



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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

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YELLOWKNIFE, NORTHWEST TERRITORIES

SATURDAY, SEPTEMBER 10, 1983

MEMBERS PRESENT

Mr. Appaqaq, Mr. Arlooktoo, Hon. George Braden, Hon. Tom Butters, Ms Cournoyea, Hon. Arnold McCallum, Mr. MacQuarrie, Mr. McLaughlin, Hon. Richard Nerysoo, Hon. Dennis Patterson, Mr. Pudluk, Mrs. Sorensen, Hon. Don Stewart, Hon. Kane Tologanak, Hon. James Wah-Shee, Mr. Gordon Wray

Continuation Of Proceedings In Committee Of The Whole To Consider Bill 8-83(2), Regional And Tribal Councils Ordinance

Bill 8-83(2), Regional And Tribal Councils Ordinance

CHAIRMAN (Mr. Pudluk): The Chair recognizes a quorum now. We are on Bill 8-83(2). There was a motion on the floor. There were three amendments but we are dealing only with the first one. Does this House agree to go like this?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Subclause 3(2). We are dealing with 3(2), 3(3) and 3(4) only for now. Is there any question on (2)? Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, is that on page three of the Regional and Tribal Councils Ordinance, subclauses 3(1), 3(2) and 3(3)? Is that what you are talking about? I did not get you on your intercom.

Motion To Further Amend Clause 3, Bill 8-83(2), Carried

CHAIRMAN (Mr. Pudluk): That is correct, Ms Cournoyea. To the motion, all those in favour? The motion is carried.

---Carried

Subclause 3(2). Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Subclause 3(3). Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Subclause 3(4). Agreed?

SOME HON. MEMBERS: Agreed.

-- Agreed

CHAIRMAN (Mr. Pudluk): Thanks. Mr. Wah-Shee, I wonder if you can move this last part again. Mr. Wah-Shee.

HON. JAMES WAH-SHEE: Thank you, Mr. Chairman. I further move that subsection 3(6) be amended by deleting the words "subsection (3)" and substituting the words "subsection (5)".

CHAIRMAN (Mr. Pudluk): Thank you. Your motion is in order. To the motion. Question has been called. All those in favour? Ms Cournoyea, clause as a whole.

MS COURNOYEA: Mr. Chairman, in regard to what Mr. Wah-Shee said, is that the new subclause 3(3) on withdrawal of councils that he is interjecting into the Regional and Tribal Councils Ordinance?

CHAIRMAN (Mr. Pudluk): Thank you. We are at clause 3. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I have before me a number of amendments in regard to the regional and tribal councils, and the amendment there was a new subclause 3(3), beginning "notwithstanding subsection (1)". I am wondering if this is what has been inserted or has it not been put in or what is the intention? Are we dealing with the additional amendments? I just would like clarification on whether we are doing that or if new subclause 3(5) has been put in. What is the intention of the Minister?

CHAIRMAN (Mr. Pudluk): Clause 3, subclauses (2) and (3) and (4) we have already agreed on. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, the other day when we were presented with the Regional and Tribal Councils Ordinance, we were also presented with amendments. These amendments I presumed were going to be made by the Minister as we were dealing with it. Am I incorrect in assuming that?

CHAIRMAN (Mr. Pudluk): He has done the first one and that is why I believe we are going to go on. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I did not understand this last reply you gave me.

CHAIRMAN (Mr. Pudluk): The Minister has already introduced these amendments and he moved the motion, he made the amendment to clause 3 subclauses (2) and (3) and (4) and they voted on it. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, just for clarity then, does subclause 3(3) now read "Notwithstanding subsection (1) where at a plebiscite held for the purpose at least two thirds of the qualified voters want the community to withdraw from the region and its membership from the council, the community through its voting member shall give notice in writing to the council of its intention to so withdraw and upon the expiration of six months from the day upon which the notice is received from the council, the community ceases to be included in the region and the voting and non-voting members from that community cease to be members of the council"? Has that replaced what is presently in the sheet that was given to us at the beginning?

CHAIRMAN (Mr. Pudluk): That is correct, that is the new subclause 3(3). Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I would like to apologize that when we were going through this paper here -- then is it correct to presume that when we are reading and you ask for clause by clause that we are in fact instituting the amendments?

CHAIRMAN (Mr. Pudluk): That is correct. It was moved. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, there are normal procedures when it is -- when the amendments are put in it is generally noted and I notice that you did not note that with the amendment, and I am just concerned. I want to know when I am dealing with that if we are going to indeed, as I will repeat, deal with this paper with these amendments as they are put forward, if that is exactly what we are dealing with and, as chairman, I would like you to clarify that as we go along. Thank you.

CHAIRMAN (Mr. Pudluk): A couple of days ago when we were dealing with this, Kane Tologanak tried to tell me that he wanted to do it this way, the way we are doing it right now. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I believe I understood that to be so, but the normal process when we dealt with these issues before was to say it on each account, that we have an amendment which has been replaced in the original paper and it is just at this time the overall caveat that was put on. I want it clearly understood that that is exactly what we are dealing with. Thank you.

CHAIRMAN (Mr. Pudluk): You will be informed. Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, I would agree with Ms Cournoyea. I think we got into this so quickly, and I was still scrambling for my papers and I was agreeing to something and I was not quite sure exactly where we are at as well. So I would request that we go back and re-vote the amendments to that clause, because obviously the Member has some amendments she would like to have made, and I think we are being unduly restrictive in preventing her from making those amendments. If we do not like them we can vote them down, but we did move into this very, very quickly, Mr. Chairman. I certainly felt that as well.

CHAIRMAN (Mr. Pudluk): Thank you. Is this House agreed to go back to subsection 3(2) and start all over again?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 3, regional and tribal councils. I wonder, Mr. Minister, could you move that motion again, relating to subclause 3(2)? Mr. Wah-Shee.

Motion To Delete Subclause 3(2) And Insert New Subclause 3(2), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Thank you, Mr. Chairman. I move that subclause 3(2) be deleted and the following subclause be substituted: "(2) Notwithstanding subsection (1), a council may, by resolution, appoint such other persons as voting or non-voting members of the council, or revoke any such appointment as it deems advisable, but a council shall not appoint any person as a voting member without the prior approval of the Minister." There is a marginal note: "Additional voting and non-voting members".

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. Question has been called. All in those in favour? The motion is carried.

---Carried

Thank you. Please proceed, Mr. Minister.

Motion To Insert New Subclause 3(3), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I move new subclause 3(3): "(3) Notwithstanding subsection (1), where, at a plebiscite held for the purpose, at least two thirds of the qualified voters want the community to withdraw from the region and its membership from the council, the community, through its voting member, shall give notice in writing to the council of its intention to so withdraw and upon the expiration of six months from the day upon which the notice is received by the council, the community ceases to be included in the region and the voting and non-voting members from that community cease to be members of the council." There is a marginal note: "Withdrawal from Council".

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister. To the motion. Question has been called. All those in favour? The motion is carried.

---Carried

Thank you. Subclause 3(4). Proceed, Mr. Minister.

Motion To Insert New Subclause 3(4), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Thank you, Mr. Chairman. I move to insert new subclause 3(4): "(4) Upon receipt of the notice referred to in subsection (3), the council shall notify the Minister of the intention of the community to withdraw and shall cause the notice to be published in the Northwest Territories Gazette." There is a marginal note: "Notice of resignation".

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. All those in favour? Opposed? Motion is carried.

---Carried

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

Motion To Amend Subclause 3(6), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I further move that subclause 3(6) be amended by deleting the words "subsection (3)" and substituting the words "subsection (5)".

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

---Carried

Clause 3 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Thank you. Clause 4, voting members. Agreed?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Pudluk): Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I realize I am a bit slow, but when we were dealing with this, I would very much like to discuss clause 4, voting members.

CHAIRMAN (Mr. Pudluk): Does this House want to go back to clause 4? Agreed? Clause 4, Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, in regard to clause 4 we have a series of voting members and in the voting members we have in subclause 4(b) the chiefs and subchiefs of Dene bands located in the regions, and in our preamble it says, "shall include" these particular people. I would like an opinion, a legal opinion, that if we use the word "shall", does that in fact say that no regional council could be formed without their participation?

CHAIRMAN (Mr. Pudluk): Mr. Law Clerk.

LAW CLERK (Mr. Fuglsang): This section merely lays out who will be voting members of the council or who are entitled to be voting members of the council. So if they do not participate it would not make them any less entitled to be members. I would say that this merely designates those people who will be members of the council and voting members. It says "they shall be included." In fact, they cannot be excluded. If they do not participate, well, that is something else. Does that assist the Member?

CHAIRMAN (Mr. Pudluk): Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, the concern I have is that a particular band could very well say that "I want to be included but these are the terms by which I want to be included." And I am a bit concerned that in designating and putting it in within the general public body of the bill, that certain regions may be held up because one particular band would want to be included, but they have their terms, and any further progress on forming a regional government could really be held up because a band could say that according to the legislation that we are passing now, they are to be included, but the terms are according to their terms. I would like to be very clear that within a region one band, because they are identified as being or "shall be" included, would not be able to do that.

CHAIRMAN (Mr. Pudluk): Mr. Law Clerk.

LAW CLERK (Mr. Fuglsang): Thank you, Mr. Chairman. I wonder if I could just take a moment to look at this before I respond to that?

CHAIRMAN (Mr. Pudluk): Let us take a few minutes before we get that response. Mr. Clerk, can we come back to order? At this time we are going to make a report of progress, and the Commissioner would like to make an address because he has to leave for the funeral. He is going to take about five or 10 minutes and as soon as he is finished we are going to go back to the committee. Is that agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Pudluk.

REPORT OF THE COMMITTEE OF THE WHOLE OF BILL 8-83(2), REGIONAL AND TRIBAL COUNCILS ORDINANCE

MR. PUDLUK: Mr. Speaker, your committee has been considering Bill 8-83(2) and at this time I wish to report progress.

MR. SPEAKER: Thank you. We have a situation that the Commissioner has a duty to attend to, the funeral of John Charlie Tetlichy at Fort McPherson, and he will have to be leaving Yellowknife shortly. He has a few remarks that he would like to make to the Assembly. Is it agreed that we call the Commissioner in to make a statement?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. SPEAKER: Mr. Clerk, will you see if the Commissioner is ready at this time?

Commissioner's Closing Remarks

COMMISSIONER PARKER: Please be seated. Mr. Speaker, Members of the Legislative Assembly, I appreciate very much the courtesy that you have extended to me this morning to permit me to speak briefly, to give me this opportunity, because I wish to take my leave shortly to travel to Fort McPherson to attend the funeral of John Charlie Tetlichy. Before doing that, and before leaving you in the good hands of the Deputy Commissioner, I have just one or two very short things to say.

Newly Elected Dene And Metis Leaders Congratulated

First of all, perhaps I could be the first to officially congratulate the newly elected executive of the Dene Nation.

---Applause

I am confident that the newly chosen leaders will carry on in the spirit of dedication and good will in the same fashion that the past leaders have done, and I am equally confident that our government and this Legislature will work hand in hand with the leaders of the Dene Nation to seek goals which I know are common to all of us. I think it is appropriate for me to say, particularly to Georges Erasmus, that he has given long and dedicated service. He has worked hard for the Dene Nation and I think he will be remembered for his service for a long time.

---Applause

I suppose along the same vein it is only fair, and indeed I am pleased to do so, to extend my very best wishes and congratulations to Wally Firth, the leader of the Metis Association.

---Applause

Tribute To John Charlie Tetlichy

Mr. Speaker and Members, the North lost one of its finest citizens with the death on Tuesday of John Charlie Tetlichy of Fort McPherson. Mr. Tetlichy was a prominent Loucheux leader, a chief for many years. He was the first Dene person to serve on the Northwest Territories Council. He was appointed by the late Arthur Laing in 1967 and he served as an appointed Member for three years to

1970. John Charlie Tetlichy commenced the use of what had been, as I understand it, his traditional name of Tetlichy soon after he was selected to sit on the Territorial Council, and in so doing, because previously he had been known as John Charlie, he brought forth again the name Tetlichy and therefore became one of the earlier pioneers to recognize traditional values and his traditional culture. I think that he deserves to be remembered for that small act among many others.

John Charlie Tetlichy was a gentle, thoughtful and intelligent man, a man with a great deal of common sense. He was a strong supporter of education for his people. He himself went to the Hay River Anglican residential school and he, through all his speeches and discussions in this House, supported education very strongly.

He always worked and he always looked after himself and his family. He never lost his connection with the land. He was a hunter and a trapper, proud of it, and very proficient. He and his wife, Bella, a daughter of Annie G. Robert who is alive today at the age I believe of 103, raised a wonderful family. His younger brother, Johnnie Charlie, is now the chief and the community leader of Fort McPherson. John Charlie Tetlichy's friendship and wise counsel will be sorely missed.

Tribute To Janet Anderson-Thomson

Sometimes those persons closest to us are not properly and officially recognized. When I spoke to open this session I failed to mention the passing of a well-loved and respected friend, Janet Anderson-Thomson, a resident of Yellowknife from 1944, who died in June toward the end of her 82nd year. Mrs. Anderson-Thomson was instrumental in establishing the Northwest Territories tartan and was, together with her husband, John, a recipient of the Commissioner's Award for public service.

Excellent Work By Executive Council

Much has been said this session of the work of the Legislative Assembly and the Executive Council over the past four years. With regard to the Executive Council, the performance of its Members must be judged by this House and the public. I would like to advise you, however, that the Members have worked hard and with great concern for all territorial residents when reaching decisions on so many difficult issues, and I assure you, the easy decisions do not find their way to Executive meetings. There has been excellent work done in my view on policies, priorities and finances. You truly have achieved ministerial government. I have thoroughly enjoyed working with the Elected Leader, George Braden, who has been a driving force behind policy development, and with each Member of the Executive. They have sacrificed time with their constituents to serve all the people, and I hope that their constituents understand this when they present themselves at the polls, if indeed they do. Consensus is a fragile thing, but your Executive Members have worked hard to reach their decisions through consensus, an approach which is essential to all cabinet and Executive Council operations.

Commendation Of Work Of Standing Committees

You, the Members of the Ninth Legislature, have made great strides and I commend you for your efforts. I think that special commendation is due for the work which has been done by the standing committees. The standing committees have been evolving during this Legislature and have taken their full place. It is obvious in the work of the House in both formal session and committee of the whole that the committee work done in standing committees has become increasingly important. I commend the chairmen in each and all of the standing committees for their dedication to their work.

I would also like to commend the Speaker for his patience and his ability, for having given wise counsel throughout the life of the Legislature. I am confident that the 10th Legislature, of which many of you may be Members, will continue to press forward toward responsible government.

Thank you for your many kind words of support and for your friendship. It has been a great pleasure and honour working with you. There are times when I would like to have spoken out and there are times when perhaps I have and should not have, but in any event, it has been indeed a great pleasure. Good luck, good health and my best wishes to each of you as you continue to give service to the people of the North in whatever form that service may take. Thank you very much.

---Applause

HON. TOM BUTTERS: Mr. Speaker.

MR. SPEAKER: Mr. Butters.

HON. TOM BUTTERS: Sir, I will be accompanying the Commissioner and my colleague, Mr. Nerysoo, to Fort McPherson. I was just wondering what will be the intention of the House with regard to the rest of the business before it. Is it anticipated that we may sit on Monday? I know that when I leave this chamber in a few minutes, that I will not be returning today. Will the order paper be such that we will be sitting on Monday?

MR. SPEAKER: Mr. Butters, I cannot possibly answer that question. If they conclude the business and we maintain a quorum to conclude the business today, the House will of course prorogue. But whether or not they are able to do that is anybody's guess at this time. Mr. Butters.

HON. TOM BUTTERS: One further question, sir. Then do I anticipate that the House will sit for the remainder of the day to complete its business?

MR. SPEAKER: That is my understanding, that they will be sitting the remainder of the day. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, to Mrs. Sorensen, mea culpa, mea maxima culpa.

---Laughter

---Applause

MR. SPEAKER: We will return to the committee of the whole with Mr. Pudluk in the chair to consider Bill 8-83(2), Regional and Tribal Councils Ordinance; the Report of the Standing Committee on Rules and Procedures; Volumes I and III, Report and Proceedings of the Public Accounts Committee. Mr. Pudluk.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 8-83(2), REGIONAL AND TRIBAL COUNCILS ORDINANCE; REPORT OF STANDING COMMITTEE ON LEGISLATION; REPORT OF STANDING COMMITTEE ON RULES AND PROCEDURES; VOLUMES I AND III, REPORT AND PROCEEDINGS OF THE PUBLIC ACCOUNTS COMMITTEE

CHAIRMAN (Mr. Pudluk): Now this House will come back to order. Let us take 15 minutes for coffee.

---SHORT RECESS

Bill 8-83(2), Regional And Tribal Councils Ordinance

The Chair recognizes a quorum now. I wonder if the Law Clerk has got the answer for Ms Cournoyea. Mr. Law Clerk.

Law Clerk's Opinion

LAW CLERK (Mr. Fuglsang): Yes, Mr. Chairman. By way of preliminary remarks, I might say that the clauses that are being discussed refer to established councils, regional or tribal councils that are established by this ordinance, and they are only those councils that appear in later parts of the ordinance. For instance, Part IV is the Keewatin Regional Council, Part V is the Deh Cho Regional Council. So in answer to the question of the Member, clause 4 deals with voting members who shall be voting members of a council. In a sense, the following members shall be voting members, the mayors of municipalities and chairpersons of settlement councils located in the region; chiefs and subchiefs of Dene bands located in the region; and such other members as are set out in this ordinance. If you look to the other Parts you will find that the voting members are designated in those Parts notwithstanding the voting members outlined in clause 4. So what is contemplated here is that a regional council will be negotiated among the settlements as to who shall participate and once that is established, the terms of their participation would be established among themselves, including who would be voting members once the council comes into existence. The council would only come into existence by an amendment to this legislation.

It is important to recognize that the word "region" is defined in the various sections as the communities that actually participate. So if a community is not mentioned as a participating community, it is not part of the region, and that would include Dene bands located in the regions — I think that was one of the references. They would only be included if they were named as an included community in the particular regional council which was being set up. So in answer to the question of the Member, the word "shall" in clause 4 does not bind future groups or communities setting up a council because there is precedent throughout this one for a variation of who the voting members may be. It is negotiated among the communities and ultimately with the government in the setting up of the new council. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 4, Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I feel that whenever a statement of fact is made, that the problem always arises when you want to form one. I realize the technical explanation from our Law Clerk is fundamentally true and I realize that we are basically only talking about the specific regional and tribal councils that are attached. However, it appears to me as well that these are general guidelines under which such future councils could be set up, and I believe that that is exactly what we are discussing, the general guidelines for future regional and tribal councils as well. First of all, I would like to make it very clear that I have no objection for a band council to be a member of a regional government, but the specific problem that I feel could exist is in fact that if a regional municipality wanted to proceed, because we have already made a stated fact that band councils and subchiefs shall be included -- which is fair enough -- technically speaking, they could make that demand and say, "Well, that is exactly what I would want in my position, and you will not be moving forward until we clearly define what our position is going to be." Therefore, Mr. Chairman and Members, first of all I do not object to having band councils being involved with a regional government. I support that. However, I do not feel that they should be put in a position to veto any progress on regional governments.

Motion To Amend Clause 4, Bill 8-83(2)

Therefore, Mr. Chairman, I would like to make an amendment to take out the word "shall" and put in the word "may", to read "may include".

CHAIRMAN (Mr. Pudluk): Ms Cournoyea, your amendment is in order. To the amendment. Do you want to speak to your amendment, Ms Cournoyea?

MS COURNOYEA: Mr. Chairman, rather than continually repeating myself, and all the stated facts that I have put before you, I will just give a particular example. We have a desire in our area to have a regional municipality and I understand that this section we are dealing with now does not preclude that, and maybe the Minister can answer that. However, in forming that regional body, I would like to make sure that some band council would not come up purposely putting themselves in a veto position so that we would not be able to progress. I believe that they should be having the discussional stages and we should include them. However, I want to be assured that this will not happen.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Wah-Shee.

HON. JAMES WAH-SHEE: Mr. Chairman, I have difficulty with the amendment of "shall include" to "may include" because having the words "may include" is optional and it does not in any way give a guarantee to the band councils and subchiefs to be involved. It is an optional arrangement and what we are trying to do with this particular bill is to have equal participation of the existing municipal councils and the band councils so I have some difficulty with that, and I cannot really support that amendment, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Ms Cournoyea.

Power Of Veto Given To Ethnic Group

MS COURNOYEA: Mr. Chairman, I guess that is exactly what my fear was, that this particular clause was indeed giving a veto to an ethnic group of people and as I have stated, I believe that in all proper consultations within a region and whenever you are forming a government, if you go through the consultative process, the protection would probably, eventually be written in whatever comes out as the next regional government that would be submitted to this Legislative Assembly for approval.

In our area, I would ascertain that maybe there may be a tribal council that would want to be formed with only the Dene people and I would even support that. I would not hold them back for any reason. However, in saying that, I am also saying that the municipalities would not necessarily have a veto over them. As a group of native people in our area we have never asked for any particular political privileges within the institutions, and perhaps someday we may negotiate a band council. The way I look at it, and my understanding of band councils is that technically speaking, if you have over 15 people you can form a band in any given community. Let us take for example the voting make-up of our general region when we have a regional meeting. In Fort McPherson we have a settlement council which is separate from the band council; in Aklavik we have a band council which is separate from the hamlet council; and in Inuvik we have a band council which is separate from the town of Inuvik municipality. In any given meeting, if any issue arises there is no way that our people could be in any position other than under a veto because of the make-up of those particular groups of people in that region. I believe that right now, if any decision is to be made toward a regional municipality, that the unfair advantage of selecting a particular group is going to be a deterrent to even forming a regional group.

We have in Fort McPherson, technically speaking, two people; Aklavik, two Dene people; Inuvik, two Dene people. So that is six. The people on the Fort McPherson settlement council are technically the same people that are on the band council. So it seems like when we go to issues such as this that we could probably, in our region, come to a compromise without being tied down to a "shall", and that "shall" will technically bind us in moving ahead and give a veto power over us to the Dene bands. I am concerned about that. I believe if the intention is that we are going to be fair to all people that the word "may" would be quite acceptable.

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

Participation Of Both Band And Settlement Council

MR. McLAUGHLIN: Thank you, Mr. Chairman. Just on this I would like to ask the Law Clerk if he could maybe answer a question I have. In our area we have the South Mackenzie Area Council and we have four communities participating in it, Fort Resolution being one that participates some of the time. If we were to form a regional council down there under this ordinance, if you had a situation where the settlement council in Fort Resolution wanted to join the regional council and the band council did not, would that prevent the settlement council from participating in the regional council? I guess that is what is going to determine how I vote on this.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Law Clerk.

LAW CLERK (Mr. Fuglsang): Mr. Chairman, I would assume that in any community once the regional council is formed if that community forms part of the regional council, then, because of the way "region" is defined, including the community, that it would have to include both the band and the settlement council participating in the regional council. I must point out that in the setting up of any of these regional councils there obviously is some political negotiation that takes place in determining who are voting and non-voting members, because that is what appears to have taken place in the setting up of all the regional councils.

It would appear that in principle the notion is that, as in Fort Simpson, the municipal authority would have an elected or a voting member and the band council for the same community would have a voting member. That is where it has already been established and we are dealing, in this ordinance, with established regional councils. The creation of them is a political process, I believe, and although their guidelines are set out here they are obviously not definitive in that they are absolutely cut in stone.

In answer to the Member's question, I believe it is anticipated that if there are within a named community in the region, forming the region, two types of councils, a band council and a settlement council, that they would both participate. I think it is also quite possible that as part of the negotiation of setting up the tribal council or the regional council that one may not participate. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Supplementary, Mr. McLaughlin.

MR. McLAUGHLIN: So to make it clear, what you are saying then is that it would be possible to have a regional council where one of the two local councils, the band or community council was involved and the other one was not?

CHAIRMAN (Mr. Pudluk): Mr. Law Clerk.

LAW CLERK (Mr. Fuglsang): Yes, if that were the way the regional council was established, it is possible.

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

MR. McLAUGHLIN: The other crucial point is, could either one of the two parties in one community prevent the formation of a new regional council if they did not participate?

CHAIRMAN (Mr. Pudluk): Mr. Law Clerk.

LAW CLERK (Mr. Fuglsang): I would have to say — because we are dealing here with a political process of establishing a regional council -- that if one did not participate you could still go ahead. If any group refused to participate the community could be represented by those who are willing to participate.

CHAIRMAN (Mr. Pudluk): Thank you, legal adviser. Mr. MacQuarrie. To the motion.

MR. MacQUARRIE: Thank you. The amendment deals with whether this sort of thing should be optional or not. I am going to support the motion because initially when I opposed the bill on principle it was largely because of timing and so on, but also because it is a very complex piece of legislation and, in my opinion, there are many questions such as the one we are dealing with now that are not clear and not answered. I raised a number of these to the Minister in a letter some time ago and raised them at the standing committee meeting as well. When we are talking about voting members and membership in the council, which communities will be in there, they are sort of one and the same thing, and I personally am alarmed that we are arbitrarily naming members without clear resolutions from each of these groups that they do wish to be members. Then we do have that additional problem, which I had pointed out with respect to Fort Simpson at one time, where you could have band councils wanting to do one thing and the community council doing another.

No Criteria To Establish New Councils

We run into the additional problem now that there are no criteria for the establishment of new councils. I raised that matter earlier too at the meetings, and to my mind, it is important, because if nothing appears in this legislation with respect to it then it is rather an arbitrary decision as to whether new regional councils will be established or not. Suppose the tax-based municipalities wanted to get together and establish a regional council. Well, the answer I was given was that they can apply but there is no guarantee that they would have the right to do it.

Then there is the question that was raised by Mr. McLaughlin. Supposing Hay River, Fort Smith, and Pine Point wished to have their own regional council, could the Minister say, "Well, you could only have one if Fort Resolution is part of it as well." But the band council in Fort Resolution says, "No, we do not want to be part of that", and therefore they block the establishment of that council. That kind of thing is not clear in this legislation at all. And, because it is not, and because the government is insistent on going ahead with it anyway, then I am going to vote for as many options as possible. I will support the "may" rather than the "shall" for sure.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Mr. McCallum.

Principles Provide Guideline

HON. ARNOLD McCALLUM: Mr. Chairman, the point Mr. MacQuarrie is making is not so. There are principles that have been established by the government for the establishment of regional and tribal councils. There are 12 principles. The decision on whether or not a council will be formed rests with the government in deciding whether or not to introduce a new part to this ordinance, because we have an ordinance. It is a piece of government legislation that comes in and that is why it is here. I would suggest, Mr. Chairman, in terms of amending clause 4, that were the words put in, "voting members of a council include the following", I think if that were the amendment I would not have any difficulty with it.

In this particular ordinance, there are five councils that are recognized, the Baffin, the

Kitikmeot, the Keewatin, the Deh Cho, and the Dogrib Tribal Council. In two of those, the Deh Cho Regional Council and the Dogrib Tribal Council, there is a clause -- in the Deh Cho Regional Council, subclause 41(1) indicates, "Notwithstanding paragraphs 4 (a) and (b), the following persons are voting members". In the Dogrib Tribal Council, subclause 50(1), "Notwithstanding paragraphs 4 (a) and (b), the following persons are voting members". I do not think there should be any difficulty with members. The principles for establishing the regional or tribal councils are set out. The people or groups within those areas can make the application to form it following the principles that have been established.

Rather than to simply delete the word "shall" and substitute it with the word "may", which I do not think does anything in terms of setting up the councils, I think we have a guideline based on the principles for setting them up and it indicates who the voting members are to be. In the cases of the Keewatin, Baffin, and Kitikmeot regions there is no need for a "notwithstanding" clause because you are not involved with band councils, but because there are those band councils as well as settlement councils within the Deh Cho or the Slavey tribal regions, then the notwithstanding clauses are effective. So I think Members are getting hung up on something that will not present a problem.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, as our discussions go on I feel that my fears are more well-founded than I thought. Mr. Wah-Shee made a statement of the reason "shall" was in there and why he could not agree with "may" for exactly the same reason that I had a fear.

Now, the notwithstanding clause that Mr. McCallum is talking about is only after the general principles of any guideline legal legislation is followed. It appears to me that what we are discussing now are the general principles of regional and tribal councils. The attachments of the other are specific things which include a notwithstanding clause and that notwithstanding clause would say "notwithstanding the chief and subchief of Dene bands". So I would presume then that what we are talking about, if anyone wanted to set up a regional government, is that general guidelines when it is being established, would take in the subclauses 4(a), (b) and (c), and we would have to operate under those general guidelines unless we have a "notwithstanding". But in order to get there these are the assurances that we are providing to the chiefs and subchiefs, that they "shall" be included.

Problem number one, if we have a series of four communities and two of those communities have band councils who are not really that interested in forming a regional council but would say they are and would continue saying, "Well, we want to be included and we will never come to a conclusion, so we can have a notwithstanding clause in the second instance." To me that is a veto power and it is giving over to a public institution the veto that I feel is unfair. Granted, the veto can come the other way, if you wanted a tribal council and there was one municipality standing in the way. So both ways that you look at it, there is a veto power.

Option In General Guidelines

In my region, we have a group of people who do not ask for special political privileges in regard to public institutions and I feel that it is an unfair advantage to have "shall include". When I suggest "may" it seems to me that that gives the option in the general guidelines that they may be included and that would be subject to negotiation, but "shall" to me is definite and a clear definition of who "shall" be included and "shall" means one thing. The suggestion by Mr. McCallum to take out "shall", just eliminate it and put "include", well that is just the same as "shall include"; it does not do anything. The word "may" basically indicates to be fair to everyone, it is a useful compromise. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment, Mr. Wah-Shee.

HON. JAMES WAH-SHEE: Mr. Chairman, I think we are confusing this issue, and I know where the honourable Member is coming from. It has to do with the community of Aklavik. Let us put the whole discussion in focus here. There is no veto by the band council and this is the information I have. It was not intended that the band councils should have a veto. Likewise, I do not feel that the municipalities should have vetoes. If you amend this particular section from "shall" to "may include" it could work the other way around too. It could be that you have five communities and say you have two band councils out of five communities. Two communities have band councils. Now

it is conceivable that the five municipal councils may want to form the regional council and the two band councils want to be a part of it, but they could also be excluded. There is no guarantee. The way that the honourable Member has put the amendment poses problems, because it could exclude the band council of Aklavik, for instance, if one does come about. Say they want to be a part of it and the others were saying no. Because they "may" be included, the hamlet council of Aklavik may say "Well, we want to participate but we do not want the band council to be involved.

Recognition Of Band Councils

The way that it is being amended, to me, it is contrary to the whole objective of getting the band councils involved. At the present time there is no ordinance in place that has any recognition at all of the band councils. What we are trying to do through this ordinance is to try to give them this recognition that we give to the municipal councils. By doing so, we are not giving them special privileges. All we are doing is recognizing reality, that it is about time that the band councils were recognized and that they want to participate. But they want to participate as a legal entity unto their own and this is not a new concept. I disagree that the band councils have a veto and could stop the formation of regional councils. That has already been cleared. It has already been indicated by the Law Clerk that if the regional council wants to form, say with five communities, then it is up to the communities, but there is no indication that the band council could stop the formation of these regional councils.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, I appreciate Mr. Wah-Shee's statements. It is essentially true. Nevertheless, that does not appear in legislation and so you could have the situation where certain communities want to get together in order to form a region, yet there is a band council in one of them or two of them that does not wish to participate for its own reasons, and what we would be faced with is that there is nothing in legislation that would ensure the right of the communities that did want to participate. Supposing in that community the community council wanted to participate but the band council did not? There is nothing in this legislation that ensures that those communities could go ahead and form a band council. And I say that it should be clearly in legislation, not just in policy principles set out by the government, but in legislation, that all communities have the same opportunity to form councils. That does not appear and so that is what concerns me. In other words, what I am saying is, it is a complex situation and there are concerns on both sides, and I think the legislation is premature because those have not been adequately addressed yet. I still prefer the option "may" to the compulsory word "shall".

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

AN HON. MEMBER: Question.

Motion To Amend Clause 4, Bill 8-83(2), Carried

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour, raise your hands. Down. Opposed? The motion is carried.

---Carried

Clause 4, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 5, meetings of council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 6, rules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 7, exercise of powers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 8, seal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 9. Mr. Wah-Shee.

Motion To Amend Subclause 9(3), Bill 8-83(2)

HON. JAMES WAH-SHEE: Mr. Chairman, I move that subclause 9(3) be amended by deleting paragraphs (f) and (g) and substituting the following a new paragraph, "(f) advise and make recommendations to government in respect of all matters of concern to the region." Do you want me to read paragraph (g) as well, Mr. Chairman?

CHAIRMAN (Mr. Pudluk): Yes, Mr. Wah-Shee, that is part of subclause 9(3).

HON. JAMES WAH-SHEE: And "(g) establish a regional board of management to administer those programs in or about the region delegated from time to time by the Government of the Northwest Territories;"

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

Comments From The Standing Committee On Legislation

MR. MacQUARRIE: These changes were made in response to concerns that were raised in the standing committee on legislation. The Keewatin Regional Council particularly wanted more authority for the regional council and it was noted by the committee that in a sense the wording that existed before was very limiting and suggested, or recommended, to the government that it attempt to broaden that in some way. These are the clauses that have resulted, so that all matters of concern to the region may be considered by the regional council and they may advise and make recommendations to the government. Also that they administer the programs in or about the region, not only in specific communities which was the way it read before, but in or about the region. So the government responded to the standing committee's concern with this wording and the standing committee accepts it.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. Ms Cournoyeva.

MS COURNOYEA: Mr. Chairman, just as a matter of clarity on (f), to make recommendations to the government with regard to all matters of "local concern within the region", and it has been changed to "all matters of concern to the region". Can I have some background on specifics or examples why that was changed and what the difference is?

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Wah-Shee.

HON. JAMES WAH-SHEE: Mr. Chairman, this recommendation came from the standing committee on legislation so I would like to have the chairman of the standing committee perhaps explain this.

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

MR. MacQUARRIE: The word "local" I think was what disturbed some of the Members, implying that it was purely community and traditional municipal matters that were the subject of deliberations for these regional councils, whereas some Members felt that it should go beyond traditional municipal

matters, that if in the area generally there are concerns about development or about other things that are happening, that the regional council should have the right to at least make recommendations to the government with respect to those things. So the wording is broadened, at least that is what is felt, it is broadened in respect of all matters of concern to the region.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. Ms Cournoyea.

MS COURNOYEA: The reason I am interested in this is because oftentimes, Mr. Chairman, what we are talking about is advisory powers. I know this is an advisory body that is being set up, and I am always interested in having the advisory bodies acquiring a higher profile of power in terms of determining the regional concerns. Legally, does this really give a greater degree of power or does it just have the same degree of power, not really extending it from what was originally worded to the present wording?

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

MR. MACQUARRIE: I think the question was one of a legal nature and I cannot answer that. It appears to me that it does not confer greater legal power. It is simply an expression on the part of the government that it is willing to see a broader concern but that there is no greater legal power. But I cannot really answer that; it would have to be our Law Clerk who could perhaps inform us about that.

CHAIRMAN (Mr. Pudluk): Mr. Law Clerk.

LAW CLERK (Mr. Fuglsang): Yes, Mr. Chairman. I think in the plain meaning of the words it does tend to. The power conferred, I might say to begin with, is one to make recommendations to the government, and this broadens the areas in which it could make recommendations. I think the question that gave rise to this, the deletion of the word "local", was that, if I recall from the committee meeting, there was concern about whether they could consider matters, perhaps matters that relate not only to their own region but that might be in relation to the next region to them. I was thinking in terms of perhaps the overall question of the Liard River dam and things like that. If a region is going to be impacted by something like that and it is not in the region, the question was, could this sort of thing be discussed by the local regional council? I think this was just meant to say that yes, they can discuss matters and consider matters and make recommendations on matters that are beyond their regional borders. I suggest that this confers a slightly greater power. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. Ms Cournoyea.

MS COURNOYEA: Just a question in regard to our regional board of management. Does the NWT government have a criterion for boards of management, or is it just a stated fact?

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

HON. JAMES WAH-SHEE: Mr. Chairman, at the present time we do not have criteria for boards of management. However, we do have an interdepartmental committee which has been set up to come up with criteria.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion.

AN HON. MEMBER: Question.

Motion To Amend Subclause 9(3), Bill 8-83(2), Carried

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour, please raise your hands. Down. Opposed? The motion is carried.

---Carried

Clause 9, as amended, powers of regional and tribal councils. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 10. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, just speaking as an individual Member, not as the chairman of the standing committee, because of things like regional boards of management, which are not clearly defined and so on, I really felt we had the opportunity not to put this in legislation but to let these things develop informally as they are now, and work out the wrinkles in that way and put it into legislation when we had a much clearer idea of what we were talking about, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 10, regional board of management. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 11, executive officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 12, interpretation. Mr. Wah-Shee.

Motion To Delete Clause 12 And Insert New Clause 12, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that clause 12 be deleted and the following clause be substituted: Marginal note "interpretation", "12. Nothing in this ordinance alters, derogates from or abrogates any of the powers or duties of a municipality under the Municipal Ordinance, or amends any provision of the Municipal Ordinance."

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

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Are you ready for the question? Question has been called. All those in favour? Down. Opposed? The motion is carried.

---Carried

Clause 12 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 13, limited liability. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 14, Conflict of Interest Ordinance applies. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 15, preparation of estimates. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 16, grants and contributions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 17, fiscal year. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Part II, Baffin Regional Council. Clause 18, Baffin Regional Council. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 19, Baffin region. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 20, voting members. Mr. Wah-Shee.

Motion To Amend Clause 20, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that clause 20 be amended by adding immediately after subclause 20(3) the following subclause: Marginal note, "Notification to Speaker", "(4) A voting member shall notify the Speaker, in writing, of the person acting in his place as a voting member."

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

MR. MacQUARRIE: Mr. Chairman, that again is a change in response to a concern in the standing committee on legislation. At certain points in the legislation the choosing of alternate members was left to an informal basis and the committee felt that it should be formal so that there was no question about credentials, when people were at meetings it was clear who was and who was not a voting member. So notifying the Speaker in writing is acceptable to the committee.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Clause 20, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 21, non-voting members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 22, speaker. Mr. Wah-Shee.

Motion To Amend Clause 22, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that subclauses 22(4), (5) and (6) be renumbered as subclauses 22(5), (6) and (7) respectively and that the following subclause be added immediately after subclause 22(3): Marginal note, "Deputy speaker may be appointed", "(4) Notwithstanding subsection (3), where the speaker is elected by acclamation, the voting members shall appoint a person resident in the region, other than a member of the council, to be deputy speaker." Mr. Chairman, this is to allow the deputy speaker to be chosen and this is recommended by the standing committee on legislation as well.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. It was simply because the committee noted that subclause 22(3) assumed that there would be more than one person running for the position of speaker and of course if only one ran, then the question arose as to how you would have a deputy speaker, and this is the clause that resulted from that concern, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. Are you ready for the question? Question has been called. All those in favour? Down. Opposed? The motion is carried.

---Carried

Clause 22, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 23, executive. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 24, speaker's vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Part III, Kitikmeot Regional Council. Clause 25, council established. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 26, Kitikmeot region. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 27, voting members. Mr. Wah-Shee.

Motion To Amend Clause 27, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that clause 27 be amended by adding immediately after subclause 27(5), the following subclause: Marginal note, "Notification to speaker", "(6) A voting member shall notify the speaker, in writing, of the person acting in his place as a voting member."

CHAIRMAN (Mr. Pudluk): Your motion is in order.

SOME HON. MEMBERS: Question.

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

---Carried

Clause 27, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 28. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 29, speaker. Mr. Wah-Shee.

Motion To Amend Clause 29, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that subclauses 29(4) and (5) be renumbered as subclauses 29(5) and (6) respectively, and that the following subclause be added immediately after subclause 29(3): Marginal note, "Deputy speaker may be appointed", "(4) Notwithstanding subsection (3), where the speaker is elected by acclamation, the voting members shall appoint a person resident in the region, other than a member of the council, to be deputy speaker."

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

AN HON. MEMBER: Question.

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

---Carried

Clause 29, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 30, executive. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 31, speaker's vote. Mr. Wah-Shee.

Motion To Amend Clause 31, Bill 8-83(2)

HON. JAMES WAH-SHEE: Mr. Chairman, I move that the words, "and deputy speaker" be added at the end of the marginal note to subclause 31(2).

HON. GEORGE BRADEN: Question.

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

HON. KANE TOLOGANAK: Question.

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

---Carried

Clause 31, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Part IV, Keewatin Regional Council. Clause 32, council established. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 33, Keewatin region. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 34, voting members. Mr. Wah-Shee.

Motion To Amend Clause 34, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that clause 34 be amended by adding immediately after subclause (3) the following subclause: Marginal note "Notification to speaker", "(4) A voting member shall notify the speaker, in writing, of the person acting in his place as a voting member."

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

AN HON. MEMBER: Question.

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

---Carried

Clause 34, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 35, non-voting members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 36, speaker. Mr. Wah-Shee.

Motion To Amend Clause 36, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that subclauses 36(4), (5), (6) and (7) be renumbered as subclauses 36(5), (6), (7) and (8) respectively and that the following subclause be added immediately after subclause 36(3): Marginal note, "Deputy speaker may be appointed", "(4) Notwithstanding subsection (3), where the speaker is elected by acclamation, the voting members shall appoint a person resident in the region, other than a member of the council, to be deputy speaker."

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

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? Your motion is carried.

---Carried

Clause 36, as amended.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 37, executive. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 38, transitional. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Part V, Deh Cho Regional Council. Clause 39, council established. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 40, Deh Cho region. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 41, voting members. Mr. Wah-Shee.

Motion To Amend Paragraph 41(1)(a), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that the words "selected by each chief" in paragraph 41(1)(a) be deleted and the following substituted: "selected by the band council".

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

Comments From The Standing Committee On Legislation

MR. MacQUARRIE: Again, Mr. Chairman, that was the recommendation of the standing committee which felt that a selection such as that should not be left to an individual but that the whole band council should have a say in who that other member will be.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? Your motion is carried.

---Carried

Clause 41, Mr. Wah-Shee.

Motion To Delete Paragraph 41(1)(b) And Substitute New Paragraph 41(1)(b), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I further move that paragraph 41(1)(b) be deleted and the following paragraph be substituted: "(b) the subchief of the Fort Simpson band at Jean Marie River, the subchief of the Fort Providence band at Kakisa, and the subchiefs of the Fort Liard band at Nahanni Butte and Trout Lake".

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

MR. MACQUARRIE: Again a recommendation of the standing committee and there is no substantive change. It was merely the terminology that was used was technically incorrect and so it has been rectified, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. MacQuarrie. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? Your motion is carried.

---Carried

Clause 41. Mr. Wah-Shee.

Motion To Amend Subclause 41(2), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I further move that the words "designate some other person" in subclause 41(2) be deleted and the following be substituted: "designate, in writing, some other person from the band, settlement or village council, as the case may be, or, where the voting member is the president of the Fort Simpson local of the Metis Association of the Northwest Territories, an elected representative of the Fort Simpson local of the Metis Association of the Northwest Territories".

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

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? Your motion is carried.

---Carried

Clause 41, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Clause 42. Mr. Wah-Shee. Ms Cournoyea, clause 42?

MS COURNOYEA: Mr. Chairman, I had my hand up from the time clause 40, I believe, was being discussed, and I did not want to interrupt while we were going through clause 41. It is a matter of clarification and a question I would like to put to the Minister on clause 40.

CHAIRMAN (Mr. Pudluk): Is this House agreed to go back?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Proceed, Ms Cournoyea.

Revert To Clause 40

MS COURNOYEA: In the matter of clause 40(2), "shall not be construed to prohibit the council from entering into relations with other communities, whether organized or unorganized, or to preclude the involvement of the communities named in subsection (1) in such regional planning processes or bodies as may be established by agreement between the council and the Minister". Just a question, does this mean that any bodies that are not established by the Minister and the council, these regional bodies that are designed, that people can take part in them? Or does it say that the only other regional bodies that they would be able to take part in is if the council and the Minister agrees?

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

HON. JAMES WAH-SHEE: Mr. Chairman, this would refer to bodies that may be established by the -- for instance, federal or territorial, if the regional council would like to be in those bodies or want to participate as part of the process. For the land use planning, for instance, if the regional council wanted to assume the responsibility totally or partially or whatever, we wanted to leave it flexible so that the regional councils would have that opportunity.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, what the Minister is relating is the latter part, which is established by agreement between the council and the Minister. It would appear that the Minister and the council would want to have something to say. Say if two of the communities are involved with a particular development in the region of the Liard, for example, and the other communities may not necessarily be involved, but the two communities would want to be, would they have to have the permission of the Minister and the council to be involved in another body?

CHAIRMAN (Mr. Pudluk): Mr. Minister.

HON. JAMES WAH-SHEE: Taking for example the land use planning process, if the regional council wanted to get involved in that area, then it would require an agreement between the council and the Minister. If not all of the communities within that region wanted to get involved in that activity, for instance, out of six communities you have two that want to get involved, it still requires an agreement between the Minister and that council, because it may be that the two communities will get the overall support of the other communities anyway to get into that area. This section here only has to deal with the agreement between the council and the Minister.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 40. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I am still not quite clear. Basically what is being said, then, the council and the Minister would have to agree to let one or two communities take part in a planning process or a different process. Could they not do so unless they got the permission from the Minister and the regional council? I did not want to say that, but that is what I am asking, for clarity. The way the Minister answered, it appears that the Minister and the regional council would have quite a strong hold over a municipality because a municipality might want to do something and they could not, if they belonged to a regional council, without permission of the Minister and the council. It seems to read that way to me.

It is just that, Mr. Chairman, our general area of concern is that there are a lot of bodies that are oftentimes set up that require maybe one or two communities to be involved and maybe not necessarily the whole regional area. The bodies are not necessarily set up by the territorial government, from time to time. I would not want to see a community's involvement not being possible because first of all, the body was not set up or endorsed by the territorial government and the Minister or the regional councils, and the municipality is hindered from taking part because there is no agreement by the Minister and the council that they should take part.

CHAIRMAN (Mr. Pudluk): Thank you, Mr. Minister.

HON. JAMES WAH-SHEE: Mr. Chairman, as I understand it if there is a lack of an agreement between the regional council and the Minister, this does not preclude the possibility of having an agreement with one or two other communities between a Minister and those communities who want to get involved with those planning processes or bodies. That is the way I understand it.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea.

Autonomy Of Community Councils

MS COURNOYEA: Mr. Chairman, the concern I have is that sometimes there is one community council that feels that in some areas that they would have a more direct interest and they would want to take part, and certainly in our region those community councils would like the autonomy, even though they belong to a regional government, to have that ability to make their own decision without asking the permission of the Minister and a regional government council.

CHAIRMAN (Mr. Pudluk): Mr. Wray.

MR. WRAY: Mr. Chairman, a question perhaps for the Law Clerk or for the Minister. Because this section is under the Deh Cho Regional Council this section would then not apply to any other regional council other than the Deh Cho Regional Council. Is that correct?

CHAIRMAN (Mr. Pudluk): I think you had better answer Ms Cournoyea's question first and then Mr. Wray's. Mr. Minister.

HON. JAMES WAH-SHEE: If you have an agreement between the two communities and the Minister -- does not require the permission of the regional council, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. McCallum.

HON. ARNOLD MCCALLUM: Mr. Chairman, when an agreement has been set up between the Deh Cho Regional Council and the Minister, this section enables any or all of the communities listed in subclause 40(1) to participate in the processes of that agreement. That is the way that I read it. So once the Deh Cho Council and the Minister agree to set up a regional process or a body, this subclause 40(2) enables any or all of the communities listed in 40(1) to participate in that particular process. Now, I think we are reading something into it that is not there. This is an enabling section allowing for participation of any or all of the communities, the nine communities that are listed, to participate in the agreement. The agreement is set up first, then nothing is going to prohibit any of those communities from participating in that process.

CHAIRMAN (Mr. Pudluk): Thank you. Clause 40. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I realize that, but in reading it to a certain point it seems to exactly say what Mr. McCallum says, you know, his statement. But in the other part, it says, "by agreement between the council and the Minister". Basically what I am asking is that if there is a regional body that is set up, okay, I understand that. But if there is an opportunity to be involved in another one, say, such as the northern Yukon planning process or development zone, now not every community in our area would be interested in that, but that would have very serious and strong, probably, criteria, what that body is going to do. Does that mean that the community or one or two communities that are involved have to get the permission and the endorsement of the Minister and the regional council to take part in that process and be involved with that process?

CHAIRMAN (Mr. Pudluk): Mr. McCallum.

Clause Deals Only With Deh Cho Regional Council

HON. ARNOLD MCCALLUM: Mr. Chairman, clause 40 deals with the Deh Cho Regional Council. It does not deal with any other of the councils that are set up here, tribal and/or regional. It deals specifically with the Deh Cho Regional Council. If something comes up that is of a concern in the Deh Cho region, as enumerated in 40(1), and that council and the Minister want to set up a body or a process to review, look at it, or study that particular concern, then nothing in 40(2) will prohibit any one of the members of the Deh Cho Regional Council from participating in it. It has nothing to do with anything that may come up in another area or region, it has nothing to do with the Baffin, Kitikmeot, Keewatin or Slavey. It deals with the Deh Cho Regional Council only.

CHAIRMAN (Mr. Pudluk): If they are going to deal with only Deh Cho, I think 40(2) has to say "Deh Cho area" rather than "other communities". Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, I realize that we are trying to accommodate the formation of regional councils, which I support. However, this particular clause was gone through and is included in some of the other regional councils as well. It is a general clause. I for one want to assure you that if the concern that I have is being taken into consideration, I have no more concern. You may say it only relates to that, but certainly in our deliberations on the formation of regional councils, it was clearly stated in almost all the communities that I visited that a regional body must not take away the stronger development of a single council.

Different Concerns In Different Communities

In belonging to a particular regional council, and it does not matter whether it is Deh Cho, but this clause is included in at least one other -- all three of them -- and the general concern I just had was that if a community -- you know, sometimes the regional council will take in areas where you have a difference of living environment. We may in our area have a regional council that has Fort McPherson and Arctic Red involved with it and they may be really concerned about the Dempster highway. Then Tuk may be very concerned about the offshore. So we have strong regional representation in certain areas and I would not want to see ourselves or any other region having to ask the permission of the regional council before they can get involved with something that may not be a concern of all the communities. That is what I am concerned about and it is an honest concern. I do not really care whether it is Deh Cho or anyone else. It could be us next year and that is my concern. I just think that, in dealing at a regional level, it is difficult to have three of the communities out of six really being much concerned about one community that might have a different way of living or might be stuck in a corner. They would have to rely on the Minister, who is not a regional minister but a minister with a lot of broad responsibility, for permission to take a very strong part, and that is what I am concerned about.

The second thing I am concerned about is that the way it is written it is as though by agreement with the council and the Minister these bodies will be set up and those are the only ones we are talking about. It is just maybe the way it is written. Maybe the intention is not there but the way it is written seems to imply that a particular community with particular interests would have to wait for permission from the Minister to release it to take part in other areas of regional concerns or regional decision-making which may not necessarily include some of the other members of that particular council.

CHAIRMAN (Mr. Pudluk): Thank you. This committee will recess until 1:30.

---LUNCHEON RECESS

CHAIRMAN (Mrs. Sorensen): The Chair recognizes a quorum. We are on clause 40, subclause (2). Mr. McCallum.

Motion To Defer Subclause 40(2), Bill 8-83(2), Carried

HON. ARNOLD McCALLUM: Madam Chairman, I wonder if the committee will stand aside subclause 40(2) at this time, because we are attempting to have this section rewritten to more specifically address the concerns that have been raised with this, and quite possibly maybe raised with subclause 49(2). As well, there may be some Members who want to go back and take a look at clause 19, subclause (2); clause 26, sub-clause (2); and clause 33, subclause (2).

Those clauses are similar to subclause 40(2). There are five particular sections of this ordinance that are specific to particular regional and/or tribal councils. So if the committee will stand aside clause 40, subclause (2), we could then go on with the Minister, my colleague Mr. Wah-Shee, to make the amendments that we would have in the following clauses. Then when we finish it, we will go back to these others, if that would be okay.

CHAIRMAN (Mrs. Sorensen): Is the committee agreed?

SOME HON. MEMBERS: Agreed.

---Carried

CHAIRMAN (Mrs. Sorensen): Agreed. We will set aside clause 40, subclause (2), and we will proceed now to clause 41. I believe this has already been passed.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Agreed. All right, then we will move on then to clause 42, non-voting members. Mr. Minister.

Motion To Amend Clause 42, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Madam Chairman, I move that paragraph 42(d) be deleted, and that the semicolon and the word "and" at the end of the paragraph 42(c), be deleted and replaced with a period.

CHAIRMAN (Mrs. Sorensen): The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): All those in favour? Opposed? Carried.

---Carried

Clause 42, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): All right, then, we will move on then to clause 43, regional assembly. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 44, exective. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 45, speaker. Mr. Wah-Shee.

Motion To Amend Subclause 45(1), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Madam Chairman, I move that the words "other than a member of the council" be deleted from subclause 45(1).

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. Wah-Shee. Your motion is in order.

HON. GEORGE BRADEN: Question.

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

---Carried

Clause 45, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 45 is agreed. Clause 46, executive officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 47, scheduling. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Part VI, Dogrib Tribal Council. Clause 48, council established. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Ms Cournoyea, clause 48.

Revert To Clause 47

MS COURNOYEA: Just a clarification on clause 47. It says, "Whenever possible, council meetings shall be scheduled in conjunction with regional assemblies of the Dene Nation." Do we have an opt-in for these regional councils, say this Deh Cho Regional Council, do you have an opt-in for that, and if some municipalities wanted to join it, is that possible?

CHAIRMAN (Mrs. Sorensen): Mr. Minister.

HON. JAMES WAH-SHEE: Opting in or out?

MS COURNOYEA: In.

HON. JAMES WAH-SHEE: Oh.

CHAIRMAN (Mrs. Sorensen): Mr. Minister, do you have a response to that?

HON. JAMES WAH-SHEE: I have a question. Do you mean, can other communities other than those mentioned under 41(1), do you mean that those communities that are not mentioned, can they opt in?

CHAIRMAN (Mrs. Sorensen): Ms Cournoyea.

MS COURNOYEA: The question, Madam Chairman, was in 41(1), we have basically a make-up of a council that is made up of Dene. There does not appear to be any representation from municipalities in that area, and if a municipality wanted to opt in, is that possible? A hamlet council, a settlement council?

CHAIRMAN (Mrs. Sorensen): Ms Cournoyea, in 41(1)(d), we have the mayor of Fort Simpson included, and it appears to be the only municipality in that region. Mr. Wah-Shee, do you have a response?

HON. JAMES WAH-SHEE: Yes. The municipalities, where you do have municipalities, we do mention them. As for the case of the chairperson of the settlement council of Fort Providence for instance, and the mayor of Fort Simpson, under subclause 3(2), the one that I amended at the very beginning, 3(2), if the council passes a resolution they can appoint such other persons as voting or non-voting members of a council. This would be the means by which new councils can join the council. So there is a means by which other municipalities can join the Deh Cho Regional Council.

CHAIRMAN (Mrs. Sorensen): Ms Cournoyea.

MS COURNOYEA: It is perhaps my inability to connect certain areas of this legislation, so I hope, Madam Chairman, they have some patience with me. I am reading in subclauses 4(a)(b) and (c), the general make-up of a council, and when we go to 41(1), it says "Notwithstanding paragraph 4(a) and (b), the following persons are voting members of the council". It is just not clear to me whether 41(1) also includes the mayors of the municipalities in this area, if there is a mayor of a municipality; it does not say the voting members include the mayors of municipalities and chairpersons of settlement councils located in the region. It does not say that, it just says notwithstanding and then it goes on to list the chief and one other band councillor of Liard, Hay River Dene reserve, subchief of Jean Marie River, Kakisa, the Nahanni Butte and Trout Lake, the chief of Fort Providence, the mayor of Fort Simpson, and the chief of Fort Simpson band. I guess

maybe I am not quite clear if some of the other areas have municipalities, but in terms of the Hay River Dene reserve, then I would presume that Hay River is not included in that regional council. So if they wanted to be, could they be?

CHAIRMAN (Mrs. Sorensen): Mr. Minister.

HON. JAMES WAH-SHEE: Madam Chairman, there are only two municipal councils within the Deh Cho area, which are Fort Providence and Fort Simpson. There are no other municipal councils within that region.

CHAIRMAN (Mrs. Sorensen): Ms Cournoyea.

MS COURNOYEA: The question, Madam Chairman, was then, if the Hay River Dene reserve is right next, close to the Hay River council, what is the process of Hay River if they choose to be involved in that regional council?

CHAIRMAN (Mrs. Sorensen): Mr. Minister.

HON. JAMES WAH-SHEE: If the municipality of Hay River wanted to join the Deh Cho Regional Council, then it would require a resolution of the Deh Cho Regional Council. Then the matter would go before the Minister of Local Government who in turn would require an amendment to this ordinance.

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. Minister. We are dealing with clause 47, points of clarification. Can we move on?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 48, council established. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 49, Dogrib region. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 50, voting members. Mr. Minister.

Motion To Amend Paragraph 50(1)(a), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Madam Chairperson, I move that the word "chief" be deleted where it appears in the second line of paragraph 50(1)(a) and that the words "band council" be substituted.

CHAIRMAN (Mrs. Sorensen): Your motion is in order.

HON. KANE TULOGANAK: Question.

CHAIRMAN (Mrs. Sorensen): To the motion.

MR. MacQUARRIE: Question.

CHAIRMAN (Mrs. Sorensen): Question. All those in favour? The motion has been carried.

---Carried

Mr. Minister.

Motion To Amend Paragraph 50(1)(f), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I further move that the word "chief", where it appears in the second line of paragraph 50(1)(f) be deleted and that the words "band council" be substituted.

CHAIRMAN (Mrs. Sorensen): Your motion is in order. To the motion.

HON. KANE TOLOGANAK: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

Mr. Minister.

Motion To Amend Subclause 50(2), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I further move that the words "may designate some other person from the band council or hamlet council" be deleted from subclause 50(2) and the following words be substituted: "may designate, in writing, some other person from the band, settlement or hamlet council, as the case may be, or, if the voting member is a person elected by the members of the settlement of Snare Lake, the person receiving the next highest number of votes who is able to act in the place of the voting member".

CHAIRMAN (Mrs. Sorensen): The motion is in order, Mr. Wah-Shee. To the motion.

SOME HON. MEMBERS: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion is carried.

---Carried

Mr. Wah-Shee.

Motion To Add New Subclause (3), Clause 50, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I further move that the following subclause be added immediately after subclause 50(2): Marginal note, "Chairperson to be notified", "(3) Where a voting member designates another person to act in his place under subsection (2), he shall notify the chairperson in writing of such designation."

CHAIRMAN (Mrs. Sorensen): Your motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion is carried.

---Carried

Clause 50, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 51, non-voting members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 52, executive. Mr. Minister.

Motion To Amend Subclause 52(5), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Madam Chairman, I move that the following words be added immediately after the word "designate" in the fourth line of subclause 52(5): "in writing, notification of which shall be given to the chairperson in writing".

CHAIRMAN (Mrs. Sorensen): Your motion is in order, Mr. Wah-Shee. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

Clause 52, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mrs. Sorensen): Clause 53, chairperson to be elected. Mr. Wah-Shee.

Motion To Amend Clause 53, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I move that subclause 53(6) be renumbered as subclause 53(7), and that the following subclause be added immediately after subclause 53(5): Marginal note, "Deputy chairperson may be appointed", "(6) Notwithstanding subsection (5), where the chairperson is elected by acclamation, the following members shall appoint a person who is eligible for election as chairperson, to be deputy chairperson."

CHAIRMAN (Mrs. Sorensen): The motion is in order. To the motion.

AN HON. MEMBER: Point of order.

CHAIRMAN (Mrs. Sorensen): Mr. MacQuarrie, point of order?

Motion Reworded

MR. MACQUARRIE: That is just an error in the reading there. It is "the voting members shall appoint a person", and I believe the Minister said "the following members". I would just ask him to clarify his intention.

CHAIRMAN (Mrs. Sorensen): Mr. Wah-Shee.

HON. JAMES WAH-SHEE: That is correct, Madam Chairperson, I should have said "the voting members".

CHAIRMAN (Mrs. Sorensen): We are dealing then with a new subclause 53(6), which will say, "Notwithstanding subsection (5), where the chairperson is elected by acclamation, the voting members shall appoint a person who is eligible for election as chairperson, to be deputy chairperson." The motion is in order.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question is being called. All those in favour? Opposed? The motion has been carried.

---Carried

To clause 53 as amended. Agreed? Do I hear agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mrs. Sorensen): Clause 54, appointment of executive officer. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 55, location of meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 56, quorum. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Part VII, miscellaneous. Clause 57, repeal. Mr. Minister.

Motion To Renumber Clauses 57 And 58 And Add New Clause 57, Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Madam Chairman, I move that clauses 57 and 58 be renumbered as clauses 58 and 59 respectively, and that the following clause be added to "Part VII, miscellaneous" immediately before clause 58: Marginal note, "Regulations", "57 The Commissioner, upon the recommendation of the Minister, may make regulations governing a plebiscite held pursuant to subsection 3(3)."

CHAIRMAN (Mrs. Sorensen): The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question is being called. All those in favour? Opposed? The motion has been carried.

---Carried

Clause 57, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 58, repeal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Clause 59, coming into force. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Does the committee wish to go back to clause 40, subclause (2)? You remember it was deferred.

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Do we have the amendments ready, Mr. Minister, on clause 40, subclause (2)? Mr. Minister, would you read the amendment, please?

Motion To Amend Subclause 40(2), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Madam Chairperson, I move that subclause 40(2) be deleted and the following substituted: Marginal note, "Other communities", "(2) Subsection (1) shall not be construed to (a) prohibit the council from entering into relations with other communities, whether organized or unorganized, or (b) to preclude the involvement of the communities named in subsection (1) in such regional planning processes or bodies as may be established by agreement between the council and the Minister."

CHAIRMAN (Mrs. Sorensen): Your motion is in order. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you. I am not clear that I see any change in that at all, other than that you have added an (a) and a (b). Did I miss something else?

CHAIRMAN (Mrs. Sorensen): Mr. Minister.

HON. JAMES WAH-SHEE: There are further amendments coming forward, Madam Chairperson.

CHAIRMAN (Mrs. Sorensen): Perhaps, Mr. Minister, you could include it all in one and we will have a better idea of the full amendment to this section. Would you read the second part as well then?

HON. JAMES WAH-SHEE: There are separate motions going forward.

CHAIRMAN (Mrs. Sorensen): Could you read both of them and then we will go back to the first one and approve that and then go -- I am aware that Members do not have a copy of this and so they are not fully apprized of what the entire amendment is. But we will take it amendment by amendment once you have gone through the whole thing.

Motion To Add New Subclause 40(3), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Madam Chairperson, I further move that the following subclause be added immediately after subclause 40(2): Marginal note, "Powers of community retained", "(3) A community named under subsection (1) retains any power it has, prior to the coming into force of this ordinance, to enter into relations with any other community named in subsection (1) or any other community, whether organized or unorganized, or any body or to participate in any process or body notwithstanding its membership in the council."

CHAIRMAN (Mrs. Sorensen): Is that all right, Mr. MacQuarrie? You have an idea now? Okay. We will proceed then to the first motion, which is subclause 40(2) be deleted and the substitution which has already been read. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

To the second motion on new subclause 40(3). The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour of the motion? Opposed? The motion has been carried.

---Carried

Clause 40 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Is there agreement then to go back to clause 19?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Mr. Minister.

HON. JAMES WAH-SHEE: Madam Chairperson.

CHAIRMAN (Mrs. Sorensen): Mr. Minister, it is all right to call me Mr. Chairman. I know it is difficult.

HON. ARNOLD McCALLUM: Close your eyes.

---Laughter

I mean, there is a difference.

HON. JAMES WAH-SHEE: I do not have my glasses on. Shall I read the...?

CHAIRMAN (Mrs. Sorensen): Mr. Minister, if you could read the whole thing through. Members do not have a copy and if they could get a sense of the whole amendment and then we will deal with each section as it is listed in the paper.

Motion To Amend Subclause 19(2), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that subclause 19(2) be deleted and the following substituted: Marginal note, "Other communities", "(2) Subsection (1) shall not be construed to either (a) prohibit the council from entering into relations with other communities, whether organized or unorganized, or (b) to preclude the involvement of the communities named in subsection (1) in such regional planning processes or bodies as may be established by agreement between the council and the Minister."

CHAIRMAN (Mrs. Sorensen): Proceed, Mr. Wah-Shee, to the next one.

Motion To Add New Subclause 19(3), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I further move that the following subclause be added immediately after subclause 19(2): Marginal note, "Powers of the community retained", "(3) A community named in subsection (1) retains any power it has, prior to the coming into force of this ordinance, to enter into relations with any other community named in subsection (1) or any other community, whether organized or unorganized, or any body or to participate in any process or body notwithstanding its membership in the council."

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. Wah-Shee. The first motion on subclause 19(2), the motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been adopted.

---Carried

To the second motion on subclause 19(3). To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

--Carried

To the clause 19 as a whole, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): We will move then to go to clause 26 on page 11. Is it agreed that we move to clause 26?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): We will follow the same process, Mr. Wah-Shee, if you could read the entire amendment.

Motion To Amend Subclause 26(2), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: I move that subclause 26(2) be deleted and the following substituted: Marginal note, "Other communities", "(2) Subsection (1) shall not be construed to (a) prohibit the council from entering into relations with other communities, whether organized or unorganized, or (b) to preclude the involvement of the communities named in subsection (1) in such regional planning processes or bodies as may be established by agreement between the council and the Minister."

Motion To add New Subclause 26(3), Bill 8-83(2), Carried

I further move that the following subclause be added immediately after subclause 26(2): Marginal note, "Powers of community retained", "(3) A community named in subsection (1) retains any power it has, prior to the coming into force of this ordinance, to enter into relations with any other community named in subsection (1) or any other community, whether organized or unorganized, or any body or to participate in any process or body notwithstanding its membership in the council."

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. Wah-Shee. The amendment to subclause 26(2) is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

To subclause 26(3), the amendment is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

To clause 26 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Permission now to go to clause 33 on page 14. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Mr. Minister.

Motion To Amend Subclause 33(2), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that subclause 33(2) be deleted and the following substituted: Marginal note, "Other communities", "(2) Subsection (1) shall not be construed to (a) prohibit the council from entering into relations with other communities, whether organized or unorganized, or (b) to preclude the involvement of the communities named in subsection (1) in such regional planning processes or bodies as may be established by agreement between the council and the Minister."

Motion to Add New Subclause 33(3), Bill 8-83(2), Carried

I further move that the following subclause be added immediately after subclause 33(2): Marginal note, "Powers of community retained", "(3) A community named in subsection (1) retains any power it has, prior to the coming into force of this ordinance, to enter into relations with any other community named in subsection (1) or any other community, whether organized or unorganized, or any body or to participate in any process or body notwithstanding its membership in the council."

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. Wah-Shee. Your amendments are in order. To subclause 33(2), to the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

Subclause 33(3). The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

To clause 33 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Permission now to move to clause 49 on page 19. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Mr. Minister.

Motion To Amend Subclause 49(2), Bill 8-83(2), Carried

HON. JAMES WAH-SHEE: Mr. Chairman, I move that subclause 49(2) be deleted and the following substituted: Marginal note, "Other communities", "(2) Subsection (1) shall not be construed to (a) prohibit the council from entering into relations with other communities, whether organized or unorganized, or (b) to preclude the involvement of the communities named in subsection (1) in such regional planning processes or bodies as may be established by agreement between the council and the Minister."

Motion To Add New Subclause 49(3), Bill 8-83(2), Carried

Mr. Chairman, I further move that the following subclause be added immediately after subclause 49(2): Marginal note, "Powers of community retained", "(3) A community named in subsection (1) retains any power it has, prior to the coming into force of this ordinance, to enter into relations

with any other community named in subsection (1) or any other community, whether organized or unorganized, or any body or to participate in any process or any body notwithstanding its membership in the council."

CHAIRMAN (Mrs. Sorensen): Your amendment is in order. To subclause 49(2); to the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

Subclause 49(3). The motion is in order. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question has been called. All those in favour? Opposed? The motion has been carried.

---Carried

To clause 49 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): We will go back to page two. Clause 1, short title. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): The bill as a whole as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Do you recommend that Bill 8-83(2) is ready for third reading as amended? Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

---Applause

Report Of The Standing Committee On Rules And Procedures

CHAIRMAN (Mrs. Sorensen): To the next item on the orders of the day, which is the Report of the Standing Committee on Rules and Procedures. You will find a copy of the rules and procedures either on your desk or in your accordion binder underneath your desk. Do all Members have copies of the rules?

It is the plan of the Chair to proceed through the rules as we do through an ordinary bill. First, if it is agreeable to the committee we would have opening remarks from the chairman, general comments from Members and then proceed to Rule 1 and on through to the end of the document. Is that agreeable to the committee?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Mr. McLaughlin, do you have any opening remarks?

MR. McLAUGHLIN: Thank you, Madam Chairman. Just to make it clear to Members, when dealing with the rules the committee's main attempt was to clarify existing rules and to add new rules which introduced into our rules concepts or procedures that currently do take place in the Assembly which were not in the rules before. This is just to allay any Member's fears that there was any attempt by the committee to set the Assembly up for party rule or to allow the Executive Committee to assume powers away from ordinary Members, or to allow ordinary Members to achieve a power which would allow one Member to hold up the due process of the government. So basically we were doing a house cleaning and an updating and a bit of a modernizing of our rules. There is one other thing I would like to mention at this time, because it does affect the rules of this Assembly.

As you are aware, Madam Chairman, the Northwest Territories Act governs this Legislative Assembly and currently there is a draft bill before the House of Commons which was introduced on June 15, 1983, entitled "Proposals to correct certain anomalies, inconsistencies, archaisms and errors and to deal with any other matters of a non-controversial and uncomplicated nature in the statutes of Canada." The purpose of this -- it is a sort of omnibus legislation dealing with many of the different acts and statutes of our federal government which are non-controversial, and there is all-party agreement that they should fly through the Commons. They are basically federal housekeeping clean-ups.

One thing that apparently is in the draft bill and I have not been able to get a hold of it yet, but one amendment does recognize that the seat of government is no longer in Ottawa but is in the Northwest Territories. So that is one thing that is already in there and the Leader of the Elected Executive, Mr. Braden, and I will have a few motions relevant to this federal legislation as it affects our rules -- when we can hold our sessions, and what a quorum is in our Assembly -- with the idea that we will be able to get all-party consent in the House of Commons in these areas.

So if Members would agree, I would suggest that we proceed with the rules first and then at the conclusion of going through the rules, Mr. Braden and myself will introduce a couple of motions relevant to the legislation in Ottawa which will allow future Assemblies to have more control over when they hold their sessions, where they hold them and what a quorum should be. Thank you, Madam Chairman.

CHAIRMAN (Mrs. Sorensen): Is the committee agreed to the proposal that Mr. McLaughlin has put forward that at the end of the rules he will provide some amendments?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Are there any other general comments? Mr. McLaughlin, you had your hand up again; did you want to say any more?

MR. McLAUGHLIN: I just wanted to say we were not going to introduce amendments, we were just going to introduce motions asking the federal government to make some amendments to the Northwest Territories Act.

CHAIRMAN (Mrs. Sorensen): Ms Cournoyea, you have general comments?

MS COURNOYEA: Just one suggestion. When we first came here, I read up on the rules and then in being here for a while we have broken so many rules, particularly in procedures, I wonder if as we are going through them, if the special notation we are going through is the same and not changed, could the chairman indicate that there has been a change or no change or what the change is?

CHAIRMAN (Mrs. Sorensen): If the word "new" does not appear in the left hand margin, it is the same rule as we have had in the past. For instance, on page two you will see that 2(f) is new, as well as 2(g). Ms Cournoyea.

MS COURNOYEA: Just a clarification. When it is new that means there has not been anything that has been replaced.

CHAIRMAN (Mrs. Sorensen): Mr. McLaughlin, would you like to clarify that?

MR. McLAUGHLIN: Whenever we put a new rule in or changed an existing rule we indicated that by putting "new" beside it.

CHAIRMAN (Mrs. Sorensen): Ms Cournoyea.

MS COURNOYEA: I guess then to the original point, I am no longer familiar with what the rules were, but I mean if there was significant change when "new" was there, something else was there previously, could you indicate what the change was from the old to the new?

CHAIRMAN (Mrs. Sorensen): I would suggest then that Members get out their rules book, which you have at your desk, and follow along with that; and Mr. McLaughlin, since he is very familiar with the rules, will help us out as we go along on that. All right, are there any general comments? Rule 1, general rule. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 2. Mr. McLaughlin, could you indicate whether (f) and (g) are replacements or new?

MR. McLAUGHLIN: These are both new. The Law Clerk was not in the definitions before and "minister" is a terminology that was not in existence when the rules were made up seven or eight years ago.

CHAIRMAN (Mrs. Sorensen): Rule 2, definitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 3, sittings, page five. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 4, statutory holidays, page six. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 5, evening adjournment, page seven. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 6. Mr. McLaughlin.

Quorum Will Be A Majority

MR. McLAUGHLIN: Actually, in this particular case, there was going to be a change, at one stage we had put in that the majority should be 13 because of the new Members, but then we realized that there are situations, like happened with Mr. Noah -- he resigned, then the quorum did change from 12 to 11 in that case. So we thought that the naming of a number would be a mistake, so in actual fact the rule has a similar intent; a quorum will be a majority.

CHAIRMAN (Mrs. Sorensen): Rule 6, quorum. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 7, Mr. McLaughlin.

MR. McLAUGHLIN: I did indicate that we would let Members know which ones were new and actually Rules 6(4) and (5) are new. All that was, was a way of describing what should happen if you lose a quorum and what the chairman and Speaker should do. We had it covered if we did not have a quorum to start a meeting, but we did not have rules that covered the situation -- what happens if you lose a quorum at any stage? So that gives direction to the chairman or Speaker as to what they should do if they lose a quorum.

CHAIRMAN (Mrs. Sorensen): Rule 6, adjournment for want of quorum at time of daily sitting. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 7, motion to continue sittings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 8. Mr. McLaughlin.

MR. McLAUGHLIN: I believe that the existing rule, in that case, did not list as many reasons for having to select a new Speaker.

CHAIRMAN (Mrs. Sorensen): Rule 8, Speaker to be elected. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 9. Mr. McLaughlin.

MR. McLAUGHLIN: I cannot even remember all these changes. The change in Rule 9 limits the Speaker from taking part in debate before the Assembly, and it says that he shall not take part in any debate before the Assembly.

CHAIRMAN (Mrs. Sorensen): Mr. MacQuarrie.

Motion To Amend Rule 9 Of The Rules Of The NWT Legislative Assembly

MR. MacQUARRIE: Thank you very much, Madam Chairman. I would like to propose an amendment to Rule 9. I would first amend 9(1) by adding these words after the word "Assembly", "when it is in formal session", and then I would move a further amendment to add "(3)" after (2) and the substance there would be "(3) The Speaker may participate, as a private Member, in the business of the committee of the whole."

CHAIRMAN (Mrs. Sorensen): Do you have a copy of that, Mr. MacQuarrie? The first amendment is to Rule 9(1), and it adds the words after "Assembly", "when it is in formal session", so that Rule 9(1) as amended would read, "The Speaker shall not take part in any debate before the Assembly when it is in formal session." To the amendment. Mr. MacQuarrie.

Preventing Effective Representation

MR. MacQUARRIE: Thank you, Madam Chairman. The purpose of this amendment is to distinguish between the business that takes place in this House formally when the Speaker is in the chair. The intent of the amendment is that I would agree that on those occasions he should not participate in debate and that, as it says in Rule 9(2), he should be entitled to vote only where there is a tie. The two amendments are linked, so I will speak to them both if I may at this time.

The other part is that I would like to distinguish between formal session and committee of the whole and it is my opinion that the Speaker should be entitled, if he wishes -- you will note that the wording I have is permissive and not obligatory, "the Speaker may participate". The reason I want to see that included is that I believe that in a consensus House such as we have, that if we were to pass this rule we would be effectively preventing one of the 24 constituencies in the next Assembly from having effective representation. We would be preventing the elected representative from speaking to issues that might be of very deep concern to that constituency.

Now, I recognize that in the federal parliament, for example, the Speaker does not participate at all, but I would also remind Members that that House operates on a party system and by informal agreement, the party will see that if there are particular concerns in the Speaker's constituency that need addressing, that the party will address them one way or the other. We have no such assurance here. It is a consensus House and it appears that it will continue to be a consensus House through the next election.

Consequently, I think we would be doing a very wrong thing to say that the Speaker simply cannot represent his constituents on issues that are of concern to those constituents. By making the wording permissive, whoever is elected as Speaker may, if he wishes, out of prudence decide not to participate in most matters in committee of the whole, but still has the option when it is important to do so. I would want to leave him with that option.

I also suggest that if we were to pass this, we might find it very difficult to name a Speaker in the next Assembly because I think very seldom does any politician run specifically telling his constituents that, "If I am elected I am going to be the Speaker." If he does not do that, of course, his constituents have sent him expecting that he will speak on behalf of their concerns. So feeling that obligation, many Members will simply say, "Well, I cannot accept that position if I am totally barred from representing my constituents." I would urge Members to support this amendment. To show that I mean what I say, I would invite the Speaker to come to the committee of the whole now to participate in this debate if he should choose to do so. I feel that he would have every right to do so.

CHAIRMAN (Mrs. Sorensen): Do you hear that, Mr. Speaker? Thank you, Mr. MacQuarrie. You have rightly pointed out that the two amendments are linked, so I will read the second amendment that you have made and I will invite Members to speak to both amendments as they have been presented. The first one I have read; the second one is to create a new Rule 9(3) and that would say, "The Speaker may participate as a private Member in the business of the committee of the whole." Do we have any other Members who wish to speak to this amendment? Mr. Patterson.

Speaker's Access Could Be Through Executive Committee

HON. DENNIS PATTERSON: Thank you, Mr. Chairman. While I respect what Mr. MacQuarrie has said and while I believe there is some merit in that, I think that it is probably no secret and the Speaker would not mind it being noted that in fact it was on his recommendation that this rule change is proposed. I think that the present Speaker feels that it is time that the Office of the Speaker in the Northwest Territories evolved to that of something more independent from the thrust and parry of the House. I believe also that our Speaker feels that there can be alternative means devised, through which he or she could have access to shaping government policy, namely through the Executive Committee. I would also say to Mr. MacQuarrie that if, indeed, when the new caucus meets in the 10th Assembly, it is found, as it may be found, that Members are not willing to take the Speaker's job on these terms, why then it is a very simple matter to amend the rules of the House. That could be done with the agreement of the majority of caucus on the first or second day the house is in operation.

So I think that in speaking against the amendment, I would say that I do so out of respect for our current Speaker and his strong feelings on this matter. Also, observing that it may well be that a new Speaker or a new Speaker candidate, or a new Assembly might well feel differently -- but I respect his wishes in this regard, and so I would like to see how it would work out. I think we have had Speakers who have been very active in this House in the past and maybe it is time to try a

different approach with the larger House. So not without some reservations, I will vote against the amendment and look forward to seeing how this new rule turns out. I think it all depends on the kind of safeguards that we can adopt as a government to ensure that the Speaker has some other effective means of addressing his constituents concerns, and indeed I think that is how it does work in the federal parliament. The Speaker, I am certain, has special access to the cabinet which is a significant advantage, and is given special consideration in that regard. I do not see why, even in a consensus government, the Speaker could not be given the same special privileges by the government.

I suppose as a Member of the Executive now, I would say that I see nothing inappropriate in this at all, and if I am involved again I would ensure that the Speaker would have an access that way, if he did not have the public access by virtue of this rule. Of course, Mr. MacQuarrie does not mention that the rule does present at least the opportunity for one kind of conflict, namely the Speaker having to rule on a challenge to a motion that he might well have become involved in, or even have made in committee of the whole. That of course would lead to a very unusual situation. I cannot even imagine how that would be resolved; maybe it would be a mini-constitutional crisis. But there is that problem which Mr. MacQuarrie's amendment could give us. So there is another side to it and I, after thinking about it, I have decided to vote against the amendment. Thank you.

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

HON. GEORGE BRADEN: Thank you, Mr. Chairman. I do not accept the amendments to the rules made by Mr. MacQuarrie. I think it is time that we take a firm step toward establishing that there is one position in this Legislature where we are going to give a lot of trust and respect to, and that one of the conditions or factors is that that particular position, the individual in it, is not allowed to participate in debate. Now, in respect of the current Speaker, I do not think I am breaking any confidence by saying that just shortly after he took his post, he and I and a couple of other Executive Members had a talk about ways in which he could address constituency issues with us as opposed to having to go through the newspapers or the floor of the Legislative Assembly. Now, I suppose if he were here, I am not quite sure what he would say his batting average would be, but we have tried to accommodate and give consideration to the issues that he has raised that he thinks are important.

I suppose some of Mr. MacQuarrie's arguments could be made in respect of Ministers. There is a lot of times, Madam Chairman, when Yellowknife oriented issues come up or decisions are made by the Executive Council which I do not particularly agree with, but I am not allowed because of cabinet solidarity on many issues to say publicly, "Well, I do not agree with the rest of these guys in the Executive Council and I am going to state my case publicly." I guess there comes a time when you have to weigh the trade-offs of the positions. Maybe that is a lousy argument; I do not know.

MR. MacQUARRIE: Yes.

HON. GEORGE BRADEN: Thank you, Mr. MacQuarrie. He says it is a lousy argument. But I do not agree with the amendments. I think we should vote them down.

CHAIRMAN (Mrs. Sorensen): To the amendment. Mr. MacQuarrie.

Feelings Of Present Speaker Should Not Be Allowed To Affect Future Speaker

MR. MacQUARRIE: Needless to say, I would hope that Mr. Braden and particularly Mr. Patterson would change their minds and support the amendment. To Mr. Patterson I would have to say that if his vote is based on respect for the Speaker, I would remind him that I was the Speaker at one time too and I feel equally as strongly about this. So I really wish you would consider changing your mind because there are other reasons as well that can answer some of the concerns that were raised.

Again, I remind you that any Speaker chosen may remain aloof if that is what he chooses to do. This does not compel him to become embroiled and out of prudence he may sit the whole four years and say nothing. That is between him and his constituents, but I do not think that this Assembly should be involved in arbitrarily denying his constituents an opportunity to be heard. I would say as well that no matter how strongly the present Speaker may feel about this matter, surely we cannot do something that would bind a future Speaker. We must not, no matter if we know that he is a very accomplished politician and if he runs will very possibly return to this House, and if he does return to the House, will very possibly become the Speaker again, but we cannot assume that, and we must not allow the strong feelings of the present Speaker to determine the conduct of a future Speaker.

I have no difficulty with the matter that was raised I think by both Mr. Patterson and Mr. Braden, and that is that you may have a problem where the Speaker has participated in a matter in committee of the whole, and later is asked to make a procedural ruling, and I remind Members about that, that it would be a "procedural" ruling. If the Speaker is asked to make a procedural ruling, it is not an arbitrary matter. It is not an emotional matter. The Speaker is compelled to justify his ruling. He has to make his rulings in the first place, and to justify them on the basis of House rules and precedents with advice from the Clerks. If we want to make some assumptions I say that it would be better to assume that a Speaker would be honourable and do so, if that was the position that he found himself in. Of course, if he did not, if it was so evident that he had not done so, but rather used his position in order to effect something that he could not effect otherwise, then the Assembly as a whole could take action to deal with that, and that would be to remove him as Speaker. So it does not really concern me. I do believe that it is possible for an honourable person to be engaged in debate, and yet when it comes to a matter of rules, to make a ruling which may not even be to his own benefit if it is, in fact, a matter that is obvious in the rules or in precedence. So the odd occasion that any such conflict might occur is of small consequence to me when I compare it with the consequences of arbitrarily denying people in a part of this territory from having direct representation in this Assembly.

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. MacQuarrie. To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mrs. Sorensen): Question being called. The amendment we are dealing with is to Rule 9(1) to add "when it is in formal session" after the word "Assembly" and a new section to Rule 9 named Rule 9(3) which states, "The Speaker may participate as a private Member in the business of the committee of the whole." To the motion. Ms Cournoyea.

Remuneration For Speaker

MS COURNOYEA: I would just like to have a clarification. When we had a discussion in regard to the Speaker's role previously and the position that Mr. Stewart took in regard to his feeling about how one should act as a Speaker, did we not decide to upgrade the compensation for the job to take into consideration that there would be more work to it and probably the Member taking the position would have to spend a little bit more time away from his constituency? I realize as well for the Members who take a role as a Minister, their normal job function is a broader one than for some ordinary Member such as myself, and the responsibilities are certainly a lot greater. Trying to be all-encompassing is a job that some of the Ministers have to work under but the compensation comes as a full-time job and I was just wondering whether someone could clarify whether we had upgraded the salary, or what the position of that is at this time for the job of the Speaker who is going to be taking on these added responsibilities and maybe some restrictions in his activities, in being able to speak out?

CHAIRMAN (Mrs. Sorensen): Mr. McCallum, you are on the Management and Services Board. I know that that question was discussed. Do you wish to enlighten the committee on that?

HON. ARNOLD McCALLUM: Mr. Chairman, I am not sure whether I can indicate to the Member anything definitive. It is something that the Management and Services Board has been looking at in terms of increased remuneration. The Speaker has access to accommodation while he is here and that is nothing new. That has been in effect for some time. I cannot tell the Member exactly what the remuneration is simply because I do not know. I guess we could get the figures; it is something that we definitely have. I know that there is an allowance that is paid to him over and above the indemnity for the position of Speaker; also the positions of Deputy Speaker and deputy chairman of committee of the whole, they get an extra amount of money for that position. Now, I cannot indicate the amounts, that could be very well taken, but the Management and Services Board is trying to give the position of Speaker an increased amount of dignity, if I may use that term, and in so doing, to try to enhance the position much in the manner that Mr. Braden referred to. I do not think that we have come to any finalization of what we would do but that is about as much as I can say.

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. McCallum. I believe that the remuneration for the Speaker and the Deputy Speaker and the deputy chairman of committee of the whole is in the Council Ordinance, and that ordinance has not yet been amended so the old rates apply right now. I believe it is \$6000 for the Speaker in addition to his regular salary and then it is in descending order from there with respect to the Deputy Speaker. Mr. McLaughlin, you had your hand up. Do you wish to speak?

MR. McLAUGHLIN: I was just going to point out that it is \$6000 for the Speaker, \$4000 for the Deputy Speaker and \$3000 for the deputy chairman of committee of the whole.

AN HON. MEMBER: Question.

AN HON. MEMBER: Recorded vote, please.

CHAIRMAN (Mrs. Sorensen): Do we have any further questions? I heard question and recorded vote. Mr. MacQuarrie?

MR. MacQUARRIE: I feel so strongly about it, a couple of other points have come to my mind and I would like a chance to say them. This has been a House that has not operated along conventional lines. Members have prided themselves in that and I really see no reason for moving to do things the way they are done somewhere else just because they are done somewhere else. You cannot confer dignity on anybody. That always has to be earned, and I think that by maintaining what has been the practice of this House until the present Speaker took the chair that we have nothing to fear from that at all.

As to impartiality, I would remind Members that in the rules that are before us they are willing to give the Speaker a vote. All right, without saying a word, if the Speaker is ever called upon to vote, you could say he destroys his impartiality with respect to whatever issue he finally had to vote on. A similar matter to that may arise a week from that time or two weeks from that time. All right, is his credibility destroyed because he voted one way or the other? I say no. Again, when he is called upon to make a procedural ruling we can expect that he will do it in accordance with the rules and in accordance with precedents. For those Members particularly who are wavering, I would very much urge you to support the amendment.

CHAIRMAN (Mrs. Sorensen): Mr. McCallum.

HON. ARNOLD McCALLUM: Madam. Chairman, just one comment. I was not referring to the business of conferring dignity on an individual. I was talking about trying to enhance the dignity of the position of the Speaker, and I think there is a distinct difference. I have no quarrel with the concept that you do not confer dignity on an individual, but I think you do with a position, so I think that the comments that Mr. MacQuarrie made -- that is good.

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. McCallum. Are we ready for the vote on the amendment?

AN HON. MEMBER: Question.

Motion To Amend Rule 9 Of The Rules Of The NWT Legislative Assembly, Defeated

CHAIRMAN (Mrs. Sorensen): Question has been called, a recorded vote has been requested. All those in favour of the amendments please rise.

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

CHAIRMAN (Mrs. Sorensen): Opposed?

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Patterson, Mr. Tologanak, Mr. McCallum, Mr. Wah-Shee, Mr. Braden, Mr. McLaughlin.

CHAIRMAN (Mrs. Sorensen): Abstentions?

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Arlooktoo, Ms Cournoyea, Mr. Wray.

CHAIRMAN (Mrs. Sorensen): The amendment has been defeated.

---Defeated

MR. MacQUARRIE: Can I hear what the vote was, please?

CHAIRMAN (Mrs. Sorensen): That means I have to count it up. The vote is one in favour, six against, and three abstentions. Rule 9. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 10, Deputy Speaker to act. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 11, Deputy Speaker to be elected. Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Madam Chairman. The section here in the rules deals with the position of Deputy Speaker, just showing how he should be selected and what his term of office is and that he should be replaced for similar reasons to the Speaker being replaced, which was not in the text of the previous rules. It was left up to our present practice. So we are just clarifying that the Deputy Speaker is selected in a similar manner to the Speaker, and has the same term of office.

CHAIRMAN (Mrs. Sorensen): Rule 11. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Rule 12, Commissioner seated with the Assembly in committee of the whole. Mr. Braden.

Commissioner Seated With Assembly In Committee Of The Whole

HON. GEORGE BRADEN: Just so that I am on the record like some other Members seek to be, I suppose I would say that we should be sufficiently committed enough to not have the Commissioner sit in committee of the whole. I really do not think, in terms of this Legislature anyway, he is really needed much in committee of the whole any more. Perhaps the next group may want to give this issue some thought, and if they choose to remove the Commissioner from committee of the whole, that is their choice. On the other hand, they may want to leave him there for a while. So I just wanted to make that point. I will vote in favour of this rule.

CHAIRMAN (Mrs. Sorensen): Thank you, Mr. Braden. Ms Cournoyea?

MS COURNOYEA: Madam Chairman, I kind of agree with the honourable Member. However, I am just a little bit worried, if we take it out, what will Nick Sibbeston have to fight about when he comes back next term?

---Laughter

CHAIRMAN (Mrs. Sorensen): Rule 12. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I too agree with the previous Members. I think particularly with the changes in recent months that have stripped the Commissioner of almost all of his departmental responsibilities, that this rule is quickly going to become an anachronism, if it is not already, but I too would be content to let the 10th Assembly take that step and with any luck I will be there. Thanks.

CHAIRMAN (Mrs. Sorensen): Rule 12. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mrs. Sorensen): Is it the wish of the House that we take a coffee break? We will take a 15 minute coffee break.

---SHORT RECESS

CHAIRMAN (Mr. Pudluk): The Chair recognizes a quorum now. We are on Rule 13. Mr. McLaughlin.

Order And Decorum

MR. McLAUGHLIN: It is actually Rule 13(2) that is new and mostly what this does is describe Members' conduct within the chamber. You might remember that Mr. Sibbeston at various times asked "Why do you bow to the Chair and stuff like this?" So in the new rules we have explained some of the meanings of the Mace. So that is what is new in that section. This clarifies the current practice of Members in the Assembly.

CHAIRMAN (Mr. Pudluk): Rule 13(8) is also new. Mr. Patterson.

HON. DENNIS PATTERSON: Mr. Chairman, I think this is really just a question of style and not content, but why on earth did the committee recommend including the right of self-determination in 13(2)? I just cannot understand why we have to refer to the right of people to rule their own lives. It seems to me that if the section said, "Whenever the Mace is on the table Members shall, upon entering, leaving or crossing the Assembly chamber show respect by bowing in the direction of the Mace." Is that not good enough? The words look so out of place to me, I just must question how that came up.

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

MR. McLAUGHLIN: As I stated, that was put in there to make things crystal clear to Mr. Sibbeston.

CHAIRMAN (Mr. Pudluk): Mr. Patterson.

HON. DENNIS PATTERSON: I do not think we have to do things to please Mr. Sibbeston and I would suggest we delete that phrase, "respect for the right of people to rule their own lives". You can show respect for whatever reason you want. I do not think when I bow to the Speaker I am doing anything about self-determination myself. I think it is showing respect for the speaker. Anyway, I think it is incongruous and if Nick Sibbeston is the only one who supports it, I do not have any hesitation in moving its deletion.

---Laughter

CHAIRMAN (Mr. Pudluk): Your motion is in order. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Yes, does the amendment delete the whole of two?

CHAIRMAN (Mr. Pudluk): Mr. Patterson?

Motion To Amend Rule 13(2) Of The Rules Of The NWT Legislative Assembly, Withdrawn

HON. DENNIS PATTERSON: No, I should have made it clear, Mr. Chairman. I move that we delete the words in Rule 13(2), "for the right of people to rule their own lives".

CHAIRMAN (Mr. Pudluk): To the motion, Mr. McLaughlin.

MR. McLAUGHLIN: Would Mr. Patterson perhaps also allow that the last word be changed from Mace to Speaker?

CHAIRMAN (Mr. Pudluk): Mr. Patterson.

HON. DENNIS PATTERSON: No, I would just leave the amendment the way it was, Mr. Chairman. Just to say, I have nothing against self-determination. I would like to consider myself a champion of self-determination too, but I just find it totally incongruous in rules of procedure. It is just to me out of place. Thank you.

CHAIRMAN (Mr. Pudluk): Mr. MacQuarrie.

MR. MacQUARRIE: Yes, tit for tat, I would like to vote against the amendment, Mr. Chairman, simply because there has been confusion in this House in the past. When Members come in they have the feeling that they are bowing to a particular person and so on. It is not clear why there is any bowing at all. So if he were to move to remove that act entirely, I guess I would not be too concerned, but if the act is to be kept then I think that it is appropriate to have a little explanation so that it is clear. We do not know elsewhere, but we know in this House what we are doing. So I would like to see the words left in. That is for my friend, Nick Sibbeston.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Mr. McCallum.

HON. ARNOLD McCALLUM: Mr. Chairman, the appropriateness of coming in and bowing to the Mace -- which is to my way of thinking a symbol that indicates that people do in fact have that right. I think that is why it is there. We are not bowing to the Speaker, we are bowing to the particular Mace, which is the symbol that people do have a right to sit in Assembly, lawful, legal Assembly, and that is what it is all about. Far be it for me to enter into an argument with somebody who may be of a greater legal mind, but I know that that is the reason why we have the Mace. It is not that we are bowing to the Speaker. We are bowing to the Mace, which is a symbol that indicates to a group of people that they can sit in lawful, legal Assembly and discuss what is best for the people that they represent. That is why it should be there. That means, to me, the right to determine how you are going to govern. So I would vote against the amendment.

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

HON. DENNIS PATTERSON: I will withdraw my amendment, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Rule 13, order and decorum. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 14, pecuniary interest. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 15, voting on indemnities, allowances, etc. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 16, strangers. Mr. Braden.

HON. GEORGE BRADEN: I think the wording on 16(2) needs to be changed. You have "No stranger admitted to the Assembly chamber shall" and then you go to (b) for example, "Written notes may be sent to the Members or Assembly staff only through a Page on duty." So I think (b) and (c) have to be reworded. I do not know if you have to move a motion to do that but the wording is not correct.

CHAIRMAN (Mr. Pudluk): What is wrong with it?

HON. GEORGE BRADEN: Mr. Chairman, read Rule 16(2): "No stranger admitted to the Assembly chambers shall" and then you go to (b), "Written notes may be sent". It does not make sense.

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

Motion To Amend Rule 16(2) Of The Rules Of The NWT Legislative Assembly, Carried

MR. McLAUGHLIN: The amendment to (b) should be reworded to read, "Send notes to Members or Assembly staff except through a Page on duty."

CHAIRMAN (Mr. Pudluk): Mr. MacQuarrie, to the motion.

MR. MacQUARRIE: In which case I think (c) could just be deleted entirely then because (b) covers the press as well, and the section renumbered. Maybe Mr. McLaughlin's amendment includes all of that. Is that right?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin, is that satisfactory?

MR. McLAUGHLIN: That rewording in (b), if you reword that to say "Send notes to Members and Assembly staff except through a Page on duty" then delete (c) and renumber (d), (e) and (f) to read (c), (d) and (e).

CHAIRMAN (Mr. Pudluk): To the motion.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour, please raise your hands. Down. Opposed?

---Carried

Rule 16(2) as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Mr. Patterson.

HON. DENNIS PATTERSON: This is really just a point of clarification, but does this rule about strangers apply to the Assembly when it is in recess and adjournment as well as when it is in session?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: Rule 16, you mean? I would say yes.

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, I think it does. I recall one day when I was young and naive and I invited someone to come in to sit beside me in the chair during the coffee break. I am not quite sure who it was that was the Sergeant-at-Arms at the time, but he came over and told me to get the person out of the Assembly. So I assume that the rules apply during coffee breaks.

CHAIRMAN (Mr. Pudluk): Rule 16 as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 17, withdrawal of strangers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 18, conduct of strangers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 19, prayers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 20, order of business. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 21, Ministers' statements. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 22, precedence of business. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 23, business for orders of the day. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 24, announcing orders of the day. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 25, orders not taken up. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 26, motion of appreciation. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 27, motion to adjourn. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, this is not a new rule, is it? A motion to adjourn the Assembly or a debate shall always be in order. Does this suggest that we have a provision in our rules for closure?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin, did you get the question?

MR. McLAUGHLIN: That is an existing rule and if a majority of the Members want to adjourn, in effect I guess that would be closure.

CHAIRMAN (Mr. Pudluk): Rule 27. Mr. Wray.

MR. WRAY: Just a point of clarification from Mr. McLaughlin. What is an "intermediate proceeding"?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: If you are talking about a certain clause in a bill and there is a motion on the floor and somebody does not want to deal with that motion at that time and he moved to adjourn, the motion to adjourn is lost, then if you started to talk about that item again, that would be

considered intermediate business as long as you continued talking about the same topic again. In other words, you just cannot keep standing up and asking to adjourn until you finally get your way. Otherwise one Member could continually hold up the House by just continually standing on his feet calling for adjournment.

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

Members' Replies

HON. DENNIS PATTERSON: Mr. Chairman, I just wanted some clarification on Rule 26, if I may ask a question about that. It seems to me that the last phrase in Rule 26(2) would have prevented all those wonderful speeches we heard yesterday. I would just like to know is that not going against human nature, if I read it correctly, that some Members will leave their reply to the last day?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: What happened was there was an effort on the part of some people that we should not have replies on the last day, but the point is you do not know when the last day is going to be unless you designate it. So I do not think we ever have designated a last day, certainly not today, or yesterday. So if the House did want to designate a day, if a majority of Members wanted to say a certain day, and they wanted to make sure the day could go fast, this would allow it to happen.

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

Motion To Amend Rule 26(2) Of The Rules Of The NWT Legislative Assembly, Carried

MR. MacQUARRIE: I had my hand up for Rule 26 and you did not see it. I think it is just terminology; it is not proper, "on the day designated as prorogation". It is either prorogation day or the day designated for prorogation. So I would move that amendment, "for" prorogation in place of "as" prorogation.

CHAIRMAN (Mr. Pudluk): To the motion.

AN HON. MEMBER: Question.

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

---Carried

CHAIRMAN (Mr. Pudluk): Rule 26, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 27, motion to adjourn. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 28, consent to suspend rules. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 29, point taken into consideration. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 30, when motion not required. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 31, Member speaking. Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, what does "uncovered" mean? Is it another reference for Mr. Sibbeston?

MRS. SORENSEN: A hat.

HON. GEORGE BRADEN: A hat? Okay, thank you.

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin, I believe it is "no hat".

MR. MacQUARRIE: You must be naked when you speak.

CHAIRMAN (Mr. Pudluk): Rule 31. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 32, time limit on speaker. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 33, matter out of order in debate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 34, closing of debate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 35, points of order. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 36, notice to the Assembly. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

MR. MacQUARRIE: Has anybody ever used a questionable word?

SOME HON. MEMBERS: Yes, you.

CHAIRMAN (Mr. Pudluk): Rule 37, notice not required. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 38, Member to specify day to be moved and to read "Resolution" portion. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Rule 39, only two notices. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 40, motions to be in writing. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 41, non-debatable motions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 42, mover's right of last reply. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 43, amendments to motions. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Rule 44, motions to refer precludes amendment. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Rule 45, withdrawal of motion. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Rule 46, motion out of order. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Rule 47, motion dropped. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 48, motion carried may not be repeated. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 49, motion may be made again in the Assembly. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 50, motion on Commissioner's Address. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 51, quorum required. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 52, recording divisions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 53, questions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 54, oral questions. Mr. Wray.

MR. WRAY: Mr. Chairman, in Rule 54(4), we are being limited to only three supplementary questions per Member; is that standard practice in other legislatures? Well, on the same subject, or whatever? Is that standard practice or is this a new rule?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: It is new here. I think the Speaker in the past has warned some Members that their supplementary questions are repetitious. So we thought that picking a number would be fairer and in most other jurisdictions there is usually only two, so we figured three was pretty generous. That allows you an initial question and three supplementaries. It also does not prevent another Member from helping you out by asking further supplementaries on that same question as well.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea.

MS COURNOYEA: I just was wondering if there should be another rule to try to get the answers to the question.

---Laughter

---Applause

CHAIRMAN (Mr. Pudluk): Rule 54, oral questions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 55, questions in writing. Agreed?

SOME HON. MEMBERS: Agreed.

--Agreed

CHAIRMAN (Mr. Pudluk): Rule 56, petitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 57, introduction. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 58, imperfect bill. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 59, separate readings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 60, first reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 61, exception, appropriation bills. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 62, certificate as to readings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 63, readings before committal. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 64, second reading debate. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 65, proceedings in committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 66, departmental officials. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

Reprinting Of Amended Bills

CHAIRMAN (Mr. Pudluk): Rule 67, reprinting of amended bills. Ms Coumoyea.

MS COURNOYEA: Just a matter of clarification on 67(2), which is the new section. I wonder if I can have an explanation how that particular section is in regard to the notification being reprinted and why that is there. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: The reason is that sometimes amendments which may happen in committee of the whole are so comprehensive that the majority of the Members might want the bill to be reprinted in its final form before it is finally dealt with. It would still appear on the orders of the day, but it would be written down as being reprinted. If it came back from the printer it could be dealt with that day. In other words, it would not mean it was going to be dealt with that day because it may not get back from the printers. But only if the committee orders a bill to be reprinted would that happen.

CHAIRMAN (Mr. Pudluk): Rule 67. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 68, proceedings reported. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 69, third reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 70, money message. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 71, receiving petitions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 72, deposit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 73, publication of notice. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 74, interested or affected persons to appear. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 75, introduction for first reading. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Ms Cournoyea.

Money Message

MS COURNOYEA: Mr. Chairman, I had one question. It is a little further back and I want to get further clarification on it since it is a new rule. I know we are about five ahead of 70(1) but I would really like to ask a question on that one if it is possible.

SOME HON. MEMBERS: Agreed.

---Agreed

MS COURNOYEA: In 70(1) "It is not lawful for the Assembly to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue of the Northwest Territories, or of any tax or impost, to any purpose that has not been first recommended to the Assembly by message of the Commissioner in the session in which such vote, resolution, address or bill is proposed." How would that change the past way in which we have been dealing with resolutions and motions from the Assembly?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: Right now when the Commissioner makes his Address he usually says what the business is going to be before the House. The Executive Committee of course now writes that speech, that is a way of making sure that the only government business that can be done is what the government gives notice of through the Commissioner's Address at the opening of the Assembly, so they cannot surprise you with something. So you are made aware on the first day of the Assembly what they would be up to and that is the practice that the Executive Committee does now through the Commissioner's opening Address.

CHAIRMAN (Mr. Pudluk): Ms Cournoyea.

MS COURNOYEA: Just as an example, in terms of the Commissioner's Address and moving forward a bill for appropriation of funds, the appropriation indicated that there was eight houses that were to be appropriated to, say, Inuvik and there were none to be appropriated to Tuk or Aklavik, does that mean that a motion cannot be made because that has not been proposed in the bill from the Commissioner?

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, the government always has the option of withdrawing the bill and modifying it if it feels that sufficiently good arguments have been made that there has to be a change in the appropriations. You will recall, I believe we did it three years ago or two years ago in respect of a taxation regime that was proposed. The standing committee on finance had some major problems with it, so we took it back and modified it. The major reason that this particular provision is in here, if you look at section 21 of the Northwest Territories Act, it reads, "It is not lawful for the Council to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue of the Territories, or of any tax or impost, to any purpose that has not first been recommended to the Council by message of the Commissioner in the session in which such vote, resolution, address or bill is proposed." So that is the reason why it is in there, because we are bound by the Northwest Territories Act in that respect. As I said earlier on, the government always has the option of withdrawing a bill and amending it, given that the wishes of the Legislature are that there be a change and the government agrees.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. Wray.

MR. WRAY: Further clarification on that. What you are telling us then is that if, for example, a motion was made that four houses be taken from Inuvik and sent to Tuk instead, that we could not make such a motion?

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Mr. Chairman, the Legislature is always able to make that motion but you will recall that in developing wording for motions which involve expenditures of money, the wording has to be as I recall "recommend to the Executive Council" that four houses be changed or moved from one community to another.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, if in fact Rule 70(1) is as the honourable Member has stated, I have no problem with it, but I still have a bit of a concern if you take the wording totally literally and something had not been assigned to a particular community and you want to raise a vote to change it, that we could be called out of order, and that is basically my concern. I realize that in a lot of these rules over the past we have been very lenient and the Speaker has been lenient, but as people become more sophisticated in the rules I feel that sometimes that is proper. From time to time I would not want to see this Legislative Assembly tied up to only being able to act on exactly what the Commissioner's message is rather than having that flexibility. I realize, Mr. Chairman, that it has been stated that under the Northwest Territories Act there is a provision that in a certain manner that we are able to act, but I am just a bit concerned because certainly I can see myself being called out of order on this particular point almost all the time because the message of the Commissioner has not allowed certain things to be discussed or motions to be passed or votes to be taken on the resolution, unless the way we word it, that we "recommend to the Executive Committee", takes care of that. I think that a lot of times when we are discussing budgetary items we do stray and sometimes quite a long way from the actual Commissioner's message and budget allocation.

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: Mr. Chairman. We put this in here because it is presently in the NWT Act and these are basically the same words in the act. The act says, "It is not lawful for the Council to adopt or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue of the Territories, or of any tax or impost, to any purpose that has not been first recommended to the Council by message of the Commissioner in the session in which such vote, resolution, address or bill is proposed."

MR. MacQUARRIE: Now I am convinced.

---Laughter

MR. McLAUGHLIN: Thoroughly convinced, I hope.

CHAIRMAN (Mr. Pudluk): Thank you. Rule 70(1), money message. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 76, unprovided cases. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 77, rules of committees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 78, time limit. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 79, no seconding of motions. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 80, persons ineligible to act as chairman. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 81, chairman to cast deciding vote. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 82, resolutions concurred in forthwith. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 83, motion to leave the chair. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 84, appointment of committees. Mrs. Sorensen.

Motion To Amend Rule 84 Of The Rules Of The NWT Legislative Assembly

MRS. SORENSEN: Mr. Chairman, I have an amendment to Rule 84 and I have copies of the amendment here which I will pass around. The amendment is to delete the words after "compose" in the third last line and to add the words "the standing committees of the Assembly for the following purposes: on legislation, on finance and public accounts, and any such other standing or special committees as directed by the Assembly" and therefore the entire rule would read as follows, Mr. Chairman: "At the commencement of the first session of each Legislature, a striking committee; consisting of four Members shall be appointed, whose duty it shall be to prepare and report, with all convenient speed, lists of Members to compose the standing committees of the Assembly for the following purposes: on legislation, on finance and public accounts and any such other standing or special committees as directed by the Assembly."

CHAIRMAN (Mr. Pudluk): Your amendment is in order. Mr. McLaughlin, to the amendment.

MR. McLAUGHLIN: I will just explain why the committee made the change there. It was because the Members on the standing committee on rules and procedures did not think that the Assembly in the future should be bound to have particular committees, they might wish to realign the committees in some other manner, and that is why we chose not to put in the rules that they had to have certain committees. We thought they might want to have different titles for them or combine them in some different way.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment, Mrs. Sorensen.

Importance Of Standing Committees On Finance, Public Accounts And Legislation

MRS. SORENSEN: Just to speak to the amendment, Mr. Chairman, by precedence the Assembly since 1965 has had a standing committee on finance and a standing committee on legislation, and that has been the practice of the Legislature since that time. I think that by precedence and practice and since that has been the case, that it is time to put at least those two standing committees into the rules. A lot of work has been done in building the credibility of both committees and of providing a base, a framework, for the work of those committees. A lot of that work is important with respect to the credibility that we have, particularly in our financial matters with the federal government. While I have no difficulty with name changes, I think it would be important that we would make sure as a Legislature that the practice of having at least those two standing committees would be carried on. Now, any new Legislature has the option to amend the rules, but I think we would be remiss not to at least have it in the rules that we have prepared because I think all of us here agree that those two committees are important to the consensus government that we have and are important to the work of this House, so that all Members have access to the budget for instance and to legislation before it reaches the House for review. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Mr. MacQuarrie.

MR. MacQUARRIE: Thank you, Mr. Chairman. I would just say that by passing these rules we are binding a future House to a lot of things, at least in a tentative way, so there should be no problem with adding a couple more little things. I just noticed that the amendment is not quite clear to me. It says that these words should be added after "compose" but then there is another little part that would be forgotten if this were to be the end of the amendment. So could I ask the mover just to clarify? Should it say "any such other standing or special committees as directed by the Assembly"?

CHAIRMAN (Mr. Pudluk): Thank you. Mrs. Sorensen.

MRS. SORENSEN: That amendment was made. It was pointed out just a few minutes earlier and it was made.

CHAIRMAN (Mr. Pudluk): Ms Cournoyea, to the amendment.

MS COURNOYEA: Mr. Chairman, I would just like to request to go back later on, but if you look at Rule 75 which is new, it relates particularly to the subject at hand. I was going to make a motion to delete that section in the matter of Private Member's Bills, and if you will notice it says, "Every private bill shall be introduced for first reading after application for such bill has been approved and favourably reported on by the standing committee on legislation." So if we do not have a standing committee on legislation, there is no possibility of having a Private Member's Bill, although I do not necessarily agree it should be favourably reported on by the standing committee on legislation. We have already approved, technically, Rule 75.

HON. KANE TOLOGANAK: Question.

Motion To Amend Rule 84 Of The Rules Of the NWT Legislative Assembly, Carried

CHAIRMAN (Mr. Pudluk): To the amendment. Question has been called. All those in favour, raise your hands. Down. Opposed? The motion is carried.

---Carried

Rule 84, appointment of committees, as amended. Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, again I would like to request that we deal with another subject that we passed by, but I can wait until after you have concluded.

CHAIRMAN (Mr. Pudluk): Is this House agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Proceed, Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, in the previous rules to Private Member's Bills it was a very difficult chore to get a Private Member's Bill forward. In regard to the rules which have stayed relatively the same as the old rules governing how you are going to proceed with Private Member's Bills, there is a new section that I have just read into the record a few minutes ago. I would like to move to have that deleted because even the process that has been designed is difficult, and I do not believe that a standing committee on legislation or a House committee should have to approve a bill before it comes to the House. I could see that it should maybe go through them, but even the bills from the government are not necessarily approved and favourably reported. So I feel it would be quite unfair to put an ordinary Member who might want to put through a Private Member's Bill through those hoops just to get to the floor.

CHAIRMAN (Mr. Pudluk): Thank you. To the amendment. Mr. McLaughlin.

MR. McLAUGHLIN: The main changes we made in here were to make sure that the private bill would be able to go through the Clerk of the Assembly or also the private group that might be trying to put forward a private bill. It is not Members. This section deals with private bills which may be made from outside of the Assembly and we removed where it had to go through the Commissioner and put it so it goes through the Clerk. In Rule 74 what we were trying to recognize was that people may be affected by this legislation and there has to be some way for them to get to have their say about it. So the idea is that the bill would be before the standing committee on legislation, so if people wanted to object to that bill being passed, then the opportunity would be there.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. MacQuarrie, to the amendment.

MR. MacQUARRIE: Yes, I would just call to the Member's attention in definitions that there is a positive distinction between private bills and Private Member's Bills, and that this section is applying to private bills.

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

MR. McLAUGHLIN: This section deals with the type of bills which are initiated outside of the Assembly, not initiated by the government and not initiated by a Member. Examples of private legislation are acts to incorporate local curling clubs or golf clubs, things like that. Most jurisdictions have this ability so that a private person or corporation can have bills prepared and run through an Assembly for them. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea, was that the motion?

MS COURNOYEA: Mr. Chairman, I possibly misunderstood it because I was reading it as a Private Member's Bill and it appears that it is another section altogether.

CHAIRMAN (Mr. Pudluk): Rule 85, appointment to Management and Services Board. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 86, number of Members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 87, appointment of special committees. Mr. McLaughlin.

Motion To Amend Rule 87(2) Of The Rules Of The NWT Legislative Assembly, Carried

MR. McLAUGHLIN: Rule 87(2), I will move an amendment, in the fourth line, to remove the word "without" and replace it with two words, "except with". It makes it more clear and a little bit more grammatically right.

CHAIRMAN (Mr. Pudluk): To the amendment.

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed?

---Carried

Rule 87, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 88, list of Members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 89, first meeting called. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 90, removal of Members. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 91, Members may attend meetings. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 92, reports of committees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 93, powers of committees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 94, committee documents. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 95, witnesses before committees. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 96, appearances of witnesses before committee of the whole. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 97, witnesses may appear before committee. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

High Crime And Misdemeanour

CHAIRMAN (Mr. Pudluk): Rule 98, high crime and misdemeanour. Mr. Wray.

MR. WRAY: Could Mr. McLaughlin tell me what "high crime" means?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: I think I have to defer to the Law Clerk. One that you can be hung high for.

CHAIRMAN (Mr. Pudluk): Mr. Law Clerk.

LAW CLERK (Mr. Fuglsang): Thank you, Mr. Chairman. The terminology is certainly an outdated terminology and it comes from ancient assemblies. When assemblies took matters of improper activity within their own organization or within the assembly, they took it upon themselves to judge and convict and everything else within the assembly. You will still find it in most assemblies because there is a jurisdictional overlap between the right of an assembly to discipline its own members and the various legislation that covers the same — it is like the Criminal Code covering the same material. Traditionally, the assemblies have guarded this area of jurisdiction by maintaining in their own rules the right to treat serious matters of activity by their members within their jurisdiction and that is really essentially what this does. A "high crime" is obviously a serious crime and they will treat it as such. It is more to preserve the jurisdiction of the Assembly in that area.

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

MR. McLAUGHLIN: I just point out, Mr. Chairman, that Rules 98 and 99 are standard with just about exactly those words in every jurisdiction in Canada.

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

Motion To Amend Rule 98 Of The Rules Of The NWT Legislative Assembly

MR. MacQUARRIE: With respect to Rule 98 the wording that we originally saw some time ago was that this would be a "high crime or misdemeanour and tends to the subversion of the constitution", and the two words seemed incongruous, so misdemeanour was dropped. But I notice that the marginal notes still use that word and just to be consistent then and clear, I would move an amendment that the marginal note simply read "high crime" and that the words "and misdemeanour" be deleted.

CHAIRMAN (Mr. Pudluk): To the amendment.

AN HON. MEMBER: Question.

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

---Carried

Rule 98, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 99, proceedings in case of bribery. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 100, officers. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 101, Clerk Assistants. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 102, Law Clerk. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 103, Sergeant-at-Arms. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 104, completion of work at close of session. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Rule 105, Hansard. Mr. McLaughlin.

MR. McLAUGHLIN: The committee misread this section when we were dealing with the original rules and the existing rules say that every Member has until 10:00 a.m. of the sitting day following receipt of the transcript of the previous sitting day to correct its grammar. We took that as meaning the next day, and I lost a \$10 bet to the editor of the Hansard, Marie Coe in checking out this wording and the proper interpretation. The situation is right now that the unedited debates from Tuesday are received on Wednesday and you have until 10:00 a.m. in the morning on Thursday.

Motion To Amend Rule 105(3) Of The Rules Of The NWT Legislative Assembly

So I would suggest that we retain the existing time and I would amend Rule 105(3) by changing from "6:00 p.m." to "10:00 a.m.". Thank you, Mr. Chairman

CHAIRMAN (Mr. Pudluk): To the amendment.

AN HON. MEMBER: Question.

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

---Carried

Rule 105, as amended. Agreed?

SOME HON. MEMBERS: Agreed.

---Agreed

CHAIRMAN (Mr. Pudluk): Ms Cournoyea.

MS COURNOYEA: Mr. Chairman, just as a matter of interest, in the document we have been reading, the only reference to a Private Member's Bill is on page three, and in our past document we had quite lengthy criteria of how a Private Member's Bill is to be presented. I am wondering, was it the intention to remove it or was it the intention to use exactly the same insert as on page 22 of the Members' manual?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: Mr. Chairman, the existing rules do not have any rules related to Private Member's Bills, but only private bills. That was a misconception I was under as well. I asked the Clerk what happened to Private Member's Bills, but the practice is that Private Member's Bills are introduced in the same fashion as the government introduces their bills.

CHAIRMAN (Mr. Pudluk): Thank you. Ms Cournoyea.

MS COURNOYEA: How is that? So in regard to a Private Member's Bill, then there is really -- well, what would be the criteria? Is it just open? I realize we have a reference to it here, which is very broad, but is it the intention of the committee to allow Private Member's Bills to be handled in a very open way rather than the criteria of presenting them and how soon, how late, how long do you wait, who do you report to?

CHAIRMAN (Mr. Pudluk): Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. A private Member introduces bills exactly the same way the government does, by giving first notice and then giving first reading, second reading, third reading, in exactly the same manner, and the definition in the front on Private Member's Bills -- and the Member is already aware, I believe -- is those which do not involve the expenditure of public funds or the imposition of any tax. So that is the only restriction that a private Member has in introducing a bill.

CHAIRMAN (Mr. Pudluk): Are you satisfied, Ms Cournoyea? Mr. McLaughlin.

Motion To Accept Report Of The Standing Committee On Rules And Procedures On The Rules Of The NWT Legislative Assembly As Amended, Carried

MR. McLAUGHLIN: Mr. Chairman, as we have completed, I would like to move that the rules as amended be now adopted, and that they be translated and be authorized to take effect on the first sitting day of the first session of the 10th Assembly.

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

MR. McLAUGHLIN: And I just might emphasize again, as I did when I first introduced the rules the other day, that this will be the first time that all the rules will be translated and hopefully this will be done and sent out to Members requiring the translated ones as soon after the election as possible.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion. Question has been called. All those in favour, raise your hands. Down. Opposed? The motion is carried.

---Carried

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. I would like to move a motion. My colleague, Mr. McLaughlin, made reference earlier on to some changes that the Government of Canada is contemplating in a number of their acts. These would be changes of a non-controversial nature. Basically, the motion I am moving has to do with seeking an amendment to the Northwest Territories Act in an area which would directly influence the rules of this House. So I think, given the subject under consideration in committee of the whole, Mr. Chairman, the motion has relevance. So I will read it for you right now.

Motion To Request Federal Support For Amendment To Northwest Territories Act To Allow The NWT Legislative Assembly To Set Its Own Quorum, Carried

Whereas section 11(5) of the Northwest Territories Act establishes that a majority of the Legislature including the Speaker constitutes a quorum;

And whereas it is desirable that this Assembly have the authority to set its own quorum;

And whereas the federal government is currently considering an omnibus bill to make amendments of a non-controversial nature to a number of acts of parliament;

Now therefore, I move, seconded by the Member for Pine Point, that the Executive Council be requested to approach all three federal parties to secure support for an amendment to section 11(5) of the Northwest Territories Act to allow the Legislature to set its own quorum through its own House Rules, or an ordinance of the Legislature.

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

HON. GEORGE BRADEN: Just very briefly, Mr. Chairman, I am not suggesting in this that the quorum should change, I just think that the Legislature should be able to determine what its quorum is for formal session and committee of the whole, and I do not really think we need the federal government to tell us what it should be. So I hope that I can get support on this. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Mr. McLaughlin.

MR. McLAUGHLIN: Thank you, Mr. Chairman. Along the same lines as was outlined by the Leader of the Elected Executive, the government is going to be dealing with the Northwest Territories Act already, and there are other non-controversial items that would help this Assembly as to its quorum and as to when it holds its sessions, and so I would like to move that:

Motion To Request Federal Support For Amendment To Northwest Territories Act To Allow The NWT Legislative Assembly To Establish Procedures For Determining, Convening And Location Of Sessions, Carried

Whereas section 11(1) of the Northwest Territories Act establishes that the Commissioner shall convene at least two sessions of the Legislature in every calendar year so that 12 months do not intervene between the last sitting of the Legislature in one session and its first sitting in the next session;

And whereas section 11(2) of the Northwest Territories Act establishes that in each year one of the sessions of the Legislature convened in that year should be held at a place in the Territories designated by the Commissioner on the recommendation of the Legislature and all other sessions of the Legislature convened in that year shall be held at the seat of government of the Territories;

And whereas the federal government is currently considering an omnibus bill to make amendments of a non-controversial nature to a number of acts of parliament;

Now therefore, I move that the Executive Council be requested to approach all three federal parties to secure support for amendments to sections 11(1) and 11(2) of the Northwest Territories Act to allow the Legislature to establish through its House Rules or an ordinance of the Legislature, procedures for determining the convening of sessions and their location.

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

AN HON. MEMBER: Question.

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour, raise your hands. Down. Opposed? The motion is carried.

---Carried

Now this matter is concluded.

SOME HON. MEMBERS: Agreed.

---Agreed

Volumes I And III, Report And Proceedings Of The Public Accounts Committee

CHAIRMAN (Mr. Pudluk): Now we are going to Volumes I and III, Report and Proceedings of the Public Accounts Committee. Mrs. Sorensen.

MRS. SORENSEN: Thank you, Mr. Chairman. We will be dealing with the big green report that Members have had delivered to their desks, entitled "Proceedings of the Public Accounts Committee, March 29-31, 1983", and in that report is the document that was tabled by the standing committee on finance and public accounts the other day. It is the government's response to the 42 recommendations that your committee made.

Mr. Chairman, I have some opening remarks that I would like to make with respect to this report. On Thursday, September 8, following Mr. MacQuarrie's reply, he rose in the Legislature on a question of privilege and he said, and I quote, "I recognize that some Members of the House and particularly some Members on the standing committee on finance and public accounts are indeed interested and that certainly includes the chairman of the standing committee on finance, who I recognize did a great deal of work to sort out what went on with respect to FIS. And if there was an implied criticism in what I said it would be only that the committee did not go far enough, in my opinion, when it had the opportunity to do so."

Mandate Of Public Accounts Committee

Well, Mr. Chairman, I think the committee would like to make it very clear that the mandate of the public accounts committee with respect to the review of the Financial Information System was not to hold an inquiry into wrongdoing but rather to determine the facts and from those make conclusions and from that, make recommendations for change in the future in a positive way. The reason that we saw that as our mandate as the public accounts committee is that we had recommended that mandate to this Legislature the previous fall, and that was what we had had accepted and adopted by this Legislature. Had we been given the mandate to hold a full inquiry, as recently just went on in the House of Commons with respect to Mr. Mackasey, we would have had a full request to come to the Legislature for legal and technical advisers and for a number of researchers who would help us in the day to day questioning that would have gone on, had it been an inquiry. In addition, we would have subpoenaed the contractors who were involved in the project and would have subpoenaed many more of the civil servants who were involved. It was because we did not feel that we had the mandate to proceed with a full inquiry, nor did the people that were coming before us in that forum have protection because we had not yet amended our rules to provide that protection, as witnesses do have in all the other Houses and in the federal House, we felt that we could only proceed in the manner that we did.

Mr. MacQuarrie has indicated that the examination was not as thorough as it should have been and on behalf of the standing committee, I can only disagree with that statement. Simply because Mr. MacQuarrie did not get the answers that he wanted from the Minister does not mean that our examination was not thorough. Mr. MacQuarrie on several occasions did ask questions which I, as the chairman, ruled out of order because as the chairman, in concert with my committee Members, I felt that it was going beyond what was the purpose of the public accounts hearings. He was attempting at that point, in our opinion, to turn the meeting into an inquiry, an inquisition, a type of courtroom exercise, and, Mr. Chairman, I wish to make it perfectly clear that that is not to say that those questions should not have been asked.

Option For Member's Questioning Is Now

In fact, if Mr. MacQuarrie has indeed received brown envelopes and documents which the public accounts committee did not have and has not received, then he should bring them forward and this, today, is the proper forum to bring those documents forward.

Mr. MacQuarrie certainly has the option now, today, of pursuing his line of questioning in this House, which in our opinion is the proper forum for this type of inquisition. The protection for the witnesses is here, all concerned are around this table. All the MLAs are here and it is in a public forum before the press. If Mr. MacQuarrie wants certain individuals, civil servants who were involved in the Financial Information System to be fired for any reason, or to be reprimanded for any reason, then now, today, Mr. Chairman, is the proper time to bring his evidence forward and to seek his answers and to make it clear exactly what he expects of the Executive Committee.

Responsibility For Measures Of Disciplinary Nature

Mr. MacQuarrie gave a long and impassioned speech the other day which has left a cloud over this entire exercise. He has made insinuations that there is more evidence which he has been unable to reveal or obtain and he has intimated that certain civil servants may have erred and should be dealt with. That may very well be true, Mr. Chairman. The public accounts committee was silent on the issue of direct mismanagement by specific individuals. We only reported our conclusions which we feel are accurate, some of which are damaging to the government and to individuals obviously who were involved. But measures to be taken as a result of those conclusions are for the Executive Committee to determine and if we, as a Legislature, are not happy with their actions we, as a House, have the option to direct the Executive Council to act in a manner which we approve.

Obviously, the Executive has decided to do nothing regarding reprimand, or perhaps that may have happened and we do not know about it. Perhaps it is not needed. That is for them to tell us today. If Mr. MacQuarrie thinks this is wrong, that there has been wrongdoing, then he must proceed now to give the Executive Committee further direction through this House.

Recommendations Are Direction For Future

Mr. Chairman, our recommendations arising from the review which we did in March and April are directions for the future and for future projects and they were put together in such a fashion as to provide a learning experience from this project and direction to the Executive Committee for future projects of a similar nature.

Mr. Chairman, I realize that the Minister of Finance is not here today and I have not been advised by the government with respect to how they wish to proceed, but for the purposes of the record, the summary of the recommendations have been read into the record when we tabled our report. The report has been in the hands of Members since the May session and it has been released to the public at that time. The government response was tabled and has been distributed to Members in the last three days and, as well, all the conclusions that we made, I have read into the record on Thursday, so I do not feel that it is necessary to proceed now to read all the conclusions and recommendations into the record. But the government has not had an opportunity to respond, for purposes of the record, to the recommendations and I would perhaps open the floor to the government if they wish to proceed.

CHAIRMAN (Mr. Pudluk): Thank you Mrs. Sorensen. Would the government like to proceed now? Mr. Braden.

Statement From Government

HON. GEORGE BRADEN: Thank you, Mr. Chairman. Unfortunately, Mr. Butters, the Minister of Finance, who is most familiar with this exercise, is in Inuvik or in Fort McPherson at the funeral for a distinguished resident of the Delta region. From our perspective, Mr. Chairman, we were pleased to accept the public accounts committee suggestions for consideration, and a reply to each of the 42 recommendations has been tabled in the Legislature and in this committee, so in effect we have put our response on the record, if I could use that expression.

We do not have any specific direction for follow-up at this time. I am not quite sure, Mr. Chairman, if it is the desire of the House this afternoon at 4:30 to plough through each of the 42 recommendations and the response of the government, but I do see with many of them that we have agreed with the committee's recommendation. So unless Mr. MacQuarrie wishes to respond to some points raised by Mrs. Sorensen, the government has no further comment on the subject at this time.

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

MR. MACQUARRIE: Yes, thank you very much, Mr. Chairman. First, I will say about the materials that have been put into committee of the whole that these are directed toward improving things for the future, and to the extent that that is their purpose, I find no fault with them and therefore have no desire for a prolonged discussion of those particular materials. I think that that was a legitimate purpose -- one of perhaps a number of legitimate purposes -- but it was a legitimate purpose. I approved of it, indeed I had the privilege of sitting with the standing committee on finance -- I cannot remember whether it was one or two days of sittings -- in order to try to prepare some recommendations in that document. So I certainly approve of that process and the fact that the government has responded to it.

Function Of Committees

With respect to the other challenge, I recognize that there are certain openings to me, but as I said, I find it very difficult to muster the time, the energy and the expertise that would be required to make an inquiry of my own. I do recognize, though, that this House is the place finally for that kind of discussion and yet as with so many things, we see that detailed discussion, examination and inquiry is best done in committees and that is why we establish committees. I felt that the standing committee on public accounts examination of this matter was the best forum for the examination and then this House could have dealt with whatever recommendations -- not only examination but investigation -- and that this House then could have dealt with whatever recommendations came as a result of an investigation.

I do notice that the terms of the standing committee on finance and public accounts do include the right to investigate -- in section 5 of Members' manuals, you will see the terms of reference and (k) says they "may investigate and inquire into those matters that, in the opinion of the committee, require investigation". When I look at the word "investigation" in a dictionary, I see that it means a careful search or a detailed or a careful examination, and then in a subsection, when they explain the difference between investigation and an examination, they point out that "investigation" emphasizes carefully tracking down everything that can be found out in order to bring out hidden facts and learn the truth. That is what I would like to have seen done, and I recognize that the standing committee on public accounts in this particular case decided that it was not conducting an investigation of that kind. I had hoped that it would and it did not and that was why I said I felt that it did not go as far as it could have. In any event, I would like to make a motion.

Motion To Request Of The Government, Documents And Measures Regarding Examination For Fault And Discipline On FIS

I move that this House request the government to provide Members with all relevant documents pertaining to the FIS project, and specifically including the initial terms of reference of the consultant who was hired to do the project; and further, that it indicate to this House the measures it took to examine whether there was fault in the project and if so what disciplinary measures were taken.

CHAIRMAN (Mr. Pudluk): Could we have a copy of that motion please, Mr. MacQuarrie? Mr. MacQuarrie, your motion is in order. To the motion, Mr. MacQuarrie.

MR. MacQUARRIE: I would just like to let Members know that in writing it out, I did add the words "who wish it" after "provide to Members"; in other words, I recognize that there is a fair amount of work involved and they need not provide 22 copies if they do not get specific requests from 22 Members.

In speaking to the motion, as I said, in the final analysis I do not want to go back to something and try to get at somebody, that is not my nature and that was never my intention. But I do believe that it is important that the government be open and indicate precisely what happened. If there was fault, I agree that it is not the Assembly Members who should be disciplining public servants, but rather that is the job of the government; but at least we should be satisfied that the government has done that job.

One reason I think this is so important is because I, for one, do recognize that there were a lot of competent, sincere and hard-working people who were associated with that project and when the project is criticized generally, without having accurate information, everyone on the project is tarred with the same brush, and that is unfair to the people who did their very best.

Clarification On What Went Wrong

I keep saying, also, that I for one would find it understandable that from time to time people make mistakes or exercise bad judgment, but we never know precisely what happened in this case, except that when you look at the facts at the end, something obviously went wrong and so it would be nice to know what did go wrong. If there were mistakes, was it a series of unfortunate coincidences; one person made a bad judgment here, another one made a mistake there and the net effect was that? Or do you see a continual pattern of mistakes or bad judgment? That should become clear. I would hope that the government has already done that sort of thing. They said they were informed, and presumably they should be able to provide us with some documentation that shows indeed they had a look at it from the point of view of performance. If they found that everything was satisfactory, fine, I would be willing to drop the matter in a minute if that is what they found and can demonstrate that that is what they found. I do not want to go on and on about it, but I would like to see that in fact that did occur. And if they did find some fault, what was done about it? Open government. I do not want to see the big shrug and I do not want to see guardedness. I think that the motion that I have introduced is asking for what is reasonable, and I hope that Members would support it.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion, Mrs. Sorensen.

MRS. SORENSEN: Mr. Chairman, Mr. MacQuarrie persists in saying that he does not know where it went wrong and he wants to know where it went wrong. If Mr. MacQuarrie would read the conclusions that were made by the standing committee on public accounts, he would see that we have identified where the project went wrong; clearly and concisely, ad nauseam, we have clearly identified, and I will quote again: "Your committee concludes that a premature decision was made on acquiring hardware before the major software requirements were defined." That is one area where the project went wrong. "Your committee concludes that the structures essential for good management were in place at the beginning of the project but performance deteriorated towards the implementation stages." That is another place where the project went wrong.

"Did the steering committee steer?" We concluded that since there were no terms of reference, the steering committee was not clear in its role in relation to the information provided to it by the project team. And we questioned, "Was it a decision-making body or a forum for system user input?" We concluded that its membership, while senior in the government, must have experienced extreme uneasiness with the lack of a clear mandate. The steering committee, while well-intentioned, did not and probably could not steer.

Mr. Chairman, I could go through the conclusions one by one. I will not do that again, but in each case and to each question that came to our attention during the hearings, we concluded that there were mistakes made and there were problems. So to the question that Mr. MacQuarrie has, "Where did it go wrong?", we have identified where it went wrong.

Motion Is Asking Too Much

Now, to the question, "Who was responsible?", we did not respond to that. If that is what he is seeking, then that is what he should be saying, because to go over the entire project again will only result, in my opinion, in these same conclusions. Mr. Chairman, I agree that we should have a

response from the Executive Committee indicating what measures it has taken as a result of the conclusions that our committee made. Do they feel that a reprimand or more severe punishment is in order? But to expect them to go through all the documents again, to expect Members of this House to review all those documents again, in my opinion will only result in the same conclusions. So I think that while, on the one hand, the motion is asking for one thing, I think it is asking for too much. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Pudluk): Mr. Braden.

HON. GEORGE BRADEN: Thank you, Mr. Chairman. A little earlier on Mr. MacQuarrie said that if someone was prepared to say to him that the government feels that they have taken the steps necessary, he would be prepared to drop this issue in a moment. Am I paraphrasing you correctly? I think I am. If I, as the government Leader, Mr. Chairman, am to say now that I believe that the government has studied this issue sufficiently, has taken the corrective steps necessary in respect of what took place and what has to be done to ensure that the same does not happen in the future, would Mr. MacQuarrie be prepared, with this humble admission on my part, to drop the subject now? Is he shaking his head or nodding it in the affirmative?

MR. MacQUARRIE: No to that, because I think that is precisely the kind of thing that people do not like. It is not just an assurance...

CHAIRMAN (Mr. Pudluk): Mr. Braden.

Government Position:

HON. GEORGE BRADEN: Yes, Mr. Chairman, I accept the Member's choice that he does not accept my humble admission, so in respect of this motion, if the House wants to proceed and vote on it that is fine. I will consider it as advice to the government.

Unfortunately I am not in a position, and I do not think my colleagues are because we are not responsible for the finance area, to indicate whether we are prepared to release to every Member of this House the many, many documents — I assume that the House would want them translated, related to the FIS.

In respect of the second part of the motion, what measures were taken to examine whether there was fault in the project, and if so, what disciplinary steps were taken? I believe that the PAC has certainly addressed the former, as we have. In respect to the latter, I am not in a position to answer that in detail. So if the House wants to proceed and vote on this, fine, go ahead and do it. I will accept it as advice and I will take it to the Minister of Finance and Executive Council to see whether we would proceed to provide the documents of the information required.

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

MR. MacQUARRIE: This is simply to say, as I started to say earlier, that in these kinds of matters I think it is not enough just to give people assurances that things have been done. If they really have, it is possible to demonstrate that, and that is all that I am asking. With respect to what Mrs. Sorensen said, the second part of the motion is asking, if things went wrong, why did they go wrong and who might have been responsible for them going wrong? So the motion is simply saying, "Show us", that the Executive Committee had a look at that very question, not, only, "Tell us". That is what I got in the past. "We reviewed it and we were informed and we did what we were supposed to do." All I am saying is, to me that is not adequate and I think it should not be for the public generally. They want to know who may have been responsible and what were the circumstances that caused the fault, because sometimes when there is fault there are understandable circumstances. So just that kind of openness and public indication that it was handled in a thorough and responsible manner would satisfy me then.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion, Ms Cournoyea.

A Large Expenditure Compared With Other Needs

MS COURNOYEA: Mr. Chairman, I can see that Mr. MacQuarrie would like to really get at the deepest depth of this situation. First of all, I would like to tell Mr. MacQuarrie, Mr. Chairman, that right from the beginning I felt that the kind of expenditure for a financial system that we were

approaching right from the first time I was on the finance committee, I certainly suggested that perhaps we are going too far and that we should start drawing back, but I certainly was not listened to. It seemed that we were in a process at that time where we kept getting explanation after explanation on how we were too far into it so we should do this and do that and it will only cost so much. I have a strong feeling against it mainly because I know that in the communities there are so many requirements for funds to meet the normal community needs and to have such a large building as we see here in Yellowknife -- certainly looking out of my hotel room sometimes I feel like changing my room because I get very upset looking at it, such a large building, such a large expenditure for 45,000 people or in that general vicinity.

I have not continued to express an opinion on it because sometimes, Mr. MacQuarrie, I feel that you have hit so many dead ends and there is so much other work to be done. The only question is, I think it is very evident there was a certain continuous relationship on developing that system and the only question that needs to be answered -- you said "What went wrong?" Obviously from the standing committee on finance's explanation, everything went wrong. So the only decision that the Executive Committee can make is, find somebody's head to let roll for satisfaction so it does not go wrong any longer. But that decision apparently is not forthcoming, even though everything went wrong; everything, even, and all the money that has been spent that could have been put to far better use in the NWT. So on the question in terms of you asking for more documentation, I can perceive here, from two years ago, that it would not have mattered one iota what we did.

Experience Of Former Member Of Finance Committee

I certainly appreciate Mrs. Sorensen's diligence in pursuing it and I certainly have an appreciation for what you have done in your presentation. But after a year of trying through the finance committee and the kind of answers we were getting, I felt at that time I have only so much energy, everybody has only so much energy, that the machine was in full blast and I was not the person that could put the cog in the wheel.

So Mr. MacQuarrie, I admire you for your diligence, but I do not believe that you can find any more evidence to show that one project had so many things going wrong with it. Now, if you want someone's head, well, maybe that is what we should be requesting, somebody's head to go along with this long-term expenditure that most of us feel should not have taken place in the first place. I just want to clear up for you how I felt about it and that is my position. I do not believe that asking for any more evidence is going to make it look any better. It will just make it look worse, so take the next step and ask for somebody's head. Thank you.

CHAIRMAN (Mr. Pudluk): Thank you. Mr. MacQuarrie. To the motion.

MR. MacQUARRIE: Simply to say that you cannot ask for somebody's head if you do not really know what went on, and that is the problem.

CHAIRMAN (Mr. Pudluk): Thank you. To the motion.

AN HON. MEMBER: Question.

Motion To Request Of The Government, Documents And Measures Regarding Examination For Fault And Discipline On FIS Project, Defeated

CHAIRMAN (Mr. Pudluk): Question has been called. All those in favour? Down. Opposed? The motion is defeated.

---Defeated

Mr. McCallum.

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

CHAIRMAN (Mr. Pudluk): The motion is not debatable. All those in favour, raise your hands. Keep them high. Down. Opposed? The motion is carried.

---Carried

CHAIRMAN (Mr. Pudluk): I wish to report progress.

MR. SPEAKER: Mr. Pudluk.

REPORT OF THE COMMITTEE OF THE WHOLE OF BILL 8-83(2), REGIONAL AND TRIBAL COUNCILS ORDINANCE; REPORT OF STANDING COMMITTEE ON LEGISLATION; REPORT OF THE STANDING COMMITTEE ON RULES AND PROCEDURES; VOLUMES I AND III, REPORT AND PROCEEDINGS OF THE PUBLIC ACCOUNTS COMMITTEE

MR. PUDLUK: Mr. Speaker, your committee has been considering Bill 8-83(2), the Report of the Standing Committee on Rules and Procedures, and Volumes I and III, Report and Proceedings of the Public Accounts Committee, and wish to report Bill 8-83(2) ready for third reading, as amended. The Report of the Standing Committee on Rules and Procedures has been adopted as amended. Volumes I and III, Report and Proceedings of the Public Accounts Committee have been discussed with one motion being defeated, and your committee wishes to report progress.

MR. SPEAKER: Thank you, Mr. Pudluk. Third reading of bills. Mr. Wah-Shee.

ITEM NO. 16: THIRD READING OF BILLS

Third Reading Of Bill 8-83(2): Regional And Tribal Councils Ordinance

HON. JAMES WAH-SHEE: Mr. Speaker, I move, seconded by the honourable Member for Yellowknife North, that Bill 8-83(2), An Ordinance Respecting Regional and Tribal Councils, be read for the third time.

MR. SPEAKER: I have a motion on the floor. To the motion.

AN HON. MEMBER: Question.

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

---Carried

Bill 8-83(2) has had third reading.

Speaker's Closing Remarks

Before calling the Commissioner to assent to the bills and dissolve this Ninth Assembly, I would just like to say a few words to express my personal appreciation to a number of people associated with this Assembly.

I have been most proud to serve as your Speaker for the last three years, and it has been a great honour. We have had our problems at times, but nothing very serious. Actually, based on the behaviour of most legislatures in Canada, I think that we would probably rate very highly in regard to the conduct of our Members.

I would like to make special mention of Commissioner John Parker, who has served this Assembly with dignity, respect and good humour on many occasions, and given us good advice. He has worked very closely with our Office and has been co-operative on all occasions.

I would also like to mention that this will be the last Assembly to have the services of a Deputy Commissioner, and I think it is appropriate that in the absence of the Commissioner he will give us assent and act in the capacity of Commissioner on the closing of this Ninth Assembly. Mr. Pilot has served in many positions and has always been available and helpful, I am sure, to all Members and, again, has co-operated with the Office of the Speaker.

I would like to express my appreciation to all the Members; I feel that we have raised the stature of this Assembly and have served the people of the Northwest Territories very well.

Really at the beginning when we had a look -- and I believe Mr. McCallum and I were sitting next to the door down there -- the two of us by ourselves, it was quite a strange looking group of "cats" as we said, "all in one bag", and to think, that after working together, of the accomplishments that we have been able to make. It was very difficult four years ago to be able to see that it

would be possible to do this, and you are all to be complimented on the fact that there has been enough give-and-take compromise to prove to many doubters, and I must admit at that time, I was a very strong doubter, but it has been a real privilege to have worked with everyone and we have done a good job.

AN HON. MEMBER: Hear, hear!

MR. SPEAKER: Mr. MacQuarrie.

MR. MacQUARRIE: Mr. Speaker, I am not clear whether it is a question of privilege or not, but as the chairman of the standing committee on legislation I had a little preamble of thank you that I had missed and if I could have one moment to do that now I would appreciate it.

HON. DENNIS PATTERSON: Agreed.

MR. SPEAKER: Proceed, Mr. MacQuarrie.

MR. MacQUARRIE: As the chairman of the standing committee on legislation when I was speaking to the bills I neglected to introduce a little preamble, and it was much to my embarrassment, so as the chairman of that committee I would like to thank very much the staff that served us, the Clerk of the committee, David Hamilton, the Law Clerk, Peter Fuglsang and the recording secretary, Gail Mrazek, who all did an excellent job. If I may just say as well, there was someone not serving our committee but the government's legislation counsel, Deborah Meldazy, who always did a magnificent job as well. So I say thank you to all of those, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. MacQuarrie. Thank you for reminding me. I was remiss as well. I had neglected to mention the staff. I suppose when you have such good people working for you you get used to them being around and you expect the type of service that we are getting on a daily basis, when actually it is way above normal. I wish to note that all of our permanent staff in the Clerk's office have been most loyal and have done a very good job; Mr. Remnant, who served this House as our former Clerk, and Mr. Hamilton has proven that he brings a high standard of service to this House not only during sessions but between sessions as well. I wish to note the services of David Gladders, this Assembly's first research officer, who will be leaving our employment on September 16. We wish you good luck in your new endeavours.

---Applause

With these few words I would like to wish all Members who will not be running in the next election, farewell, but not really farewell, just so long for now. Undoubtedly in the Northwest Territories you seem to cross paths many times, and to those who seek re-election, as long as it is not in the Hay River area, good luck.

---Laughter

Mr. Clerk, will you ascertain whether the Commissioner is ready for assent to bills?

ITEM NO. 17: ASSENT TO BILLS

DEPUTY COMMISSIONER PILOT: As Deputy Commissioner of the Northwest Territories, in the absence of the Commissioner, I hereby assent to Bills 1-83(2), 2-83(2), 3-83(2), 4-83(2), 5-83(2), 6-83(2), 8-83(2), 9-83(2), 10-83(2), 11-83(2), 12-83(2), 13-83(2), and prorogue this 11th session of the Ninth Assembly.

---Applause

---PROROGATION

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