this sense, it is people from Yellowknife trying to provide justice to a different type of people in a different part of the country and I can appreciate that it is very difficult. It is not the best way to provide justice to the people. The best is to have somebody who lives amongst the people of the area that the justice is being provided.

I support the idea of providing a territorial judge to the Frobisher Bay area and I am surprised that it has not been done to date. The government has done it for one area of the North; they have done it for Hay River. I think they could see that as being very successful and they should make a similar move for the Eastern Arctic. Mahsi cho.

---Applause

CHAIRMAN (Mr. Sayine): To the motion.

SOME HON. MEMBERS: Question.

Motion Requesting Report On Possible Location Of Judge In Eastern Arctic, Carried

CHAIRMAN (Mr. Sayine): Question being called. All those in favour of the motion? Opposed? The motion is carried.

---Carried

We will now have a coffee break for 15 minutes.

---SHORT RECESS

Court services, \$3,214,000. Mr. MacQuarrie.

MR. MACQUARRIE: Mr. Minister, I understand that in the Northwest Territories prosecutions for criminal offences are handled by the federal Department of Justice. Can you explain why that is the case now and is there any thought of your department making moves in that direction?

CHAIRMAN (Mr. Sayine): Mr. Minister.

### Responsibility For Prosecutions In NWT

HON. GEORGE BRADEN: Thank you, Mr. Chairman. The Northwest Territories Act does not provide for the Government of the Northwest Territories handling the prosecutions. We do not have an attorney general in our Executive Committee; the attorney general for the Northwest Territories is the Hon. Mark MacGuigan, the Attorney General of Canada.

I recall about 1979, that some work was initiated by the Government of the Northwest Territories, federal Department of Justice and I believe the Drury office was involved, to see if it would be possible to phase in this prosecutorial responsibility into the territorial government. However, that kind of came to a halt and while the department has expressed interest in pursuing it further because it is, in a sense, a constitutional matter, while we have given it some thought and done some work, we have not really proceeded much further than in-house work and perhaps some general discussions with the Government of Canada. If it is agreeable, Mr. Chairman, I would like my deputy minister to just very briefly outline the prosecution function and perhaps also describe some of the advantages or disadvantages of having that responsibility vested in the Government of the Northwest Territories.

If Members here have any comments on whether or not we should proceed to attempt to retain this responsibility or jurisdiction, I would sure like to know, because I really have not had much direction or advice on this matter in the two and a half years that I have been the Minister of Justice. So with your permission, Mr. Chairman, I would like to turn the mike over to my deputy minister to have him briefly explain the prosecutorial function.

CHAIRMAN (Mr. Sayine): Mr. Lal.

MR. LAL: Thank you, Mr. Chairman. As honourable Members, I am sure, are aware there are three main functions that constitute the judicial system. There is in a court of law the judge, the crown prosecutor and a defence lawyer in addition to the usual support staff. The function of the crown prosecutor, Mr. Chairman, to which Mr. Braden referred is that of establishing before the judge or the court that an offence has been committed. He does that through producing in court evidence for consideration by the judge. The defence counsel who represents the accused, of course, has the right to refute that evidence or to bring in fresh evidence to disprove the case being built up by the prosecution.

At present, in the Northwest Territories the territorial government has jurisdiction and responsibility for all functions related with the judiciary except for the prosecutorial function. It is the territorial government that has the function of setting up the administrative aspects in the Territories; it is the territorial government that provides the necessary registry functions associated with the courts. It is the Territories that have the responsibility for correctional services in the Northwest Territories and under the police services agreement, it is the Minister of Justice of the Northwest Territories who hires or who pays for police services to the extent of 57 per cent, for those services that are rendered in the Territories.

### Importance Of Prosecutorial Function

The prosecutorial function however, so far is vested with the federal government and has not devolved to the territorial government. The prosecutorial function is very important in that after the police have conducted an investigation and the case is lodged or a charge has been lodged in court, it is the prosecutor who decides whether he is to proceed with that case or not. This decision of his is often referred to as the prosecutorial discretion. The prosecutorial discretion, therefore, is important because under that discretion the prosecutor, and the prosecutor alone can decide whether there is sufficient evidence to proceed with a charge. Prosecutors in a jurisdiction report to the attorney general, and in this case, our prosecutors who are federal crown prosecutors report to the Attorney General of Canada. The attorney general is the person who in the final analysis exercises that prosecutorial discretion.

The advantages of the prosecutorial function being vested in the territorial government are firstly that, of course, it would complete the circle of all the judicial functions that are now the responsibility of the territorial government. The prosecutorial function being added to that would make it 100 per cent a territorial responsibility. It would also mean that there would be an attorney general for the Northwest Territories who would be a Member of this Legislature and would hold a ministerial portfolio in this Legislature and as the final authority for the purposes of prosecutorial discretion, it would be the attorney general of the Northwest Territories and not the Attorney General of Canada who would exercise that discretion. Thank you.

CHAIRMAN (Mr. Sayine): Mr. MacQuarrie.

MR. MACQUARRIE: By attempting to get that final responsibility in the judicial area, what implications are there? I can see obviously we would need a territorial staff of prosecutors, but what other implications are there in that sense, if it were to be pursued?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: First there would have to be some legislative change in the federal parliament to establish that the Legislature of the Northwest Territories had this jurisdiction, and that the Attorney General of Canada would no longer be the attorney general of the Northwest Territories. With respect to the structural changes, I will have Mr. Lal comment on that.

CHAIRMAN (Mr. Sayine): Mr. Lal.

Personnel And Legislative Requirements To Effect Change

MR. LAL: Thank you, Mr. Chairman. At present, Mr. Chairman, the Criminal Code of Canada refers to the Attorney General of Canada as being the attorney general for the Northwest Territories. As Mr. Braden made reference to it, it would be necessary to amend the Criminal Code of Canada to provide for the attorney general of the Northwest Territories. In addition to that, of course, there would be the requirement to appoint or engage crown prosecutors for the Northwest Territories. This matter was addressed in the Drury Commission's report, and it was suggested, I believe, in that report that as an initial step, it may be appropriate to have lawyers appointed as agents of the federal crown, lawyers working for the Northwest Territories government who would act as crown prosecutors for the federal attorney general. In due course that agency relationship would be terminated, and those very same lawyers, having gathered experience and acquired the necessary expertise in the prosecutorial area, would then conduct prosecutions for and on behalf of the attorney general of the Northwest Territories. So, yes, it would require a certain number of staff members and it would require the appointment of certain lawyers for that purpose. In keeping with other programs which have devolved from the federal government to the territorial government, I would assume that there would be an appropriate transfer of person years from the federal government to the territorial government.

CHAIRMAN (Mr. Sayine): Mr. MacQuarrie.

MR. MACQUARRIE: Well, I have the feeling that you feel that it might be a desirable move and yet you have not proceeded. Is the reason for that that you maybe felt that it is not an issue that Members of the Assembly have been pressing or something like that? Would you care to comment on that, please?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, I have not detected a great ground swell of enthusiasm from the Assembly to proceed in this particular area. I personally feel, and I know a number of the people in my department feel, it is an area where we should begin moving. However, because it is also a constitutional matter in that the present Legislature and the present government would be seeking additional powers from the Government of Canada, I suppose it could be seen or interpreted by this Assembly and by others as perhaps taking a premature step, prior to other major political and constitutional issues being resolved. So we have not really pursued it at all beyond doing a bit of in-house study on it. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Curley.

Delay In Hearing Court Cases

MR. CURLEY: Mr. Chairman, yesterday again I raised the issue of scheduling of court cases and the extensive lists of dockets, individuals that are to appear before the court, that in many cases normally are not completed when the court party is in town. I remember specifically a case, that was deferred again for another date, for another three months, for the next court party to come into town because the lawyers were in a rush to catch a plane and this sort of thing. So that is I think common knowledge of the legal aid lawyers that their schedule and their convenience are normally taken into consideration in regard to how long the court party is to be in town, in spite of the fact that there might be quite a large docket of individuals that are to appear before the court.

So I am wondering whether or not, Mr. Minister, you would be prepared to at least communicate with the chief justice to try and see if there could be some improvement in allowing the court circuit to stay longer until the local docket is completed. They must be served with the proper hearing, and their right to be heard in a court should not be delayed. I think that it is within our authority to at least make a recommendation to them that we would be grateful if people who are charged before the court can have a possibility of getting their court cases done quickly and so on. Otherwise we will continue to have a problem of continually delaying court cases until the next court party comes. Could you assure the House that you would at least communicate to the chief justice about these concerns? Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Yes, Mr. Chairman, I will certainly bring that up with the chief judge who approves the court circuits. I guess this is one of the necessary evils or the necessary consequences of the circuit system, but I will certainly convey to him a need to dispense justice efficiently and not to have people waiting around for months and months, as Mr. Curley has indicated.

CHAIRMAN (Mr. Sayine): Mr. Pudluk.

#### MLAs Prohibited From Serving As JPs

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I have a brief question. Last year and before that, there were some comments being raised that if you are a Member of the Legislative Assembly you are not allowed to be a member of any legal committee or JP through the policy. I would like to know if you will take any action regarding that matter. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, I am aware of the issue that the Member has raised. We feel in the government that it is not appropriate for a Member of the Legislative Assembly to sit as a justice of the peace. This is the way it is in many other Canadian jurisdictions. We believe, as I indicated earlier on, that there is a distinction between the three levels of government -- the legislative level, which is the Legislative Assembly, the executive level, which is the Executive Committee in the government, and the judicial level of government, which is the courts and the judges. We feel that there has got to be a separation of those three levels and that it would not be appropriate for a Member who is making the law to be serving as a JP and interpreting the law and handing out sentences. I sympathize with the Member's concerns, because I know that in the past there have been MLAs who have served as JPs and they have done a good job. However, this is I guess a matter of principle and we believe it is not proper for the MLAs to serve as JPs.

CHAIRMAN (Mr. Sayine): Mr. Patterson.

#### Relocation Of Crown Prosecutor's Office

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. I would like to go back to the question raised by Mr. MacQuarrie a few minutes ago and make some comments of my own in response to the Minister's invitation. In January or February of 1980, when this Assembly first considered the estimates of the Department of Justice and Public Services, there was some discussion on the issue of relocation of the crown prosecutor's office. At that time the Minister of Justice was also the Minister of Education and the deputy minister of Justice -- and I intend no criticism of any of the people involved -- was not a lawyer. I said at that time and I believe the then Minister agreed with me, that I felt it was not a priority even though it had been recommended by the Drury Commission and, indeed, recommended by the previous Assembly's constitutional development committee, that the Territories should take over the crown prosecutorial function.

I am just going to take the liberty of quoting myself. I said at that time: "I think a condition precedent to the Territories taking over prosecutions, taking over that delicate function, Mr. Chairman, would be building in certain guarantees of independence and assuring that the Minister of Justice was, in fact, devoid of any other responsibilities than the Justice portfolio and ensuring that his deputy minister was highly paid and of sufficient experience that he would be able to conduct his duties without any possibility of being influenced in any way by this administration."

I guess I felt at that time and still feel that we have to be particularly careful in such a small jurisdiction as we have in the Northwest Territories, that if we are going to take over prosecutions that our Minister of Justice has to become an attorney general, he has to have the independence of the attorney general in provincial cabinets, his deputy minister has to be of similar status to deputy attorneys general of the provinces, and that until we come close to meeting those conditions, in fact, it is an advantage to have a remotely administered crown prosecutorial office in Ottawa so as to avoid any possible abuses or even appearances of abuses of that privilege.

Earlier Reservations Reduced

Mr. Chairman, I now think that we have made great progress in that direction over the last couple of years. We obviously now have a deputy minister who is a lawyer and highly respected in this government and, indeed, in the country. We have a Minister of Justice who is really exclusively a Minister of Justice and is meeting with and acting like an attorney general in connection with, particularly, constitutional development and the policing agreement and other matters. We have made, I think, great progress. I felt that in 1980 we were not prepared, but I would like to say that my attitude has changed and now in 1983 I would support at least investigating carefully how we might move in this direction. Obviously, there are serious fiscal implications and other matters that should be studied but I think that the doubts I had several years ago are now reduced, if not gone.

Motion To Prepare Plan To Take Over Prosecutorial Function In NWT

Mr. Chairman, I would like to move that this Assembly recommend to the Executive Committee that the Minister of Justice prepare for this House a plan as to how this government might take over the prosecutorial function in the Northwest Territories from the Government of Canada.

CHAIRMAN (Mr. Sayine): Can I have a copy of your motion? The motion is in order. To the motion. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I really spoke to the motion in introducing it but I would just like to say that I think now is the time we are close enough to actually having an attorney general by another name in our Ministry of Justice. We have a very competent deputy minister of Justice. We are acting, in many respects, like an attorney general's department in a province in our Ministry of Justice. I think that the attorney general for the Northwest Territories must even be more independent from the cabinet and from the government than our Minister of Justice now is. I see this position as being unique in the Anglo-Canadian parliamentary system and it is obvious to me that some further changes would have to be made in the position of our Minister of Justice if we were to take over the attorney general's function from the Attorney General of Canada.

I think we can profit from the report from the current Minister of Justice giving us a plan of action as to what steps might need to be taken. I see this quite probably as being a blueprint for the 10th Assembly and a major step toward responsible government in the Northwest Territories. I think we made some progress in recent years and we should build on it and if the plan could be presented during the life of this Assembly and commented on and amended and, perhaps, approved by this Assembly, then we would have a clear course of action that we could lay out to our successors.

I see it as requiring very careful investigations and I am not really proposing anything more than the preparation of a plan for our consideration at this time but I do believe that it is time and I am glad that Mr. MacQuarrie raised the question. I am glad to say that some really strong fears I had about the move several years ago are now not present, so I hope other Members will be able to support this motion to at least plan for what I now consider to be an inevitable move. Thank you, Mr. Chairman.

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

MR. MACQUARRIE: I notice that the Member for Frobisher Bay said that we have a very competent deputy minister and then next to that he said that we have a Minister who handles other functions that the attorney general handles. I do not know what I should read into that, but I think we have a competent Minister as well.

HON. DENNIS PATTERSON: Hear, hear!

Cautious Approach Acceptable

MR. MacQUARRIE: At any rate, it is an area in which I am, like Mr. Patterson, very cautious because of the constitutional issues that are involved. Certainly, earlier, I was very reluctant to see this kind of change made as well but I think that the approach that the motion suggests is acceptable to me. It is suitably cautious and it gives us a chance to look at the whole matter thoroughly and I can support the motion.

CHAIRMAN (Mr. Sayine): To the motion. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, very briefly, I am only too happy to support the motion since it was one of my campaign promises and I might be able to deliver it now. Thank you.

CHAIRMAN (Mr. Sayine): To the motion. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I feel that the motion relates to the present structure that we have today and the present people who are in place today. However, I will not support the motion on the following basis; the whole question of division is presently before us and in order to be consistent with objectivity in creating that division and in taking the issue of how these services are going to be delivered in the future to the two different jurisdictions, I feel it would be possibly a waste of money to put someone to do a break down on the cost, the benefits, and the general issue of making that turnover. This is not in disrespect of the Minister or the deputy minister; however, it seems that we have all committed ourselves to the objective of division. It seems to me that what we are saying in this motion now is that we will explore the cost and the process and the issues that will arise in getting this jurisdiction turned over to the NWT in its entirety. So in trying to be consistent in supporting the desire for division, I cannot support the motion. Thank you.

CHAIRMAN (Mr. Sayine): To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Sayine): Question has been called. Mr. MacQuarrie.

MR. MacQUARRIE: Yes. In response to Ms Cournoyea's concerns, I do share them, but I also feel that the planning that is referred to in the motion would be addressed to that kind of thing as well, not purely the administrative or legal details, but implications that would be involved in our making that kind of move at this time, so that we could have a very thorough discussion of it all, so I can still support the motion.

CHAIRMAN (Mr. Sayine): Mr. Patterson.

Report Would Include Possibility Of Division

HON. DENNIS PATTERSON: Mr. Chairman, I would certainly hate to think that I was responsible for a motion that might retard our progress toward the division of the Northwest Territories, because I believe very strongly in the inevitability and necessity of taking that step. I would just like to say that I am not sure that the motion really would have that effect and that perhaps it should be considered in the context of the overwhelming majority of Members of the territorial Legislature in May in Inuvik petitioning the federal government to divide the Northwest Territories, and the plebiscite and the other major events that have coloured all the work of the Ninth Assembly. I think that this report should comprehend the inevitability of division and my feeling is that the decision that we have made to move toward dividing the Territories should not prevent constitutional development from taking place. Any new territory created in the Eastern Arctic, I feel, should profit from and take advantage of any transfers of jurisdiction that we may be able to effect as one territory from Ottawa. So I see this as something that would be desirable in Nunavut. If it is good for the current Northwest Territories, it should be good for Nunavut so I do not really feel that the preparation of a plan, especially if it comprehends the possibility of two territories, as I am sure it will, will actually prejudice division. Perhaps the Minister might be willing to explain how he would see this issue being handled if the motion carries. Could this issue be addressed in the plan that his officials will be preparing?

CHAIRMAN (Mr. Sayine): Do you wish to answer that, Mr. Minister?



HON. GEORGE BRADEN: Well, Mr. Chairman, under the work that is being done right now, we are looking at the costs and the structural changes and the legal changes required to establish a Department of Justice of some sort in Nunavut, because when the territory divides I assume that there will be a territorial court under the jurisdiction of the Nunavut government, there would be a federal supreme court judge of Nunavut, and there will be all the associated court services provided.

With respect to the prosecution function, I would assume that the eventual division of the Northwest Territories would necessarily have to be reflected in any analysis that would be done. I say this because the federal government, as my deputy indicated earlier on, would presumably have to provide the transfer of person years and dollars to run an office in the territory, one territory or two territories, and they would be very interested in finding out what it is going to cost them. So I can give the Member my assurance that division of the Territories would very much be taken into consideration in the analysis.

Motion To Prepare Plan To Take Over Prosecutorial Function In NWT, Carried

CHAIRMAN (Mr. Sayine): To the motion. Are you ready for the question?

AN HON. MEMBER: Question.

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

---Carried

Court services. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I wish it to be noted that I voted against this motion. Thank you.

Total O And M, Court Services, Agreed

CHAIRMAN (Mr. Sayine): Okay. Page 8.03, court services, \$3,214,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Legal Aid

CHAIRMAN (Mr. Sayine): Legal aid, \$1,527,000. Mr. Sibbeston.

MR. SIBBESTON: Just to say, Mr. Chairman, that I have special interests in this and will not be taking part in the debate or voting on it.

CHAIRMAN (Mr. Sayine): Okay. Legal aid. Mr. MacQuarrie.

MR. MacQUARRIE: Yes. The Member for Frobisher Bay "oyezed" a couple of times yesterday when it was announced that the department was allocating additional resources in order to take care of the growth in demand for legal aid services. I guess I look at it in a slightly different light. I understand and you can correct me if I am wrong, that over the past year there could have been approximately a 36 per cent increase in demand for legal aid services. That is in a one year period. I notice that the budget in this area is nearly 30 per cent larger than it was a year ago. As with so many social programs that have a basis in real need, I fear that from time to time they are abused by people, demands are made on the basis of universality and right to the service and so on, and then the systems become very cumbersome and begin to collapse. I would just like to hear a comment from the Minister with respect to this matter. Just really what was the growth in demand in the past year? Are my figures correct? What is responsible for that growth in demand for the services and how do we try to ensure in this jurisdiction that there are not abuses? What kind of standards do we have in place to try to ensure that this whole legal aid system is not abused?

CHAIRMAN (Mr. Sayine): Mr. Minister.

Reasons For Growth In Demand For Legal Aid

HON. GEORGE BRADEN: Mr. Chairman, I would have to get Mr. Lal or someone from legal aid to verify the exact growth in the number of cases. I am sorry, I do not have responsibility over crime, you know; there is a growth in the number of cases that we have to deal with, of people involved in criminal behaviour, criminal activity. As the Northwest Territories becomes more and more complex, we have individuals who feel that it is necessary to either appeal to the courts or to get some legal advice. I am not saying that all of this has to do with breaking the law. It could be divorce or something like that, where an individual needs some legal counsel. I am prepared to provide in writing to the committee, as soon as I possibly can, Mr. Chairman, the growth rates and also to provide some more detailed information on what particular areas we see as growing the most, in terms of demand.

With respect to attempts to reduce abuse as the Member referred to it, I understand that anyone applying for legal aid has to fill out a fairly detailed form and people responsible for legal aid analyse this form in an attempt to determine whether or not the individual applying is definitely in need of legal aid which, I am sure we are all aware, is costly. We have instituted a measure which we hope will allow for us to collect revenue from some of the legal aid clients because some of them can pay. Perhaps they are not able to walk into the local law firms here and pay the going rates but they certainly are able to provide a certain amount of money to assist in paying for the cost of the services that are provided.

Revenues Received From Legal Aid

I will just read one more point into the record here, Mr. Chairman. New client financial assessment and collection methods instituted by the legal aid office during the fiscal year 1982-83 have resulted in a significant increase in the level of revenue collection. Assuming that we have these person years approved for the 1983-84 fiscal year, it is expected that revenue collected in the upcoming year through client contributions will be about \$24,000. This is approximately three times the amount we received and I am going back here now to 1980-81.

CHAIRMAN (Mr. Sayine): Mr. MacQuarrie.

MR. MacQUARRIE: Still not a very significant amount but moving in the right direction, I guess. Did I understand you to say that it is without doubt a growth in the crime rate that is causing the increase and demand for services?

HON. GEORGE BRADEN: Can you just give me a couple of minutes? Well, Mr. Chairman, I would advise that the cumulative rise in case loads since the board was established in 1979-80 has been approximately 80 per cent. I apologize to the committee that I do not have the detailed figures here but I certainly am prepared to provide that in writing to all the Members.

CHAIRMAN (Mr. Sayine): Mr. MacQuarrie.

MR. MacQUARRIE: I just noticed that our 30 per cent increase in this area is occurring in a year when I believe seven out of 10 provinces are actually reducing budgets in this area, partly because they have encountered abuses of one kind which I will relate in a moment. The other three provinces are holding the line in this area. Can you tell me what the income eligibility level in the Northwest Territories is and has there been any change in it in the past year? What kinds of cases qualify for legal aid? Is it, as in some jurisdictions, only those cases where there is danger that a person might go to jail if they were found guilty of the offence they are charged with? I understand that in some jurisdictions, they at least suspected that there is abuse by some lawyers to drag out cases and take advantage of the legal aid payments thereby. Is there any evidence of that in our jurisdiction?

CHAIRMAN (Mr. Sayine): Mr. Minister.

#### Federal Support For Legal Aid

HON. GEORGE BRADEN: Well, Mr. Chairman, I recognize that legal aid is suffering across Canada. I hear provincial governments say that there are a lot of other priority areas where they would like to expend the limited number of dollars that they have. However, in the Territories, we feel that we have a special responsibility, particularly to people in remote areas, to the people of aboriginal background, to attempt to provide legal aid services. As the Member is no doubt aware provision of legal aid in the Northwest Territories is on a cost-shared basis; 50 per cent from the federal government and 50 per cent from this government. We have found, by and large, that the federal government has been very supportive of what we are trying to do. I have not really had any indications thus far from them that they are not prepared to entertain increases that are the result of volume growth or that they want to see us reduce the level of service being provided through our legal aid system.

With respect to the question about a level of income factor, as I understand it, we have no fixed income level to determine whether someone is eligible or ineligible for legal aid. What we attempt to do is to take into consideration a number of other issues such as the number of children a particular individual has to support and the debts which the individual has to carry and we try to balance out and make a judgment on whether or not the individual is eligible.

CHAIRMAN (Mr. Sayine): Mr. MacQuarrie.

MR. MacQUARRIE: Do you have any statistics at all on the number of repeat offenders who use legal aid frequently, as a result of continuing offences against the law?

HON. GEORGE BRADEN: Mr. Chairman, we have the statistics and I would be glad to provide them in writing to the Member. I really apologize for not having this information here but I would be pleased to provide it.

CHAIRMAN (Mr. Sayine): Ms Cournoyea.

#### Support For More Legal Aid

MS COURNOYEA: Mr. Chairman, unlike the last speaker, the question that I would ask is why is there not more in that budget? In the first instance, when the community-based workers were put into place, it was always felt that as people began to know more, and as people were required to know more to deal with the regulations and the laws around them, and as more people began moving in and out of the community to larger communities, getting involved with new things -- as people began to become part of Canada -- and I say this because I feel that right from the very beginning, many of the laws and the legal implications of the law to the people were made without the participation of the aboriginal native people. One of our responsibilities is to bring people into fully Canadian citizenship and part of that program in trying to have that understanding is the legal framework of this government and the responsibility of this government to its people as Canadians to provide a service so people have more knowledge of the laws and also how to deal with them. This section of Justice and Public Services should be put on a priority basis and should be funded accordingly. Individuals in the past have often just pleaded guilty because it was easier, just plead guilty and then forget about it even though they were not guilty. I know a lot of people who have records because it was just easier.

In the past, lawyers were flying in with magistrates and judges; decisions were made on the plane about what the outcome of the case was going to be. We have gone through all that before so there is no need to repeat that. I do not believe that it is necessary to say because there is an increase in the budget that it comes from the fact that there is more crime. It is that people are finding out more, people are learning what their rights are and they are asking more questions and they want to be informed. These legal aid workers in the community are very much part of that learning process, and we should really be looking at supporting that more -- to giving these people more support rather than saying "Well, why is there an increase?" This section and delivery service under Justice and Public Services is a community-based knowledge-giver and I believe that it should be supported on that basis.

HON. DENNIS PATTERSON: Hear, hear!

#### Legal Aid Role In Communities

MS COURNOYEA: There are a lot of pressures on people today and the pressure to keep up with the times is making an impact on their lives. More documentation is required to get anything to move. Even the issue of taxation of trappers; people did not know about that and were not aware of it and the significance of it. So the legal aid workers are trying to increase their knowledge and deal with people at the community level. It is fine to have law enforcement officers but until people are fully involved with the knowledge of law and why regulations and laws are there, they will never be in a position to try to change them to make them more applicable to their well-being.

I feel that much of the past sentencing has been an injustice to many people who presently have a past record. The legal aid services that are being provided to people generally go to people who really do not even know they require the service. The legal aid workers will go to that individual or elderly person or a young person and say, "Well, let us discuss your case." It has not been done before. That is very much appreciated in the community, and rather than trying to say "Well, why do you get a 36 per cent increase in that budget?" I think we should say 136 per cent. It is a community-based program that is very well used and requires more backup, more of a learning process for those young people and people at a community level who are trying to do the job of making their community residents more responsible Canadian citizens. I would like to see that this area of the operation is supported fully and that the department, in fact, looks at it on the basis that if this program is effective, the time spent on it should not be considered time wasted or time that is not really productive, because the more people know and the more they understand about the legal system and legislation and regulations, the more that they can be involved in making it work at the community level. I would like to say that the legal aid workers and the native court workers who work at the community level are doing an excellent job and we should really be giving them more support, rather than less. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

#### People Who Use Legal Aid Services

HON. GEORGE BRADEN: I really do not have any comment. I thank the Member for her vote of confidence in the workers that we have working in the communities. I also think she made an important point which I did not stress enough, in that it is not just people who are in trouble with the law who use the legal aid service. There are a lot of other people who need advice on a whole range of issues that they face in their daily life, and the young people that we have working for us in the various programs are doing a good job and it is a very, very difficult job. Thank you.

CHAIRMAN (Mr. Sayine): Mr. MacQuarrie.

MR. MACQUARRIE: Thank you. A week and a half ago or so the Member for the Western Arctic argued very passionately with respect to the fact that there were people who passed through the correction system and came back home to the communities bragging about the experience. I think there is some parallel here which maybe she is not catching, and that is that there is the same kind of bravado to people who are able to beat raps. I think that while she may this time passionately argue in defence of this budget, I am still not convinced that all of it is a desirable way to spend the money. I have no question that spending money to bring a greater knowledge of the laws to the people of the North is very commendable, and when it is spent to advise people who are not lawbreakers but who require advice on legal matters, I see that as very commendable, but I still am not entirely satisfied with the other aspects of this program.

One thing that contributes to high costs is the fees that are paid to legal aid lawyers. Can I ask the Minister what changes there have been to those fees in this past year?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Can you just hold on a second? I have got the data here. I just want to get it. Mr. Lal will answer that.

CHAIRMAN (Mr. Sayine): Mr. Lal.

Remuneration For Legal Aid

MR. LAL: Thank you, Mr. Chairman. The Legal Services Board and the Law Society of the Northwest Territories have recently concluded an agreement under which the members of the Law Society who are on the legal aid panel and who do work under the legal aid scheme for the government or the Legal Services Board will receive an increase of -- I believe the average is 12.5 per cent ending 31st August, 1983, and a 5.8 per cent increase for the subsequent year beginning 1st September, 1983, and ending 31st August, 1984. This arrangement, I believe, is in keeping with the restraint guidelines provided by the government which were also addressed in the restraint legislation which was approved by this House in January.

CHAIRMAN (Mr. Sayine): Mr. MacQuarrie.

MR. MacQUARRIE: Could the Minister explain how an increase of 12.5 per cent is in keeping with the restraint guidelines that were passed in this House?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Lal will answer that.

CHAIRMAN (Mr. Sayine): Mr. Lal.

MR. LAL: Mr. Chairman, it is in keeping with the restraint guidelines because it took effect prior to the date on which the restraint program came into effect, which I believe was the 1st of April, 1983.

CHAIRMAN (Mr. Sayine): Mr. MacQuarrie.

Motion To Limit Fees For Legal Aid Lawyers To Six Per Cent Increase In New Agreement

MR. MacQUARRIE: Yes. I have a motion, Mr. Chairman. I move that this committee recommend to the Executive Committee that in the next round of negotiations with the Law Society of the Northwest Territories to set fees for legal aid lawyers, that the first year of the new agreement be limited to increases of no more than six per cent.

CHAIRMAN (Mr. Sayine): May we have a copy of that, please? Your motion is in order. To the motion, Mr. MacQuarrie.

MR. MacQUARRIE: Yes, Mr. Chairman. I recognize that the fees are negotiated and that it is maybe difficult to impose a restriction, but I believe this government ought to be able to do it and I think should wish to do it. All of our own employees have been asked to undergo a two year restraint program of six and five per cent. The fee structure that was recently negotiated here, for the first year is 12.5 per cent and for the next year is five per cent. So I think for the next round of negotiations, if there were a year of six per cent, that that would be reasonable.

Municipalities and public school systems have attempted to co-operate in this, and as I say, we not only asked but demanded that our own employees do it and the Assembly Members themselves have done it and I think that it would not work any hardship. While I was given percentage increases a moment ago, I was not given any actual figures, but I have the actual figures here -- just to take the uppermost example -- I see that beginning the first of August, 1982, until the 31st of July, 1983 -- that is, the period that is in effect right now -- that on court circuit the lawyers with more than five years of practice will receive \$450 every day and that the following year, when there is a five per cent increase, they would receive \$475 every day.

Now, I know that lawyers work hard and get excellent qualifications and so on, but I cannot help comparing that with Members of this Assembly. I know that Members here labour in all-day meetings with flak of one kind or another from many different directions and at the end of the day, outside of session, get \$138. Well, that is not true; \$138.78. I just cannot help making the comparison

and I feel it would not be working a major hardship if this government were to restrict a new level of negotiations to five per cent. It may not involve great amounts of money but I think as a matter of principle it is something this government should undertake, since it has expected the same of so many other people in the Northwest Territories. I would ask Members to support the motion.

CHAIRMAN (Mr. Sayine): To the motion. Mr. Patterson.

HON. DENNIS PATTERSON: I do not want to speak to the motion, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Sayine): To the motion. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I do not know whether to support the motion or not, but the general argument that some of the Legislature Members are worth a lawyer's salary -- if I wanted to get paid \$450 a day, I think I would go to school and become a lawyer -- but I guess we all savour our own worth and I really do not think I am worth \$450 a day, just even sitting here...

MR. MacQUARRIE: I do not know about that.

MS COURNOYEA: ...but I would just like to get a clarification from the Minister as to whether we did indeed already agree to a six and five process, if that is intended anyway.

CHAIRMAN (Mr. Sayine): Mr. Minister.

Application Of The Public Sector Compensation Restraint Ordinance

HON. GEORGE BRADEN: Well, just for a bit of background, Mr. Chairman, regarding the 12 per cent increase that has been referred to, I think Members should be aware that there have been no increases over a two year period in the legal aid tariff. Now in the 1983-84 year that we are just going into, the increase will be 5.8 per cent and for the 1984-85 fiscal year, we are looking at an increase of five per cent. Now, we are just checking the wording in the Public Sector Compensation Restraint Ordinance, and we are advised that while it does not specifically state that in the ordinance, it is intended there. Mr. Lal is just looking that up right now. So we would have taken that approach anyway, Mr. Chairman. Could Mr. Lal speak on this, please?

CHAIRMAN (Mr. Sayine): Mr. Lal.

MR. LAL: Mr. Chairman, The Public Sector Compensation Restraint Ordinance applies to lawyers providing service under the Legal Services Ordinance, an application provision in subsection (2) of section 3, which states: "For the purposes of section 10, this ordinance applies to every lawyer providing legal services pursuant to the Legal Services Ordinance and every medical practitioner providing service..." and section 10, to which the reference was made, states: "Notwithstanding any other ordinance or any contract or agreement to the contrary, the Commissioner may in his absolute discretion, by regulation, amend the tariff of fees for legal services established pursuant to the Legal Services Ordinance..." and then there is a reference to the Medical Care Ordinance and services provided by doctors. Thank you.

Motion To Limit Fees For Legal Aid Lawyers To Six Per Cent Increase In New Agreement, Carried

CHAIRMAN (Mr. Sayine): To the motion. Are you ready for the question?

AN HON. MEMBER: Question.

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

---Carried

Legal aid, \$1,527,000. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I would just like to take some exception to Mr. MacQuarrie's concern that the legal aid budget has increased this year. I would like to note that, I think, every session since I have been a Member, from 1980 on, Justice and Public Services has petitioned the government to devote more resources to legal aid, recognizing that there is important work to be done, not just in providing legal aid, but also providing legal education and information. I think now that the government has very properly responded to these motions of the Legislative

Assembly and enhanced the budget, I would certainly hate to be a party to criticizing the Minister for responding to direction given very strongly by this Assembly. So I would like to state that I feel that one of the reasons the legal aid budget is enhanced, as I mentioned the other day, is because support is being given through the Legal Service Ordinance to community-based preventive law as well as curative type clinics and court worker and paralegal type services, and I commend the department for having taken that step.

I would also like to point out, from my experience as a legal aid lawyer, that in no way do I feel that it is a generous system. Anyone who has the means to pay is required to pay. I notice last year that \$15,000 was collected from clients of legal aid and that in the coming year they projected \$24,000. I understand that a clerk has been hired to aid the executive director of the Legal Services Board, one of whose functions it will be to try and improve collection on accounts for those persons who are found able to pay. I would not be surprised if, in fact, the revenue collected goes up considerably from what was projected because of this move. I would also like to say that I am aware -- at least I was aware when I worked in legal aid that there were policies that prevented people from repeatedly taking advantage of legal aid and I know, particularly, in the drug trafficking area that for people who repeatedly petition for legal aid, there is a policy which will see them cut off after a certain number of appearances sponsored by legal aid and I think this is what the Member was concerned about. I think the safeguards are built into this system.

#### Civil Legal Aid In Provincial Jurisdictions

I would also like to note, Mr. Chairman, that in many of the provincial jurisdictions there are a very high proportion of people seeking civil legal aid. They are using legal aid, public funds, for civil litigation. I believe in the province of Ontario as high as 50 per cent of all legal aid fees are paid for civil litigation, whereas in the Territories our figure is nowhere near that. I believe it is in the vicinity of 10 to 20 per cent at the highest and I think this indicates that people who are primarily benefiting from legal aid are those who have to deal with criminal charges and criminal appearances. I have always felt that police in the Northwest Territories lay far too many charges anyway and I think we might look to the police and their charging policies as being partly responsible for any increase in legal aid volume as much as any other source.

So I would just say generally, and I would like to put on the record my support for the legal aid program and my approval for the enhanced resources that have been able to be found in these difficult times. I think it is pretty clear that it is from reallocations within the department, and if the Department of Justice is able to spend a little less money on the enforcement of justice, the administration of justice through court services and the like, and a little more money in helping people who are having to appear in court and through the Legal Services Board helping them understand the system better, then I think they are going in a better direction and I would like to applaud that. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Sayine): Legal aid. Mr. MacQuarrie.

MR. MacQUARRIE: It is not only the matter of the amount of money, I guess, it is a question of whether the money is well spent. I do not expect the Minister will comment on what I am going to say but I will ask a factual question afterwards so maybe he can answer that. I have, from time to time, heard that people who make use of it feel that they do not get adequate representation by the lawyers who are paid to defend them in that cases are looked at at the last moment and not prepared particularly well and so on. I do not expect you to comment on whether, in fact, that is happening. I would like you to but I do not suppose you will. One question I have then, is does the Minister ever get complaints or have you ever heard of complaints in that direction, where people feel that they do not get adequate representation?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Well, Mr. Chairman, none have specifically come to my attention in my term as the Minister of Justice, which is not to suggest that there are not complaints. I would just like to have my deputy comment on the Member's earlier remarks concerning the way legal aid lawyers handle their cases.

CHAIRMAN (Mr. Sayine): Mr. Lal.

Handling Of Legal Aid Cases

MR. LAL: Thank you, Mr. Chairman. Mr. Chairman, there is a panel of legal aid lawyers in the Northwest Territories. Any lawyer wishing to provide service under the legal aid plan applies to be on that panel. His application is reviewed by the Legal Services Board and once that application is accepted he is then a member of the panel and therefore, undertakes to provide legal services in accordance with the legal aid plan. The membership of the panel varies from lawyers with more than five years of practice to lawyers with less than one years practice. The cases are distributed on a rotation basis to the lawyers if the offences for which the accused have been charged are not of a serious nature. However, for very serious offences an applicant under the legal aid plan has the option to choose which lawyer in the Northwest Territories he would like to represent him. I do not believe that the number of complaints that have been received in respect of services provided under the legal services plan are very many; in fact, there are very, very few. An applicant has two choices: one, of course, to complain to the Legal Services Board but perhaps a more effective route is to complain to the Law Society of the Northwest Territories. In that case a complaint would be made to the Law Society and would be handled by the disciplinary committee of that society. Thank you.

Total O And M, Legal Aid, Agreed

CHAIRMAN (Mr. Sayine): Legal aid, \$1,527,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Legal Division

CHAIRMAN (Mr. Sayine): Legal division, \$437,000. Agreed? Mr. Appaqaq.

MR. APPAQAQ: (Translation) Thank you, Mr. Chairman. I would just like some clarification from the Department of Justice and Public Services about keeping documents belonging to a deceased person. I would like to make a comment that it has been a long time since 1980. There was a person who died from a fire and who was married with three dependents or kids to look after. Also, that person who died had some money or a will. The money he had was taken to the Government of the NWT, and the relatives had never been informed whether they should get that money, so I am asking the witnesses if the Government of the NWT is just keeping it or should they give it back to those relatives of the deceased person? The father who died had some money and they have been requesting to get the money, so I would like some clarification.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. If I could I would like to have an official of my department meet with Mr. Appaqaq to get the family name of the individual or individuals who died and we will certainly help him in the next couple of days to get some information and get this straightened out. If there has been an error in the way the public trustee has handled the estate of the deceased, we would certainly correct it as quickly as possible.

CHAIRMAN (Mr. Sayine): Mr. Appaqaq.

MR. APPAQAQ: (Translation) Mr. Chairman, I would like to get some answers before the session is over and I will be expecting to hear from you.

Total O And M, Legal Division, Agreed

CHAIRMAN (Mr. Sayine): Legal division, \$437,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Legislation Division, Agreed

CHAIRMAN (Mr. Sayine): Legislation division, \$319,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed



Total O And M, Police Services Agreement

CHAIRMAN (Mr. Sayine): Police services agreement, \$12,912,000. Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I just want to ask the Minister if he would undertake to talk with the RCMP officials here in Yellowknife about the number of RCMP members in Fort Simpson. There are, I believe, presently nine or 11 RCMP members stationed in Fort Simpson, and this is way above the number that is usually provided to a community of Fort Simpson's size. We have less than 1000 people and we have nine or so policemen there. I know that other towns in the North of a similar size just have two or three members. However, I guess we are such a dangerous bunch that it takes a lot of RCMPs to keep us in line. I have raised the matter before and I personally have talked to the sergeant of the RCMP in Simpson and the argument that they give me is that they are not simply policing Simpson, they are also looking after a number of communities in this area. As I said before, there is virtually no problem, no crime at all, in the outlying communities. There is not a need then for police to visit these communities on a regular basis. So I wonder if Mr. Braden would talk to them and impress on them that there really is probably no need to have so many RCMP members in Fort Simpson. I appreciate that with the construction of the pipeline next door to us, just a couple of miles across the river from us and the prospects of there being some winter pipeline construction camps, that there may be a little bit more activity, but really by and large I do not think there would be too many problems because these people ought to be so busy building the pipeline, they have no time for criminal activity. They will only be in our area for a few winter months. So I wonder if Mr. Braden would seriously pursue this matter vigorously with the police authorities.

RCMP Services In Fort Liard

On another subject concerning the RCMP, I am pleased to say that Fort Liard is a nice peaceful place now. There has been a change of police officers and since this time the police officers and the community leaders have got along very well, and there are absolutely no more of the type of problems we experienced a year or so ago, so things have improved. However, I think we are a little overpoliced in Simpson and I wonder if it is fair for us ordinary Canadians to be so guarded and protected or policed.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Thank you, Mr. Minister. The Member brought this issue to my attention when I visited his constituency late last month and I apologize for not having an answer for him sooner but I certainly will bring that to the attention of the superintendent here in Yellowknife.

I recognize that the Mackenzie Liard has, according to the Member, a low crime rate and people really get along well with each other. I know that there are other demand areas in the Territories. Mr. Evaluarjuk, I understand, wants a constable in Hall Beach and I am told by the RCMP that they can fill that position from within their existing man years, so perhaps we can look at some changes but I will certainly raise this with Mr. Feagan. On the Liard issue, I am very pleased that it has been resolved. Mr. Feagan and others have made a real effort, not just by sending in a couple of new constables, but by making a real effort to follow up, as I understand it, and to attempt to really improve the relationship between the members of the force and the community. I am really pleased that it has worked out to everyone's satisfaction. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Arlooktoo.

Frobisher Bay By-Law Officers

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. Regarding the police services agreement, I would like to find out something regarding the Frobisher Bay area. There are some by-law officers in Frobisher Bay and they are not recognized as the real RCMP. They have their own uniforms and they have grown their hair and so I am wondering why have they done that in the Frobisher Bay area. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, the Member is referring to the appearance of the by-law officers in Frobisher Bay and the way they dress and the length of their hair. The by-law officers are employees of the town of Frobisher Bay and do not come under the jurisdiction of the Government of the Northwest Territories. Perhaps the Member would talk to the MLA from Frobisher Bay and tell him to speak to the mayor and the town administration and have them more appropriately dressed and tell them to get hair cuts...

HON. ARNOLD McCALLUM: Clean shaven.

CHAIRMAN (Mr. Sayine): Mr. Arlooktoo.

MR. ARLOOKTOO: (Translation) Thank you, Mr. Chairman. I am quite pleased about their uniforms -- in terms of their uniforms in Frobisher Bay. These by-law officers work just in Frobisher Bay and they are looking for some people who are doing some wrongdoings, in co-operation with other community residents. Let us say that if a Lake Harbour resident went to Frobisher Bay and does not know about the by-law officers, and if he were to start bootlegging or something else then the by-law officers come into action. I do not think that it is necessary to do that. These by-law officers in Frobisher Bay are just mainly working with the outside residents of Frobisher Bay. Also, I have never heard of the village or the town councils having their own by-law officers. When there are incidents like that in the Frobisher Bay area -- Frobisher Bay is a main centre for transportation, and when residents from outside Frobisher Bay do some wrongdoings in Frobisher Bay -- I do not think it is necessary to do that to other residents of communities other than Frobisher Bay. I think there should be some other by-law officers that are not well-known to Frobisher Bay residents. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, it appears that this is a problem between the town of Frobisher Bay, which employs the by-law officers, and other communities whose residents come to Frobisher Bay for whatever reason or come into contact with the Frobisher Bay by-law officers. I do not really have any jurisdiction in this area but I would be pleased to write to Mayor Johnson about your concern. I wonder, Mr. Chairman, if the Member might bring this up at the next meeting of the Baffin Regional Council and see if it could be solved. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Sibbeston.

Northern Influence On RCMP Dress

MR. SIBBESTON: Mr. Chairman, while we are in a process of northernizing a lot of things here in the North, maybe we could also get the RCMP to northernize some of their dress. I expect that one of these days Mr. Butters will walk into the Assembly with a nice northern coat made up in Inuvik and maybe Mr. Parker too, someday. We talked earlier today about the possibility of our court system wearing a little something to indicate that they are in the North and respecting some of the native cultures. I am aware that the RCMP, particularly when they are dressed up in their scarlet uniform, wear leather boots. I think they are horse riding boots and while this may be appropriate in the South where there are horses, it is not very appropriate in the North. I am wondering whether while Mr. Braden is having discussions with the police regarding the matters I raised earlier if he might raise this topic and suggest to the RCMP that when they are dressed up that they wear kamiks or else mukluks in our part of the North. In this way they would be aiding the whole process of northernizing things.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, I appreciate what the Member is saying; however, we contract the services of the RCMP. It is a national police force and the police force has established certain standards or rules respecting formal attire and other standards and as I understand it, an attempt was made to make a very, very small alteration and modification and this was turned down by the force because it is not permitted under their standards. I would appreciate a reaction from my colleague on my comments.

CHAIRMAN (Mr. Sayine): Mr. Sibbeston.

MR. SIBBESTON: I would suggest to Mr. Braden that in the next discussion with the police about the police agreement that is signed with the NWT government that he use this as a negotiating or bargaining tool, that if we are to have RCMP enforce the laws here in the North that they must pay due respect, as it were, to the people and cultures in the North. I am not suggesting that they change the colour of their garments but only a small portion of it, the footwear, which is extremely important because these riding boots would not stand up to cold and they may freeze their feet. I think it is just a matter of practicality for them to wear something more appropriate to the North. I would want you to pursue this vigorously with the police, particularly at the time of trying to get an agreement with them.

I know our government signs an agreement with the police every few years so when the time arrives to sign an agreement you can raise these matters with the RCMP. I see you writing to the very head of the RCMP in Canada and I would also appreciate you sending copies and keeping us in the North that are interested in this subject informed of the progress you are making.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. GEORGE BRADEN: Mr. Chairman, for the Member's information, we have signed a ten year deal.

---Laughter

I am prepared to write to Commissioner Simmons on this subject. I realize that it is important to Mr. Sibbeston and other Members of the House. I will find out what the formal guidelines are for their dress code and see if it would be possible, and I would urge that Commissioner Simmons give serious consideration for ceremonial purposes to have the RCMP consider wearing shoes that are more appropriate to the Northwest Territories. Perhaps there may be other things, as well, that could be added to their wardrobe.

CHAIRMAN (Mr. Sayine): Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, just by way of aid to the Minister, my understanding of what Mr. Arlooktoo was talking about was the problem of plain-clothes police, the RCMP in Frobisher Bay rather than town by-law officers.

I would just like to briefly ask the Minister if he would convey to the RCMP my gratitude on behalf of my constituents for the presence of the RCMP Bison Band which travelled to Frobisher Bay and provided a great colour and joy to the opening of the Legion that took place recently. We appreciated that and I would be grateful if that could be conveyed to the RCMP. Thank you.

CHAIRMAN (Mr. Sayine): Thank you. Mr. Minister.

Undercover RCMP

HON. GEORGE BRADEN: I will convey your sentiments, Mr. Patterson. I will convey the Member's sentiments. On the matter of undercover RCMP, I recognize that there may be concern about the use of undercover RCMP but, let me tell you, sometimes that is the method that has to be used. We used it quite successfully about a year and a half ago and apprehended a number of bootleggers at the Assembly of the Dene Nation at Fort Simpson. We were commended by the Dene Nation and the people at Fort Simpson for having taken that action.

I recognize that, perhaps, people do not like using this particular tactic but there are times when there is a serious problem in the Northwest Territories where -- it could be in the Delta, it could be around here or it could be in Baffin Island -- where it is necessary to use undercover agents. It may be to try to apprehend bootleggers, it may be to try to apprehend someone who is involved with fraud and, obviously, it may be an attempt to apprehend people who are involved in the drug trade. I will raise the issue with the chief superintendent but I have a lot of respect for the RCMP and when things get serious enough and they feel that they have to use an undercover agent to bring law and order to a particular community I will back them. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Sayine): We will take a 15 minute coffee break.

---SHORT RECESS

The committee will come back to order. Police services agreement. Mr. Kilabuk.

MR. KILABUK: (Translation) Mr. Chairman, I just want to ask a very short question. There is an increase of \$2 million. Is this due to the fact that there will be more police services appointed to the Northwest Territories, or will there be more houses provided? What is the exact reason for this increase, Mr. Minister?

CHAIRMAN (Mr. Sayine): Mr. Minister.

Increased Cost Of Police Services

HON. GEORGE BRADEN: Mr. Chairman, the increase reflects a number of things. Our share of the costs of providing RCMP services increases every year, and right now we are up to 57 per cent of the total cost of service. There have also been salary increases for the RCMP and there are other

factors involved as well. With respect to the Member's comment about additional RCMP, we are having a bit of a problem right now. We were anticipating that there would be six extra RCMP for the Northwest Territories in various positions. We are looking to put another officer in McPherson, an RCMP support staff in Norman Wells, an officer in Broughton Island and there would be three additional officers for various purposes in Yellowknife. We are having a problem because we have not really got confirmation from the federal Treasury Board that they are willing to fund these positions, so we are not proceeding to allow the RCMP to hire these extra officers until we have approval or confirmation from the federal Treasury Board. Thank you.

Total 0 And M, Police Services Agreement, Agreed

CHAIRMAN (Mr. Sayine): Police services agreement, \$12,912,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total 0 And M, Legal Registries, Agreed

CHAIRMAN (Mr. Sayine): Legal registries, \$265,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total 0 And M, Safety, Agreed

CHAIRMAN (Mr. Sayine): Safety, \$1,194,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total 0 And M, Consumer Services, Agreed

CHAIRMAN (Mr. Sayine): Consumer services, \$316,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total 0 And M, Museums/Heritage Division, Agreed

CHAIRMAN (Mr. Sayine): Museums/heritage division, \$1,163,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total 0 And M, Library Services, Agreed

CHAIRMAN (Mr. Sayine): Library services, \$516,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total 0 And M, Mining Inspection Services, Agreed

CHAIRMAN (Mr. Sayine): Mining inspection services, \$598,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Detail Of Grants And Contributions, Agreed

CHAIRMAN (Mr. Sayine): Total grants and contributions, \$887,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Detail Of Capital, Agreed

CHAIRMAN (Mr. Sayine): Detail of capital, \$729,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Agreed

CHAIRMAN (Mr. Sayine): Total O and M, \$23,258,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Sayine): Thank you, Mr. Minister and Mr. Lal.

Department Of Personnel

CHAIRMAN (Mr. Sayine): The next department is the Department of Personnel, page 7.01. Mr. Butters.

HON. TOM BUTTERS: Thank you, Mr. Chairman. Before I ask for concurrence of the committee to invite in Mr. Bowyer, who is the deputy minister for the department, I have a few opening remarks relative to the budget that is before you today.

The Department of Personnel's O and M budget of \$14,718,000 is an increase of \$1,459,000 or 11 per cent over the 1982-83 budget. This increase consists of guideline salary plus housing allowance increases, non-discretionary travel and removal adjustments and approved Treasury Board volume additions. There are no enhancements or new program thrusts. However, there is some reallocation of resources within the department, as you will note when we discuss the detail of their submission.

The highlights are: As a result of a personnel audit conducted in each region by the directorate and staff relations section, additional person years have been allocated to regions. A review and minor reorganization of headquarters personnel operation released two person years and they have been reallocated to the Fort Smith and Keewatin regions. Additionally, a 1.2 person year growth allowed by Treasury Board has also been allocated to the regions. We are now confident that each region has the necessary resources to deliver the full range of personnel services, with the exception of classification which will remain centralized for consistency and control.

The Department of Personnel has little discretionary money to work with. The one section that does is staff training and development. As a result of concerns expressed by Members of this Assembly and the priorities review called for by the Executive Committee, we have decided to place additional money in the office of native employment to increase native employment opportunities. In order to do this, we examined existing programs and chose to restrict the educational leave program and reallocate funds from that program to the office of native employment.

The department is also working with the Department of Economic Development and Tourism in anticipation of obtaining money contained in the economic development agreement in the section dealing with human resource development. Any new money provided from this source will go into staff training and development, again with the emphasis on the office of native employment.

Wage Restraint And Collective Bargaining

I would also like to report briefly on wage restraint and collective bargaining. As a result of legislation passed in the House in November, the government restraint program was recently implemented. Collective bargaining with the Public Service Association of the NWT began on February 1, 1983. The Public Service Association subscribes to the anticonrols policy of the Public Service Alliance of Canada. Therefore the union was not prepared to enter into collective bargaining with the monetary issues already determined through legislation. On that basis, the current collective agreement will be extended for two years, effective April 1, 1983, with salary increases of six per cent in the first year and five per cent in the second year of the contract. It has been agreed to reopen the non-monetary articles of the collective agreement after April 1, 1983, after the new contract has come into effect. A starting date for negotiations with the NWT Teachers' Association has not yet been determined.

We are anticipating a low turnover rate for the 1983-84 fiscal year based on the state of the economy, continued emphasis on the southern recruitment restraint program, and our experience in 1982. The 1981 turnover was 32 per cent; the 1982 turnover amounted to 21 per cent, and that is all staff including teachers. During 1982, 793 positions excluding teachers were filled; 89 per cent were filled from the North; 11 per cent were recruited from southern Canada; 248 positions, or 31 per cent, were filled with native northerners. In addition, 157 teaching positions were filled; 55 teachers were hired from the North.

Finally, a brief remark on capital expenditure for the department. The staff accommodation capital budget responsibility was transferred from the Department of Public Works to Personnel during the 1982-83 fiscal year. The initial budget request was reduced from \$8.5 million to \$3.7 million. This was due to restraint and therefore represents the absolute minimal requirement for staff accommodation in the regions.

Mr. Chairman, that completes my opening remarks. With the concurrence of the House, I would like to have Mr. Bowyer invited to join us and I will sit with him at the witness table. I would remind you that while I have a reporting responsibility to the House, some of the detail might have to be answered by the Executive member who has the policy responsibility for the department -- that is the Commissioner -- but I will attempt to answer and respond to as many questions as I can with Mr. Bowyer's help.

CHAIRMAN (Mr. Sayine): Is it agreed that Mr. Bowyer join Mr. Butters at the witness table?

SOME HON. MEMBERS: Agreed.

Total O And M, Directorate, Agreed

CHAIRMAN (Mr. Sayine): Go ahead, Mr. Butters. Department of Personnel, general comments. Directorate, \$2,091,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Systems And Administration, Agreed

CHAIRMAN (Mr. Sayine): Systems and administration, \$336,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Staff Relations, Agreed

CHAIRMAN (Mr. Sayine): Staff relations, \$903,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Personnel Services, Agreed

CHAIRMAN (Mr. Sayine): Personnel services, \$8,552,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Total O And M, Staff Training And Development, Agreed

CHAIRMAN (Mr. Sayine): Staff training and development, \$2,836,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Detail Of Capital, Agreed

CHAIRMAN (Mr. Sayine): Detail of capital, \$3,724,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

O And M, Agreed

CHAIRMAN (Mr. Sayine): Department of Personnel, O and M, \$14,718,000. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Sayine): Thank you, Mr. Minister. Mr. Bowyer.

---Applause

HON. TOM BUTTERS: Thank you very much, Mr. Chairman, and Members of the committee.

Department Of Local Government

CHAIRMAN (Mr. Sayine): Are you ready to go on to the next department? Page 12.01, the Department of Local Government.

SOME HON. MEMBERS: Agreed.

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

HON. JAMES WAH-SHEE: Thank you, Mr. Chairman. I have some opening remarks that I would like to make. This is in regard to the details of the estimates for 1983-84. First of all on the O and M budget, we are showing an overall increase of \$4.7 million; that is an increase of 16 per cent over the current year. Of this, \$3.3 million will go to the municipalities, regional councils and individuals in the form of grants and contributions or subsidies. A further \$250,000 is for the increased cost of municipal services in settlements. The increase also includes salaries for five new positions: Three settlement secretary positions for communities in the Fort Smith region, and two property tax assessors. These new positions which were obtained through the program forecast system bring the total of continuing man years in the department to 128. On that subject, the Executive Committee approved the reorganization of the department in October and the changes are reflected in the estimates.

We have reduced the number of divisions from eight to five and concentrated into one division all of the responsibilities for planning and fiscal development of communities. I believe that good development plans are the only sound basis for capital expenditures and the department is now giving that a very high priority. We are working on 20 development plans at present, including plans for Norman Wells and Tuktoyaktuk. However, there are still eight communities which have plans which are not satisfactory for one reason or another, and 33 communities which do not have plans at all. One of the most satisfactory effects of the reorganization from my point of view, Mr. Chairman, is a decrease in the number of positions at headquarters, and the corresponding increase in the numbers at regional offices...

---Applause

...from a total of 61 in the current year to 67 in 1983-84. However, I think there is still room for more decentralization.

HON. DENNIS PATTERSON: Hear, hear!

HON. JAMES WAH-SHEE: I have asked my deputy minister to make that an objective in the coming year. Some of the increases in our O and M budget are in response to priorities set by the Executive Committee in this House. For example, an additional \$340,000 is provided for regional councils being incorporated under legislation which I shall put before this House later in this session. There was an increase of \$1.3 million in response to the priority which has been given to assisting communities in the operation and maintenance facilities. Under the new policy effective April 1st, the Government of the Northwest Territories will provide 70 per cent of the cost of running community halls and 50 per cent for curling rinks and hockey arenas. We have also increased the level of financial support for the Northern Games and Dene Games.

Capital Budget

The capital budget shows a total increase of \$3.5 million over 1982-83. This includes around two million dollars more for recreation facilities to be constructed under the new policy recently approved by the Executive Committee. In 1983-84, we shall be finishing off the construction of recreation facilities in Fort Resolution, Cape Dorset, Coppermine, Fort Liard and Sachs Harbour. We shall be starting new construction or major renovations in Pond Inlet, Gjoa Haven, Igloodik, Fort Simpson, Tuktoyaktuk, Rae and Norman Wells.

MR. PUDLUK: How about Arctic Bay?



HON. JAMES WAH-SHEE: I am coming to that. One matter that concerns me, Mr. Chairman, is the rapidly increasing cost of new recreation facilities. The latest estimate for the community hall at Cape Dorset is one million dollars and a community hall portion of the community centre at Gjoa Haven will cost over three quarters of a million dollars. With a capital budget each year for recreation of around \$3.5 million, the program to provide every community with a first-class recreation facility will take 10 years to complete.

Members will see that of the \$22 million in capital, almost four million dollars will go to the tax based municipalities as capital grants. Most of that is to assist tax based municipalities in the construction of water and sanitation facilities. In total, the department will spend well over five million dollars on water supply systems, sewage disposal systems and dumps. The biggest expenditures outside of the tax based municipalities are in Tuktoyaktuk, Fort Franklin, Pangnirtung, Baker Lake and Coppermine. Something for Members to note is that future years spending on water and sanitation projects started in 1983-84 will be around \$16.5 million. Another five million dollars in 1983-84 is for municipal buildings in hamlets and settlements. The largest expenditures in that category are in Baker Lake, Norman Wells, Gjoa Haven and Repulse Bay.

The two other large areas of capital expenditures are the purchase of mobile equipment for hamlets and settlements to the tune of \$2.7 million and road construction and site development in the amount of \$4.3 million. The biggest expenditures on roads and site development are in Tuk and Norman Wells because of the impact of resource development activities.

#### Resource Development Projects For Tuktoyaktuk And Norman Wells

If I could just say a word or two about Tuk and Norman Wells. The Executive Committee recognized the need for general development plans in both communities, and these plans are now in the final stages of preparation. During 1982-83, capital projects totalling over a million dollars were approved for Tuk in addition to \$2.2 million of capital approved in the main estimates. Likewise, projects worth almost a million dollars were added in Norman Wells to the approved 1982-83 capital estimates of \$224,000. In the 1983-84 main estimates there are capital projects totalling \$2,349,000 for Tuk and \$1,557,000 for Norman Wells. I think it is clear, Mr. Chairman, that resource development activity in these two communities has had a considerable effect on our capital budget. Capital impact funds so far expended and the amounts to be spent in 1983-84 have come from our normal capital appropriation. A Treasury Board submission has been prepared in an attempt to have these expenditures recognized as special funding.

The last thing I would like to mention in these general remarks is revenue, which is estimated to increase by \$370,000 in 1983-84 as a result of the extension of property taxation. Much of this extra tax revenue comes from resource development activities which, in the case of mining, are slowing down. Mr. Chairman, this is a very brief outline of the budget that Members will be taking a look at and I would ask that my deputy minister and my financial officer appear before the House to assist me in answering questions that may be raised in regard to our estimates.

CHAIRMAN (Mr. Sayine): Does the House agree that Mr. Wah-Shee and his witnesses come to the table?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Sayine): For the record, Mr. Wah-Shee, can you introduce your witnesses?

HON. JAMES WAH-SHEE: Mr. Chairman, on my left is Mr. Joe Kronstal, our department's financial officer; and my deputy on my right, Mr. Mike Moore.

CHAIRMAN (Mr. Sayine): Department of Local Government. General comments. Mr. Appaqaq.

#### Honorarium For Sanikiluaq Council Members

MR. APPAQAQ: (Translation) Thank you, Mr. Chairman. I think it was last year that I had made a motion during the committee of the whole regarding council members having their honorariums increased. There has been no action taken on this, I think it is not quite clear to your officials because I have never heard since. Also I asked about that same matter when we were meeting in Inuvik and somebody replied that they were still looking after it and up until now I am wondering if you have any actions taken regarding the honorarium increase. Do you understand?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, as I understand funding to the hamlets in regard to setting salaries and benefits, it is really up to the individual hamlets to set those rates. I do not think any of the by-laws that have been coming forth from the hamlets have been turned down thus far. The hamlets do set the rates for honorariums for their mayors and councillors.

CHAIRMAN (Mr. Sayine): Mr. Appaqaq.

MR. APPAQAQ: (Translation) Thank you, Mr. Chairman. I am well aware of the Sanikiluaq hamlet council's policy in regard to fixing their honorariums. I do not think that the Commissioner really did approve the policy that the hamlet made, and the hamlet council in Sanikiluaq are not quite well aware of the policies and how they are implemented. I think the Commissioner did not approve it, so I would like a clarification of how they can deal with their problem for Sanikiluaq's hamlet council.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, the honorarium that the Sanikiluaq hamlet council has set for their mayor and councillors, I will have to look into the matter. As I understand it from the honourable Member, the honorarium that was set by the Sanikiluaq hamlet council has to go through headquarters so I will see what the delay is, and the hang-ups, in regard to the honorarium that was suggested by the hamlet council.

CHAIRMAN (Mr. Sayine): Department of Local Government, general comments. Mr. Curley.

#### Decentralization Process In Local Government

MR. CURLEY: Mr. Chairman, I just have a question for the Minister. He indicated in his opening remarks that there was need for further decentralization. I would like to ask the Minister exactly how he sees this decentralization taking place and, if that is to happen someday, what are we to expect out of it, because decentralization means many things to many MLAs and government officials. Could you give us your latest version of the decentralization and, if it is going to take place, when should we expect its possibility?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, the decentralization I was referring to has to deal with the requests that came forward from the regional councils for more participation, involvement, in the capital planning process.

CHAIRMAN (Mr. Sayine): Mr. Curley.

MR. CURLEY: Does that mean that decentralization, the latest version, means that regional councils will play an advisory role in the capital planning process?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, the process at the present time is that the regional offices play a big part in regard to involving the individual municipal councils and the regional staff participate in the capital requirements that come forward from individual communities. Based on that, the regional office would process the capital requirements and overall, the regional offices would forward these capital requirements to headquarters. So what we are saying in the decentralization process is that there has been a request made by the regional council that they want to participate in the process a lot more. What it means is that they will be setting up their own priorities, as they do now, but as the Member will appreciate, we only have a set amount of moneys allocated to my department in regard to capital expenditure for mobile equipment in all of the municipalities, other than tax based municipalities. So I think that it would mean that we have to work within the budgets that have been allocated to my department. However, in terms of setting their own priorities, certainly the communities collectively under the regional council would be participating in setting up their own priorities. So what we are talking about is, in previous years I believe that the regional offices did play a big role in regard to putting the capital expenditure requirements in the various regions, however in this case, there has been a request made by the regional councils that they want to participate a lot more, so this is a change of emphasis. That is what I was trying to indicate in my opening remarks, Mr. Chairman.

CHAIRMAN (Mr. Sayine): Mr. Evaluarjuk.

Baffin Regional Council Taking Over Local Government Responsibilities

MR. EVALUARJUK: (Translation) Mr. Chairman, I would like to ask the Minister if he is aware having received a letter from the Baffin Regional Council, that the Baffin Regional Council is planning activities that Local Government in the Baffin region is looking after. The BRC wanted to have local government activities under their control, and that Baffin Regional Council can have complete control over local government activities according to their mandate or the terms of reference. The officers of the BRC shall be reporting to their committees regarding local government activities. The planning process is going to take a while and it is going to be quite difficult, so have you made any consideration of that matter with your deputy minister since you have received the letter and when are you going to be able to hand over your department in the Baffin region? That was my question.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, the matter was raised in Frobisher Bay when we had a meeting of the Executive Members with the Baffin Regional Council, that they expressed an interest in taking over the responsibilities for local government in that region. At that time I did indicate that our department was prepared to sit down and discuss the matter and negotiate the manner in which more responsibility can be transferred to BRC. I also indicated at that time that it is not going to take place in relative short order; it is something that will require a great deal of discussion among ourselves, and that I in turn had to take the matter over to my colleagues on the Executive Committee. Certainly when I do bring forward the regional and tribal councils ordinance I think there will be references being made in the ordinance in regard to how we would like to approach regional councils generally, and perhaps at that time I will have more of a discussion in that area, but certainly our department is interested in entering negotiations with the BRC on this matter.

CHAIRMAN (Mr. Sayine): Department of Local Government. General comments. Mr. Pudluk.

Water And Road Problems In Arctic Bay

MR. PUDLUK: (Translation) Thank you, Mr. Chairman. I do not have any bad feelings toward Local Government, but I have two comments to make. Firstly, Arctic Bay had a problem with their water delivery. It is a fact that if Nanisivik was not in that area, there could have been some more problems. Nanisivik mine was assisting Arctic Bay very well with the water delivery truck which often needs some maintenance work. So there was a document dated February the 15th, plus one that I tabled yesterday to the regional director for the Baffin region, and these tabled documents that the hamlet council made are very well put out and clarified. So they are suggesting that they get their own water truck that will not be using diesel but they would prefer to have another type of gas. If you see that letter I think you will be quite clarified as to what they are requesting. That is not a general question, but I would like you to take that into consideration soon.

I would like to make some more comments regarding the road to Arctic Bay. I think the hamlet has been asking questions or requesting a better road from the Frobisher Bay regional office. It has been under a survey but they do not have the results as yet. The regional director for Baffin region, Jim Britton, had written a letter to the hamlet stating that there would be no funding available. I am wondering if the regional director for Baffin region had asked your department at headquarters if there could be funding available, or did he just say that there would be no funding available himself? So I would like some clarification on that; we have been dealing with that problem for quite a while now. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, the regional director has not asked for special funding in this area, but certainly I will look into the matter and come back to the honourable Member in regard to a special funding request. I imagine that is what he is referring to, that the regional director may wish to make to headquarters.

CHAIRMAN (Mr. Sayine): General comments. Ms Cournoyea.

Municipal Certification Course

MS COURNOYEA: Mr. Chairman, in terms of the training opportunities that Local Government is putting for community administrators, could you explain a little bit about the content of the program that is being delivered to the people going to the courses, and how many of the courses have been run and what is the graduate percentage level in the courses that are being offered?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, the program is the municipal certification course that our department has been offering in Rae-Edzo for the last three years, and it is a three level course. The first one is the introductory level, the second is the intermediate, and the third one is the university accredited course, arranged by my department with McMaster University. The other thing in regard to that particular course is that a request has been made that the course should be offered in the Eastern Arctic as well, and so this is the course that our department offers to primarily assist the municipal staff in regard to the basic administration of municipal councils. I have been informed, Mr. Chairman, that we are looking into involving the Thebacha College in regard to the courses we are offering as well.

CHAIRMAN (Mr. Sayine): Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, the latter part of the question is in regard to how many times these courses have been held in the last year, and what is the graduate percentage level in people attending the course.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: I would like to provide the Members of this House a detailed outline of the numbers of graduates that we have since the program was introduced; as well, the detailed numbers of people who have taken the course in the past at the various levels at which the course has been offered this past year.

CHAIRMAN (Mr. Sayine): Mr. Curley. General comments. Ms Cournoyea.

#### Federal Funding For Community Projects

MS COURNOYEA: Mr. Chairman, in the last few months there was a federal government program that was directed to the communities -- invitations were put forth for the federal initiatives program. In the submissions that went through and the ones that were approved, is it possible to have an indication of where those programs were approved and what were the amounts and also what direction the spending was going, whether it was for community development or recreation centres? Is it possible to have that, and would the Minister have a total amount of how that has helped the local government performances in the communities?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, the program that the honourable Member is probably referring to, the offer that the federal government did make is in regard to the Norman Wells project, but we are not aware of other federal programs that we would be participating in in regard to specifically the Department of Local Government. However, I would like to look into the matter and provide information to the honourable Member on this area.

CHAIRMAN (Mr. Sayine): Ms Cournoyea.

MS COURNOYEA: The money that I am referring to is not the Norman Wells program money. The money that I am referring to is the money that was offered from Minister Munro's department approximately six months ago. I believe it was expected that the offer would be directly from the federal government. However, subsequently, the channelling of those funding resources was to come through the territorial government for co-ordination. I believe that most of the funds have been allocated to community projects or have been requested for community projects and have been approved on that basis, and I am just wondering if we could have a detail of what funds were allocated where, and the total amounts.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, I am aware of that offer that the federal government did make, but I do believe that the projects that were to be funded really are a variety of different projects in the community. Some of them were to assist the communities to create employment. My department was not involved with the federal government in terms of planning or implementing that particular offer that was made. I do believe that the other departments may have been involved, I think perhaps the Department of Economic Development was involved in that area, but I do know that the offer that was made -- funded a variety of projects and these projects do not necessarily have anything to do with the Department of Local Government. There are other

projects that really have something to do with the other departments, but I do know that a portion of the funds were made available to some of the communities to assist in the recreational facilities. Others went into job creation projects, I do believe.

CHAIRMAN (Mr. Sayine): Ms Cournoyea.

Community Project Approved For Federal Funding

MS COURNOYEA: Mr. Chairman, these projects were approved and from the latest indication, the money will be turned over April 1st. I believe the key person that is looking after the exchange from federal, to the territorial, to the communities, is Mr. Russell Look and his department. In Holman Island there is \$78,000 that was approved for general community roads and a road to Okpilik Lake. For Sachs Harbour there was \$15,000; and \$20,000 for Paulatuk. Those are the three projects that I am aware of. There were a number of others that I would be interested in knowing about because it does obviously go to the development of the local communities which is under the portfolio of Local Government. The interest that I had in it was to see how this funding is complementing the Local Government budget. There was an approval of some funds for the Aklavik fur shop but since there is a problem there, I am interested in knowing whether those funds have been reallocated to another project that the community was interested in in the first place and that was in relationship to, I believe, the replacement of water pipes for that community. Since many of the funds that were allocated and approved do go to local improvements, I would request that the Minister provide the approved projects and where they went and what communities and to what amount.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, the Department of Local Government was not the key department in regard to co-ordinating the funds that were made available by the federal government. However, I would like to indicate to the honourable Member that we will get this information that she has requested. It may mean that we will have to go to other departments who may have been more involved with the implementation of this one-shot grant that will be coming forth from the federal government.

CHAIRMAN (Mr. Sayine): General comments. Mr. Kilabuk.

Pangnirtung Airstrip

MR. KILABUK: (Translation) Mr. Chairman, a short question. I think the Minister is aware of the question I am going to ask. Pangnirtung has been having problems with their airstrip for a period of time now. Has your department made any action regarding the airstrip in Pangnirtung, and what have your decisions been about the airstrip in Pangnirtung, to put it in some other location or what? Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: My department did get in touch with the Minister of Transport and I would like to ask my deputy to reply to the honourable Member's question with regard to the Pangnirtung airstrip.

CHAIRMAN (Mr. Sayine): Mr. Moore.

MR. MOORE: Mr. Chairman, it is a problem for the community of Pangnirtung which has been with us for a long time. At our request the Ministry of Transport has considered the two alternatives; either to extend the length of the present runway which is very difficult because of its location or to move the airstrip and put it somewhere else, possibly on top of one of the hills. At this point, the department has been unsuccessful in persuading the Minister of Transport who would have to pay for the cost of that move or changing the airstrip.

I have said that under the conditions that prevail at the moment -- that is with the present traffic -- the number of aircraft using Pangnirtung, they could not possibly justify to the Treasury Board the very high cost of changing their airstrip. I think it is true to say the Minister has not given up the hope that eventually we may be able to do something, but at the moment the Ministry of Transport have told us that they cannot justify the costs of extending the strip or moving the whole airstrip. There are factors that the Member knows, of course, but the House may not realize. The effect is that although 748 aircraft can use Pangnirtung, they cannot carry full loads, and this is adding to the cost of air freight and passengers fares into Pangnirtung.

CHAIRMAN (Mr. Sayine): Mr. Kilabuk.

MR. KILABUK: (Translation) Mr. Chairman, I realize that, I knew there was not going to be action right away but I was thinking more along the lines of the future. In Pangnirtung there are going to be more planes coming in the future and the white population will be coming in. It has the Auyuittuq National Park and the fishing park and a lot of the people seem to be coming to visit Pangnirtung now. I would like this to be considered and talked about to the Minister of Transport. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Sayine): Mr. Minister. General comments. Ms Cournoyea.

Federal Involvement In Community Airstrips

MS COURNOYEA: Mr. Chairman, the Department of Local Government is involved with community airports and what is the relationship between the Department of Local Government in planning airport and facility equipment with the federal agency because there seems to be an overlap there and how does that work out? Is Local Government involved with the priorities that are set at the federal level? If so, are they aware of what the federal plans are for providing airport facilities and equipment to the communities?

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Yes, Mr. Chairman, we have an arrangement between the Department of Local Government and the federal Ministry of Transport in regard to certain communities that do have airstrips. Some of the communities are under the responsibility of the Department of Local Government in so far as being an agent of MOT. We do participate in coming up with the need for certain airstrips to be lengthened and we do work with the Ministry of Transport with regard to working out a three year plan. We have, more or less, an agent kind of relationship with MOT.

There has been an ongoing discussion with the Ministry of Transport with regard to having the responsibilities for airstrips sometime in the future. I believe it is B level airstrips that sometime in the future may be turned over to the Government of the Northwest Territories. However at the present time we are basically agents for the Ministry of Transport and I would like to indicate that the funds for this particular program have come from the Ministry of Transport. However, I would like to ask my deputy if he could provide more of a detailed answer regarding the relationship we have as a government and with the Ministry of Transport with regard to these facilities, the requirements, and also the ongoing O and M costs that are associated with our particular division.

CHAIRMAN (Mr. Sayine): Mr. Moore.

MR. MOORE: Mr. Chairman, I would just add that as far as the priorities which the Member mentioned are concerned, they are recommended by the regions in our own government through the airport officers and, by and large, the Ministry of Transport has been quite responsive to our priorities. That is priorities as to which airports ought to receive upgrading, improvements to the facilities such as the airport terminals and the runways themselves and generally speaking, they have responded to additional requests for equipment for the airstrips. The Ministry of Transport then has to obtain funding from the Department of Finance in the federal government and I think they are on the same sort of restraints as we are and they are much more rigid about what they will provide on each airstrip. The scales of equipment are very carefully laid down by the Ministry of Transport and the regional officers of the Ministry of Transport really have very little discretion as to what sort of equipment they will provide.

CHAIRMAN (Mr. Sayine): Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, does the department know what has been decided on in terms of equipment and money to be spent on the improvement to airports in the Northwest Territories -- the decisions that are made at the federal level -- has that information been passed down and if it has can we have a list of the equipment that has been approved for the communities?

CHAIRMAN (Mr. Sayine): Mr. Moore.

MR. MOORE: Yes, I am quite confident that I can provide for the Member the list of equipment which MOT is providing to all the airports in the Northwest Territories in this next fiscal year. I will do that as soon as I can.

Total O And M, Directorate

CHAIRMAN (Mr. Sayine): General comments. Being no general comments, we will move to directorate, page 12.02, \$2,135,000. Mr. Curley.

MR. CURLEY: Mr. Chairman, I would like to ask the Minister what kind of an announcement he is prepared to make with respect to this Assembly's concern that the hamlet employees do not have a parity with the wage and salary benefits as provided to the civil service. I ask this question on the basis of the debate we had last November and also the fact that the Commissioner stated during his closing remarks that he would attempt to make sure that the government does come up with the kind of program that would be comparable to the civil service benefits. I am wondering when the Minister is going to make a response to that effect, so that these people will no longer have to wait forever to have their benefits improved. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. TOM BUTTERS: Mr. Chairman, possibly I should respond for the Minister in this case. The research is being done by the Department of Personnel. There is the comparison being made between the pay and benefits that are received by employees in the municipalities and in this government and a number of anomalies have been found. The study is not yet completed but it is going ahead and neither Mr. Wah-Shee nor myself can provide the outcome of that study at this time, but it should be forthcoming within the next couple of months. Work began soon after we agreed that we would carry out such a study.

CHAIRMAN (Mr. Sayine): Mr. Curley.

MR. CURLEY: Mr. Chairman, like Nellie Cournoyea stated before -- to try and resolve a problem is to set up a committee and that the solution to the problem is the committee, but that is not what we asked for. What we asked for is that during this fiscal year that salaries and benefits be improved and that they be implemented because some of these employees have been employed in the municipalities ever since they became hamlets or whatnot and still they do not have comparable benefits to the ones that the civil service enjoys. I think we no longer have to try and hold back because I think even the Commissioner was convinced that he has to take some action on this rather soon. So maybe the Department of Local Government can assure us exactly when they would be prepared to make the announcement on this. Thank you.

CHAIRMAN (Mr. Sayine): Mr. Minister.

Committee For Municipal Employees Benefit Package

HON. JAMES WAH-SHEE: Mr. Chairman, the whole area of working out an appropriate package for the municipal employees is something that my department is looking into since the matter was raised at the last session. However, within the Executive, we have been requested that whatever package we look at for the municipal employees ought to be co-ordinated with the benefit package that may be requested in the area of the housing association, for instance. We have a similar problem in the area of the LEAs: it requires the involvement of the Department of Education. So what has happened since the matter was discussed at the Executive Committee level is that it was felt by the Executive that an internal committee should be set up with the involvement of these four departments, including the Department of Personnel, so that we can come up with an appropriate benefit package for all these various groups, including the municipal employees. So that is more or less the approach that has been taken by the Executive on this matter.

CHAIRMAN (Mr. Sayine): Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I am very pleased to hear that the Minister of Local Government feels that the LEAs, the local government employees and housing association employees are deserving of having their needs adjusted to suit and keep up with the territorial government bureaucracy. I am very pleased to hear that; I felt very insecure in our arguments with the six and five, and that I was being very rude and unfair to the various government departments. I would certainly like this issue resolved as quickly as possible in order to give equal status to the individuals that are employed at a community level. That is where the problems really are -- and not really having a buffer zone when the job is not done as well as the community feels it should be done. I certainly compliment the department for recognizing now that there is a disparity between the people employed at the level of the community and the normal bureaucracy.

In terms of the breakdown on how the department is going to devise methods of coming up with a parity between the two, is it possible to ask the Minister when the committee began and really what stage it is at? The Minister of Personnel and Finance said that it would take two more months to possibly come to any conclusion. I wonder when the committee began and just really what stages of development and what has to be completed to finally come up with the conclusions on options.

CHAIRMAN (Mr. Sayine): Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, my deputy minister sits on that committee with the participation of the other departments. Perhaps I could ask him to inform the House basically where this committee is at and what stage and approximately when they may be making their report to the Executive Committee.

CHAIRMAN (Mr. Sayine): Mr. Moore.

MR. MOORE: Mr. Chairman, the committee met first about three weeks ago. It consisted of myself and the president of the Housing Corporation and the deputy minister of Education working with Personnel. Our involvement with Personnel is to have a common base for comparison of salaries and benefits. Mr. Chairman, at this stage we are quite close to making a recommendation to the Executive Committee. It would be a recommendation as to what this government should do to correct the problems in those three areas; that is, the local education authorities and their employees, the employees of the housing associations, and the employees of some of our municipalities. I am saying "some of our municipalities" because there is a great difference between municipalities, so the situation is quite complicated, but it is not impossible, Mr. Chairman. I think I am more optimistic than Mr. Butters was. I think we will be reporting back to the Executive Committee quite shortly.

CHAIRMAN (Mr. Sayine): Directorate, \$2,135,000. Mr. Curley.

Motion To Defer Total O And M, Directorate, Department Of Local Government, Bill 1-83(1)

MR. CURLEY: Mr. Chairman, I have a motion and I move that this committee defer approval of the Department of Local Government, directorate estimates until recommendations of the committee looking into the staff benefits for municipal staff have been tabled in this House.

CHAIRMAN (Mr. Sayine): May we have a copy of your motion, please? Mr. Patterson.

HON. DENNIS PATTERSON: I wish to raise a point of order, Mr. Chairman. It seems to me that the motion introduced by Mr. Curley is out of order because it conflicts with the previous motion of this House which required that the government submit a plan, as I recall, on the issue raised by Mr. Curley during this session of the Legislative Assembly. So I would respectfully suggest that the motion conflicts with a previous motion of this House from the November session.

CHAIRMAN (Mr. Sayine): If we can have the motion please, we will go over it, Mr. Curley.

MR. CURLEY: As soon as I have completed my writing, I will present it to you.

SOME HON. MEMBERS: Progress, progress!

CHAIRMAN (Mr. Sayine): Reviewing your point of order Mr. Patterson, I find that this motion is in order.

MR. CURLEY: Hear, hear!

Motion To Report Progress, Carried

HON. ARNOLD McCALLUM: I move that we report progress, Mr. Chairman.

CHAIRMAN (Mr. Sayine): It is not debatable. Report progress. Against? The motion is carried.

---Carried

We will report progress.

MR. SPEAKER: Mr. Sayine.



REPORT OF THE COMMITTEE OF THE WHOLE OF BILL 1-83(1), APPROPRIATION ORDINANCE, 1983-84

MR. SAYINE: Mr. Speaker, your committee has been considering Bill 1-83(1), Appropriation Ordinance, 1983-84, and wishes to report progress.

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

CLERK OF THE HOUSE (Mr. Hamilton): Yes, Mr. Speaker, announcements. There will be a meeting of the special committee on constitutional development at 11:30 tomorrow in room 211.

ITEM NO. 16: ORDERS OF THE DAY

Orders of the day, Thursday, February 24, 1:00 p.m.

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: Bills 1-83(1), 6-83(1), 7-83(1), 8-83(1), 9-83(1), 10-83(1), 11-83(1), 12-83(1)
16. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until 1:00 p.m., Thursday, February 24th.

---ADJOURNMENT

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