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The Honourable Frederick Blake Jr, Speaker

Legislative Assembly of the Northwest Territories

Members of the Legislative Assembly

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YELLOWKNIFE, NORTHWEST TERRITORIES**Wednesday, September 27, 2023****Members Present**

Hon. Diane Archie, Hon. Frederick Blake Jr., Mr. Bonnetrouge, Hon. Paulie Chinna, Ms. Cleveland, Hon. Caroline Cochrane, Mr. Edjericon, Hon. Julie Green, Mr. Jacobson, Mr. Johnson, Ms. Martselos, Ms. Nokleby, Mr. O'Reilly, Ms. Semmler, Hon. R.J. Simpson, Mr. Rocky Simpson, Hon. Shane Thompson, Hon. Caroline Wawzonek, Ms. Weyallon Armstrong

The House met at 1:30 p.m.

Prayer

---Drum prayer

SPEAKER (Hon. Frederick Blake Jr.): Good afternoon, colleagues. Please join me in thanking the Yellowknives Dene First Nation drummers for opening our sitting today.

---Applause

Colleagues, it was a long difficult summer. Many residents were displaced for weeks. Wildfires breached community boundaries. People lost their homes and businesses. Frontline responders worked for weeks fighting back wildfires right on the doorstep of our communities. I want to thank everyone who worked to protect our territory this summer and continue this important work as we meet here today.

Natural disasters take a toll on all of us, physically, mentally and emotionally. While the wildfire season is not over, we are emerging from the most critical stages. We must recover from this natural disaster together. Do what Northerners do best and help one another. Be kind. Be patient. We still have to face the road ahead.

Since our last sitting, two former members of the Legislative Assembly, Robert Sayine and Tommy Enuaraq, have passed. Mr. Sayine was born in Fort Resolution and elected to the Legislative Assembly in 1979. He worked tirelessly for his community, serving as chief, sub-chief and councillor, in addition to many other roles. He is missed by his wife, children, grandchildren and great grandchildren. Mr. Enuaraq was elected to the Legislative Assembly in 1995 for the people of Baffin Central. A well-known community leader and author, he is missed by his wife Elisapee and six children.

I would also like to acknowledge the passing of Bronwyn Watters, the Northwest Territories Equal Pay Commissioner. Ms. Watters had an

extensive career with the GNWT and voluntary service. The GNWT is fortunate to have been a recipient of her exemplary work ethic and dedication. She is dearly missed by her husband and family.

I would also like to take this time to acknowledge all the people who have passed on from all constituencies across the NWT. Our sympathy and condolences go out to those who are grieving.

Members, this is the final sitting of the 19th Assembly. As Members, we have navigated COVID-19 global pandemic, self-isolation and the impact this has had on our communities; we have responded to economic downturns; we have evacuated communities from flooding; and, we continue to manage emergency response to fires today. If there is anything we have learned with this unprecedented last four years as Members, it is how to get the job done in the face of uncertainty.

Members, this is our last sitting to enact legislation and pass the capital budget. I ask all Members to stay focused on the task ahead of us, to get our work done efficiently this week, so we can all go back to support our constituents across the NWT. Colleagues, please join me in welcoming our pages to the Chamber. It is an honour to share this space with our youth.

---Applause

I would also like to welcome our interpreters back to the Assembly and thank them for their work. Our languages are vital to us as Northerners. They tie us to our culture, to our land, and to one another. During this sitting, I am honoured that we will be able to provide interpretation into the following languages: Dene Suline Yatie, Inuvialuktun, Dene Kede, Dene Zhatie, Ticho Yatii; and French

Now, colleagues, it is my duty to advise the House that I have received two messages from the Commissioner of the Northwest Territories.

The first letter reads:

Dear Mr. Speaker, I wish to advise that I assent to the following bills:

- Bill 97, An Act to Postpone Polling Day for the 2023 General Election;
- Bill 99, Supplementary Appropriation Act (Operations Expenditures), No.2, 2023-2024.

Yours truly, Margaret M. Thom, Commissioner.
The second letter reads:

Dear Mr. Speaker, I wish to advise that I recommend to the Legislative Assembly of the Northwest Territories the passage of Supplementary Appropriation Act (Operations Expenditures) No. 3, 2023-2024 during the second session of the 19th Legislative Assembly. Your truly, Margaret M. Thom.

Thank you, colleagues. Ministers' statements.
Madam Premier.

Ministers' Statements

MINISTER'S STATEMENT 377-19(2): SESSIONAL STATEMENT

HON. CAROLINE COCHRANE: Mr. Speaker, I would like to welcome my colleagues back to the House for the final session of the 19th Legislative Assembly. Many of us have been through at least one evacuation since we have last met in person, and I am grateful you are all safe.

For many residents of the NWT, you have recently returned home from a very long evacuation. Some residents have lost homes and businesses. For students, this is yet another disruption to their school year. While it is tradition for the Premier to deliver a final Sessional Statement to recap and celebrate the accomplishments of their government, today I want to start by celebrating the residents and communities for their unending resilience in the face of so much adversity. To Hay River and the K'atlodeeche First Nation in particular, I see the hardship created by repeated evacuations due to both floods and fires. Words cannot express my admiration for you. This is the kind of resilience that makes me proud to live in the Northwest Territories.

Mr. Speaker, I want to acknowledge the tragic passing of firefighter Adam Yeadon from Fort Liard. Adam lost his life this summer while protecting his community from wildfire. Adam was passionate about his work as a firefighter, and we will honour his sacrifice with a scholarship in his name.

We often forget that first responders put themselves at risk every day in the critical work they do, and it is important to express our gratitude for their dedication to this work. I am very thankful to all first responders and the firefighters who, like Adam, take pride in their work and commit to it fully despite the risk. Against the odds, we have demonstrated resilience by working together through a series of adversities. This is a testament to the passion of all Members with whom I have had the pleasure to serve over the last four years. I want to thank everyone in this Chamber for the countless hours they have spent supporting and advocating for their constituents.

We have faced many challenges during the life of this Legislative Assembly. On February 7th, 2020, I tabled the new mandate of the Government of the Northwest Territories. Just over a month later, the first wave of COVID-19 hit the territory. It is hard to believe such a globally significant event now seems like a distant memory, even after it has profoundly shaped nearly every aspect of the Legislative Assembly.

We faced unprecedented flooding for two years in a row, which destroyed homes, cabins, businesses, and other infrastructure in multiple communities. These floods were followed a year later by a catastrophic 2023 wildfire season, in which over four million hectares of the territory have burned, and the season is not over yet.

Frontline workers and emergency management personnel across the territory have been tested time and time again over the life of this Legislative Assembly. They often work incredibly long hours for the benefit of residents, and I would like to thank them for their dedication to public service.

First responders have been with us every step of the way, from the pandemic to natural disasters. As this year's wildfire season stretches into a sixth month, I want to thank them for the amazing work they do each and every day.

I would also like to thank our neighboring provinces and territories who welcomed two thirds of the territory's population during the recent wildfire evacuations. Thank you to all the Indigenous, federal, provincial, territorial and community governments that provided support during this very challenging time.

I also want to acknowledge the many volunteers who provided meals, supported families and did everything from giving rides to offering a place to stay.

Finally, I want to extend my gratitude to the Alberta Emergency Management Agency for offering their assistance and expertise, and for helping to coordinate with other agencies across the province.

Mr. Speaker, during the life of this government, my Cabinet colleagues and I have been committed to serving the people of the Northwest Territories. While our decisions have not always been popular, they have always been made with integrity and with the goal of building a better future for us all. This government's mandate reflected the 22 priorities set by all Members of the Legislative Assembly. I am pleased to advise Members that despite numerous challenges, this government has fulfilled 77 percent of our mandate commitments, another 13 percent are in progress, 9 percent have been delayed, and less than 1 percent have been discontinued. Later today, I will table the final progress report on the government's mandate which contains more detail about each of the completed commitments.

Since it was tabled in February 2020, the GNWT has initiated and carried out many significant actions in support of the mandate in key areas, including strengthening relationships with Indigenous governments and advancing reconciliation, providing improved social, economic, and governance supports for NWT communities and residents, and implementing efforts to grow, diversify, and sustain our economy and strengthen climate change action.

As a government, we work closely with our colleagues, partners, and residents to make notable progress on the promises we made back in 2020. We have advanced our initiatives despite significant adversity. I am particularly proud of how well we adapted and continued to prioritize the health and well-being of the residents and communities of the NWT. Mr. Speaker, while the mandate set out the broad strokes of what we wanted to achieve during the 19th Legislative Assembly, it is not the only way to measure this government's success. Supported by an incredible public service, we have so much to be proud of. During my time as Premier, I have spoken at length about the importance of relationship building and partnerships. In their mandate letters, I set the expectation that every Minister must foster constructive and respectful government-to-government relationships with Indigenous partners and seek ways to advance reconciliation, recognize and affirm Aboriginal rights, and support expanded program and service delivery by Indigenous governments. I am especially proud of the work we have done

with Indigenous governments. We have furthered land and self-government negotiations. We have removed the requirements for Indigenous governments to meet core principles and objectives, and we have published our negotiating mandates for clarity and transparency. We also established the Northwest Territories Council of Leaders, an example of meaningful collaboration between leaders from across the Northwest Territories, and this is a table at which the Government of the Northwest Territories is just one voice among many. The creation of this table has allowed us to strengthen programs and services, including working together to tackle our housing crisis, to respond to the calls for justice for Missing and Murdered Indigenous Women and Girls, and to develop the proposed United Nations Declaration on the Rights of Indigenous Peoples legislation, which I hope to see passed this session.

This government has been focused on improving the health and well-being of all residents. We have made changes to income assistance to better serve residents, we have increased the number of public housing units, and implemented a housing strategic renewal framework. There are more supports than ever to help seniors age in place. Significant progress has been made toward building a wellness and recovery centre in Yellowknife, and mental health services are undergoing an important transformation to ensure residents can access them in their time of need. Earlier this year, the Government of the Northwest Territories also released the territory's alcohol strategy which lays out concrete steps to address alcohol-related harms through policy, education, public safety, communications, and treatment initiatives.

As part of the long-term commitment to primary health care reform, we have seen the creation of integrated care teams in Fort Smith, Fort Good Hope, and Yellowknife to ensure residents have access to care with the right provider and can build relationships to enhance continuum of care. The child and family services quality improvement plan is helping the government make real progress on delivering culturally safe programs and services to all NWT residents, including those most vulnerable.

Mr. Speaker, I am very proud that the homelessness strategy has been completed during my time as Premier. This work was done collaboratively with partners in the non-profit sector and looks for realistic solutions to challenges. Not only does this strategy set a goal to increase the number of housing units, including transitional housing, it also highlights

the need to integrate the delivery of various services to ensure we focus on clients and their needs, as well as their hopes and aspirations. I look forward to seeing the progress on implementing this strategy in the next government.

We have also made great strides in how we address public safety. The pandemic was a wake-up call for governments around the world, and we have learned from our response and from the response of others and used those lessons to inform how we respond to other emergencies like wildfire and flooding.

The GNWT's Emergency Management Organization, or EMO, has been put to the test on multiple occasions over the last four years, most recently during this year's wildfire season. Lessons learned have resulted in continuous improvement such as the addition of regional EMO staff and updates to the GNWT's Disaster Assistance Policy.

Mr. Speaker, The NWT is experiencing the effects of climate change up to four times faster than the rest of the world, and this has been top of mind in decision-making for this government. In addition to completing several climate change-related mandate commitments, I want to highlight the Government of the Northwest Territories' Capital Asset Retrofit Fund, which is now self-sufficient and will result in reduced greenhouse gas emissions, including a reduction of over 17,000 tonnes by the end of this fiscal year. I am very happy to share that \$3.75 million of annual utility savings will go towards funding 100 percent of next year's Capital Asset Retrofit Fund.

In the last four years, our government has overseen the completion of several major capital projects, including the Tlicho Highway, Ecole Itlo in Yellowknife, the Inuvik High Powered Wind Turbine project, the Hay River Fish Plant, and various highway improvement projects. Further, we have successfully operated and maintained hundreds of government assets from buildings to highways to ensure important services could continue to be available, despite some exceptionally difficult circumstances.

With the creation of the Department of Environment and Climate Change, we have also seen an improvement to how this government coordinates and makes decisions on land and natural resources management. The updated Healthy Land Healthy People work plan scopes out the future for protected and conserved areas, and the Participant Funding Program provides long-term secure funding to establish and maintain protected and conserved areas. We have also seen the

creation of protected and conserved areas including the Edehzhie national Wildlife Area, the Ts'ude Niline Tuyeta Indigenous and territorial protected area, and the Sahtu K'aowe Indigenous Protected and Conserved Area. Collaboration on Public Land Act regulations through the intergovernmental council on Land and Resource Management Legislative Development Protocol is also a transformative approach for how we as a government work on legislation.

On the education and training front, I am very proud of the work of our education system and of the hardworking educators across the territory who adapted to the challenging circumstances of the pandemic and pivoted to an online learning model to allow students to continue their studies at home. In fact, this year NWT schools have once again adapted to change as they begin to pilot curriculum from British Columbia which is open to NWT Indigenous ways and will appropriately challenge students while supporting key learning for life.

Mr. Speaker, I also want to highlight the incredible work that has been done to advance Indigenous language programming in NWT schools. In particular, the Mentor Apprentice Program helps apprentices increase their ability to understand and speak their language by living life in their language.

This government has worked hard to support businesses, including continuing to promote the importance of the resource sector and the significant opportunities it holds, as well as undertaking the long-awaited procurement review. Private industry is a cornerstone of our economy, and we have been working hard to cut red tape and support entrepreneurs. I recognize that more is needed to enable government support for businesses during emergencies, and it is my hope this will be top of mind for the next government.

Mr. Speaker, we have made significant changes to the way the Government of the Northwest Territories does businesses. I want to take this opportunity to again thank all Members of the Legislative Assembly, residents, businesses, community leaders, stakeholders, and all budget dialogue participants for their input in developing the GNWT budgets during the 19th Legislative Assembly.

The 2023-2024 Budget has been challenged by the dramatically increased costs of this year's wildfire season. As a result, our operating surplus is expected to drop from a projected \$178 million to about \$5 million. This drop in operating surplus is expected in the current

fiscal year only and is not expected to persist in future years. However, the GNWT will likely run a deficit in 2023-2024 when our capital expenditures are considered.

The fiscal outlook is stable despite these large expenditure shocks, partly because Canada will provide disaster relief funding. Under the Disaster Financial Assistance Arrangement, in the coming years the GNWT may recoup up to 90 percent of evacuation and rebuilding costs incurred during the 2023 wildfire season. Normally this can take several years, but we are negotiating with Canada to advance some of this money sooner. The federal government has been receptive to this idea and is considering it. The stable outlook is also due to right-sizing the capital budget this fiscal year to reflect the capacity to complete infrastructure projects, which improved the cash balance and debt outlook. Additionally, strengthening the Fiscal Responsibility Policy so that GNWT total borrowing is more closely linked to the federally-imposed borrowing limit helps maintain the stable outlook. So, while this will be a challenging year, our overall fiscal situation will remain relatively stable over the next few years, and we do not anticipate reaching the federal debt limit in the near term. Mr. Speaker, during my time as Premier, I have tirelessly advocated for the Northwest Territories to receive appropriate funding from the Government of Canada. I have been especially vocal in the last year, particularly in the media and at the various meetings of Canada's Premiers. Most recently, I have been clear that this has been a record-setting wildfire season for the territory, including an extraordinary financial cost and we cannot face this burden alone.

Canada's failure to make transformational investments will leave the Northwest Territories facing the devastation and staggering cost of climate change without sufficient economic opportunities to cover the increased expenses. Modern transportation, energy, and telecommunications infrastructure are paramount for the prosperity of Northerners and to keep pace with our southern counterparts. Such investments would support life changing projects and enable NWT residents to pursue financial stability. The federal government's Arctic and Northern Policy Framework, launched in 2019, acknowledged the serious gaps between the North and South when it comes to infrastructure, as well as government programs and supports available to residents. To date, there has been no implementation plan, nor any dedicated funding announced. I believe strongly that these gaps have widened in recent years due to the effects of the pandemic,

Canada's per capita funding model, and the insistence that the NWT fit into national program models without recognizing our unique circumstances.

Northerners are not second-class citizens in Canada and should not be treated as such. In my final sessional statement as Premier, I want to make one thing abundantly clear: The North will not be silenced in its calls for treatment equal to that received by Canadian provinces. The time for investment in the North and true partnership is now. I want to thank our allies in Ottawa and beyond, for helping to amplify this message to the federal government. We must continue to deliver this message loud and clear on behalf of all our residents.

In the final Session of the 19th Legislative Assembly, we have critically important work ahead to set up the next Legislative Assembly for success. We will debate first-of-their-kind legislation, including the Forest Act and the United Nations Declaration of the Rights of Indigenous Peoples Implementation Act. The Forest Act was developed side-by-side with Indigenous governments, Indigenous organizations and renewable resource boards using, for the first time, the intergovernmental council on Land and Resource Management's Legislative Development Protocol. The United Nations Declaration on the Rights of Indigenous Peoples Implementation Act was developed through the NWT Council of Leaders, a shining example of partnership with Indigenous governments and Indigenous organizations. Mr. Speaker, I seek unanimous consent to conclude my statement.

---Unanimous consent granted

Thank you, Mr. Speaker. I am so pleased to be closing out this Legislative Assembly with incredibly strong relationships across the territory.

Mr. Speaker, no Premier makes this journey alone. I want to thank the public for holding me and this government to account. I want to thank the Ministers for their hard work over these past four years and for the leadership they have shown. To all levels of government, but especially to Indigenous governments: Thank for you working with us and developing what I think are among the strongest relationships between our government and Indigenous leadership in the territory's history. Thank you to my fellow Members for their passion and for their many ideas to improve our territory. To the staff that have supported Cabinet, my heartfelt thanks for your dedication and expertise. Mr. Speaker, it is bittersweet to deliver my final sessional statement. The last four years have challenged me in ways I cannot fully express,

but I can say with certainty that I have grown as a person and as a leader. I have also been privileged to see the personal and professional growth of colleagues around this House. As this government comes to an end, and another is about to begin, I am optimistic when I think about what's in store for the NWT. I want to thank my colleagues for trusting me four years ago. Leading our territory is one of the great privileges of my life and I will be forever grateful for the opportunity. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Madam Premier. Colleagues, before we continue, I wish to draw your attention to the presence of a former Member Kieron Testart in the gallery. Mr. Testart was a Member for Kam Lake in the 18th Assembly. Welcome to the Chamber.

Ministers' statements. Members' statements. Member for Deh Cho.

Members' Statements

MEMBER'S STATEMENT 1581-19(2): WILDFIRE EVACUEES

MR. BONNETROUGE: Mahsi, Mr. Speaker. Mr. Speaker, the recent wildfires will be etched in everyone's minds for quite some time. Three of the largest centres in the Northwest Territories were affected with evacuation orders: Fort Smith which includes Smith's Landing First Nation; Hay River; Yellowknife, which includes Dettah and N'dilo. Equally affected were my riding communities of K'atlodeeche, Enterprise, and Kakisa. This is the largest evacuation order, ever, of residents, due to wildfires. Hay River and K'atlodeeche had faced evacuations back in May due to a large, fast moving wildfire not seen previously, and a fire of this magnitude should have been a wake-up call.

Mr. Speaker, I, and on behalf of my colleagues, extend sincere sympathies to the many residents of our territory who were evacuated from their homes and communities. To the residents of Enterprise and Paradise Gardens, words cannot replace what was lost in the fires. But take solace, you were always in our thoughts and prayers. Our heartfelt sympathies to the many elders and long-term care patients who were displaced and sent far from their loved ones, you are all in our thoughts and prayers.

Mr. Speaker, I and my colleagues would like to extend heartfelt thanks and appreciation to the fire crews, fire management teams, and the many volunteers who were involved in containing the wildfires. It was an onerous task

but you all stuck it out and for that the residents are forever grateful. Mahsi.

MR. SPEAKER: Thank you, Member for Deh Cho. Members' statements. Member for Thebacha.

MEMBER'S STATEMENT 1582-19(2): THANKING FIRST RESPONDERS AND RECOGNITION OF FORT SMITH RESIDENTS

MS. MARTSELOS: Thank you, Mr. Speaker. Mr. Speaker, to begin this final sitting of the 19th Assembly, I would like to start by recognizing and thanking all the people who helped with Fort Smith's evacuation and protection in this year's record-breaking wildfire season. This includes all wildfire personnel in the Department of Environment and Climate Change formerly known as ENR, as well as the personnel from Parks Canada, the Canadian Armed Forces, the Department of MACA, the business community, and regular citizens who stepped up and volunteered to help in any way they could. Thanks to the combined efforts of all these groups, Fort Smith is still standing with no homes lost or human lives lost due to wildfires. Thank you also to those residents who stayed behind to help, to defend, and look after the community while it was evacuated.

As MLA for Thebacha, on behalf of the Fort Smith residents, thank you everyone who helped with these efforts of protecting Fort Smith from disaster. Moreover, Mr. Speaker, while it is certainly positive that Fort Smith itself did not sustain any major physical damage due to wildfires, the landscape has changed.

There are some sad stories that occurred during the period of evacuation that I want to share with you. With the permission of their families, I am sad to report that Fort Smith lost five citizens during the five weeks that we were evacuated from our community. The names of these individuals are Sandy Murphy, a senior from the seniors home. Chris Caron whom I traveled with every Friday through the entire 19th Assembly. I will miss him. Michael Walsh, who I met during my last campaign in 2019 and is a senior whose daughter is Shauna Walsh. Jason Abraham, a Salt River Member. And Philip MacDonald, who is also a Salt River Member, and was the oldest person in Fort Smith. On behalf of all Fort Smith residents, I want to offer my heartfelt condolences to the family, friends, and loved ones of each of these individuals. These are a sad loss for our community. It is always hard to lose someone but I know that it was especially hard to handle during such a mixed up time throughout our

town's evacuation. Mr. Speaker, I seek unanimous consent to conclude my statement.

---Unanimous consent granted

Mr. Speaker, it is important to note that none of these deceased individuals had died as a result of the wildfires and that each person passed away due to various reasons. There is, however, an additional story that I want to mention which did result in life loss due to wildfire.

During the second evacuation of Hay River, Fort Smith residents Mike Curet and his wife Halina Kate did lose some animals along with their truck and livestock trailer as they were fleeing Hay River. In all, they lost five alpacas and two guard dogs named Luna and Cassie. Those animals were part of Mike and Halina's family, and it is very unfortunate that they died during the evacuation.

In closing, Mr. Speaker, I also want to acknowledge the fallen NWT firefighter, Mr. Adam Yeadon, who died on the job in July while battling a fire near Fort Liard. Adam was a Member of the Acho Dene Koe First Nation. He was only 25 years old. He had a young daughter and a loving partner whom he left behind. As Thebacha MLA, I want to offer my condolences to his family and his community for this tragic loss.

And, lastly, I want to thank the Cabinet, all Regular Members, all Regular MLA Members, and all the staff of the Legislative Assembly, who helped me navigate through this evacuation.

I also want to thank my husband Peter and my dog Rambo. Both of them stayed behind and looked after people's pets, harvest people's gardens since grocery trucks could not deliver food due to road closures. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Thebacha. Members' statements. Member for Hay River South.

MEMBER'S STATEMENT 1583-19(2):
THANKS TO WILDFIRE CREWS AND
COMMUNITY MEMBERS WHO PROTECTED
HAY RIVER

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. Mr. Speaker, I'd first like to say Happy Birthday to my son R.J.

Mr. Speaker, over the summer, wildfires in the North South Slave Region destroyed homes, businesses, and community infrastructure which will have a long-lasting effect on the

emotional and mental well-being of residents of Hay River, K'atlodeeche First Nation, and Enterprise.

Mr. Speaker, many of us have seen first-hand the devastation in Enterprise, Hay River, and K'atlodeeche, and along the highway where cabins were lost due to these wildfires. Residents are asking, could more have been done to get the fires under control sooner? Possibly. But one thing is for sure, if not for the immediate action by Hay River's EMO and the sheer determination and work of those wildfire and structural frontline firefighters, of those who fought the fire from the air, and of those who provided logistical and various supports to all frontline workers, the outcome might have been much different and much more devastating and for this we thank them.

Mr. Speaker, this wildfire impacted residents of Hay River and the residents of the South Slave who were directed to evacuate on very short notice which many did, and for that we must thank them for their cooperation, patience, and understanding throughout this ordeal. The evacuation was not only for their safety and for the safety of their family and neighbours but provided frontline firefighters with room to effectively fight the fire that surrounded and endangered homes, businesses and community infrastructure.

Mr. Speaker, the Yukon territory and the provinces of Alberta, Manitoba, and British Columbia, along with many of their residents, businesses and NGOs, all stepped up and welcomed our residents with open arms. They mobilized quickly to provide accommodation, meals, local transportation, mental health, and medical health supports and more. For this, we thank them.

Mr. Speaker, the First Nation and Metis governments provided ongoing financial, transportation, accommodation, and mental health supports to their citizens throughout the evacuation, as well as many NGOs including United Way, have been instrumental in providing financial and other resources and supports and fill gaps left by government. For this, we thank them.

Mr. Speaker, I would like to recognize the work done by Hay River mayor Candace Jamieson, councillor Robert Bouchard, and volunteer Cathy McBryan who, among the many duties they had, spent countless hours at the airport ensuring safe and organized departures of all evacuees of Hay River. For this, I thank them. Thank you.

MR. SPEAKER: Thank you, Member for Hay River South Slave. Members' statements. Member for Frame Lake.

MEMBER'S STATEMENT 1584-19(2):
EVACUATIONS AND GOVERNMENT
SUPPORT

MR. O'REILLY: Merci, Monsieur le President. Like most of us in this Chamber, my family and I were the subjects of the mandatory evacuation orders in August and September. I want to extend my personal thanks to all those firefighters, support workers, and other essential service personnel that stayed behind to protect our communities. I also want to thank the Alberta, British Columbia, Manitoba, and Yukon governments, the non-governmental organizations, the volunteers, and businesses that helped support our residents while we were away. I also want to acknowledge that as bad as Yellowknife had it, other communities suffered longer evacuations and Enterprise, K'atlodeeche, and Paradise Gardens are going to need very substantial government assistance with their future.

While it might be easy to criticize evacuations, there is always room for improvement. It was a miracle that 19,000 people were, for the most part, able to leave Yellowknife safely over a three-day period. Clearly there is also a need to work more closely with Indigenous governments for emergency management and evacuations.

Moving forward, there are still two areas that require further attention. Firstly, while I appreciate Cabinet's work during evacuation, the financial supports to date have not been adequate or equitable. The evacuation travel support program is not sufficient as \$750 per vehicle does not cover those who voluntarily left on commercial flights, in some cases at great personal expense so as to not stress government charter flights, or those residents that could not access supports upon evacuation to other jurisdictions for a whole variety of reasons. I will continue to fight for more equitable and generous financial support.

Our small businesses also require more support. Many have not fully recovered from COVID when struck with impacts of these evacuations. It is my understanding that evacuations costs are eligible for up to 90 percent reimbursement under the federal guidelines for the disaster financial assistance arrangements. I fail to understand why Cabinet cannot provide more and fair financial support for evacuees and small businesses. Lastly, it is now time to start to formulate the lessons learned exercise for firefighting and emergency

management. As I have said before, this needs to be a comprehensive, independent, and third party public review. All available tools and options including the Public Inquiries Act need to be carefully considered with an opportunity for public input. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Frame Lake. Members' statements. Member for Nunakput.

MEMBER'S STATEMENT 1585-19(2):
RECOGNITION OF PASSING OF
NUNAKPUT RESIDENTS

MR. JACOBSON: Thank you, Mr. Speaker. Today, Nunakput constituents and former residents who passed away since our last sitting in June.

Paulatuk: Sadie Marie Grover Sikilak Lester who passed away September 4th, 2023. Sadie was a strong survivor who did everything she could to raise her children as a single mother. She was also a residential school survivor and she will be sadly missed.

Sachs Harbour: Mr. Noah Carpenter, son of Fred Carpenter and Ada Gruben. A respected retired medical doctor, a surgeon, top in the field of neurosurgeon. He will be retired and living in Winnipeg, Manitoba. He is survived by his siblings and many adopted brothers and sisters. He was a Inuvialuit and a role model to all the people.

Tuktoyatakuk: Joanne Felix, a young lady from Tuktoyatakuk who passed away in Whitehorse, Yukon. Our thoughts and prayers are with the family, Mr. Speaker.

And again, Adam Yeadon, the young firefighter who passed away, you know, working for the people of the Northwest Territories' safety. Thoughts and prayers are with his family.

Today, Mr. Speaker, I would also like to, people that I grown up with in Tuk, Don Gruben Senior, who passed away a few months ago and his son Jerry passed away a few weeks ago. And my thoughts and prayers are with Darlene and the family. And gone but not forgotten.

My good buddy growing up and going to residential school, Patty Elikuk. I just found out Patty passed away and his funeral is today in Inuvik and so thoughts and prayers with the family.

And another good friend growing up, Jason Firth, also known as Jim Bob. I got a lot of good memories with him. And he will be sadly missed. My thoughts and prayers are going out

to Hazel and to Jenkins and the family in Fort McPherson.

And one of the toughest, the last couple of weeks ago, Mr. Speaker, I lost my brother-in-law, Bruce. And my sister Pauline, that's my older sister, through the evacuation and all that, you know, with all that being traveling down to BC to the hospice there and my sister and myself were there, caring for him, and his brother was there, which was really good, you know, and Bruce is a 14-year vet of the Canadian Armed Forces. And I really enjoyed his company while he was here with us in Yellowknife and often spent a lot of time with him. But to my sister Pauline, you are not alone, and I love you and we are going to get through this. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Nunakput. Our thoughts and prayers are with the families and communities at this time.

Members' statements. Member for Tu Nedhe-Wiilidhe.

MEMBER'S STATEMENT 1586-19(2):
RECOGNITION OF ESSENTIAL SERVICE
WORKERS

MR. EDJERICON: Thank you, Mr. Speaker. The Northwest Territories has been through hard times since the Assembly began four years ago. The pandemic, floods, fire, even war, have darkened our days and brought our people nothing but stress and uncertainty. It has also tested the resolve of this government to steer the territory through the worst of times. We are in the thick of it, Mr. Speaker. Even today, session is on an emergency basis and I think that it is important that we recognize the people who have been working hard to protect our communities while their friends and families have been forced to evacuate. I would like to say thank you and recognize all the essential workers from the City of Yellowknife, Town of Hay River, Town of Fort Smith, YKDFN, Kakisa, K'atlodeeche Reserve.

Mr. Speaker, when I recognize these people coming up shortly I just want to say, you know, they have been working long days and nights to protect our communities and our homes and be ready to welcome, for me and my community the Yellowknives Dene First Nation, home. I want to say a big mahsi cho to Elvis Kotchilea, Brian Proby, Kieron Testart, Bochia Kotchilea, Therese Lynn, Roger Mackeinzio, Joe Dewar, Cash McMann, Silent Safkin, Trisha Liske, Norman Sangris, Gordon Sangris, Eric Capoe, and the volunteers Brian Sundberg, Ethan Sundberg, Ernest Betsina, Norman Betsina, Nikki Betsina, including former chief Eddie

Sangris and chief Fred Sangris. And there are so many others who have pitched in during these times, mahsi cho again from the bottom of my heart.

Mr. Speaker, Northerners are resilient and strong. Our Indigenous brothers and sisters have weathered greater storms that our ancestors survived since time immemorial. The community's display of compassion and generosity is humbling. It is no surprise that we are taking care of each other. That's what Northerners do.

Mahsi to everyone who has stepped up to help the evacuees from provinces, provincial governments to the non-government organizations, to cities and band councils, and ordinary citizens pitching in to help. And I want to recognize and include Deninu Kue First Nation, the Fort Resolution Metis Council, and Lutselk'e Dene First Nation. Mr. Speaker, I seek unanimous consent to conclude my Member statement. Thank you.

---Unanimous consent granted

Thank you, Mr. Speaker; thank you, colleagues. But just because Northerners can handle any crisis, it doesn't they don't have questions about how this government has been managing our current state of emergencies. It does not take a scholar to notice that the communication from our Cabinet colleagues have been limited, confusing, and in some cases contradictory. Just this alone has caused enough for a concern. If our government cannot effectively communicate, it seems unprepared and for some untrustworthy.

Mr. Speaker, the people are frustrated and our patience are running out. We cannot expect that thousands of displaced residents can support themselves without help from our government. We must do more. Our people are looking for us for leadership. Even though the session is short, rest assured I am working day and night to support my constituents through the crisis and ensure our people that are back safely to their homes and their traditional territory. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Tu Nedhe Wiilidhe. Members' statements. Member for Great Slave.

MEMBER'S STATEMENT 1587-19(2):
CLIMATE CHANGE AND EMERGENCY
RESPONSE PLANNING

MS. NOKLEBY: Thank you. I'd like to also welcome everyone back into the House for the final sitting of the 19th Assembly. I also want to welcome back the residents of Yellowknife as

well as those who were displaced for so long in the South Slave. I am very proud of the strength and resiliency of the residents of the NWT, of how people took care of each other. My social media feeds were full of people pitching in, sharing information, and providing resources to those less fortunate. It was truly heartwarming.

I also want to thank the hard-working fire, military, and safety personnel from the NWT and Alberta, and across Canada and the globe. They worked tirelessly and at great peril to protect our communities and keep people safe, and we owe them a huge thank you.

Mr. Speaker, as we entered the 2023 fire season, SCEDE had been working on Bill 74, the Forest Act. In the spring we traveled to several communities and received input from stakeholders and interested parties. This work confirmed for me that the NWT is woefully unprepared for climate-driven emergencies. From an out-of-date 2018 emergency plan to putting the onus on underfunded communities to take care of their own preparedness, mitigation, and response, the NWT is poised to face costly climate disaster after climate disaster for the foreseeable future. We must be proactive now and create community specific mitigation and response plans that incorporate Indigenous science and local knowledge to properly care for the land.

Mr. Speaker, why have we not seen an updated Emergency Response Plan during this Assembly, one that accounts for our rapidly changing climate? Emergency Response Plans should be considered living documents with annual updates and training. Has any of this happened or is the last time anyone looked at the plan in 2018?

In 2021, the Minister of ENR and I traveled to the UN climate conference in Glasgow where he had one goal. His job was to impress upon the federal government that the NWT was experiencing climate change at an unprecedented rate; to make the Liberal government understand that we could not afford to pay for their climate change election promises, nor did we have the capacity to do so. Considering the controversial tax imposed on us all in the spring, it's clear that this mission was a failure. And I am very concerned that if the GNWT does not get serious now and proactively address climate change and emergency response in the coming months, we are going to find ourselves in the same situation next summer. And Mr. Speaker, I can't think of anything worse for the mental well-being of our people if that was to happen. Thank you.

MR. SPEAKER: Thank you, Member for Great Slave. Members' statements. Member for Monfwi.

MEMBER'S STATEMENT 1588-19(2):
NORTHWEST TERRITORIES WILDFIRE
POLICY

MS. WEYALLON ARMSTRONG: Thank you, Mr. Speaker. Mr. Speaker, we all know this has been the worst forest fire season in the NWT history. This is the first time in history that two-thirds of NWT residents were forced to leave their homes. These tragic events displaced nearly 30,000 people for weeks and resulted in the loss of millions of hectares of land burned. In Tlicho region, four houses and 15 traditional cabins burned, as well as devastating loss of traditional food from both vegetation and wildlife. The damage done to our lands will take decades to repair.

Mr. Speaker, this fire season has seen two Tlicho communities, Wekweeti and Behchoko, needing to be evacuated. Other communities were also evacuated, and some were put on alert status.

Mr. Speaker, the GNWT current wildfire management policy has completely failed the people of the NWT. All NWT residents have been impacted and millions of hectares of land destroyed across the NWT. This wildfire management policy needs to change before more damage is done to NWT lands and communities.

Mr. Speaker, these fires all started out small and controllable. In such a dry, in a hot dry year, these fires should have been put out right away, not allowed to burn hoping that they extinguish themselves. This failure allowed millions of hectares of land destroyed and impacted the lives of every NWT resident. We cannot even begin to estimate the wildlife, the animals burned, plants, and all the animal habitat destroyed and the long-term impact this will have on residents of the NWT. Mr. Speaker, I seek unanimous consent to conclude my statement. Thank you.

---Unanimous consent granted

Mr. Speaker, all fire seasons, during all the fire seasons, the Minister has said that it is the hottest driest year, and that is true. In these extreme weather condition, a change to the policy should have happened. Letting fires burn until they threaten critical infrastructure has catastrophic results for the NWT.

Mr. Speaker, GNWT policy may have failed the people of the NWT the people of NWT did not fail each other. The people of the NWT were

there to support one another. They opened their homes and hearts, volunteered their time and resources to support each other. It makes me proud to be a resident of the NWT.

Mr. Speaker, I want to thank the firefighters for the work that they do. They put their lives on the line and work countless hours to save NWT communities and our communities of Wekweeti and Behchoko. I also want to thank all the community government workers, volunteers, people who stayed behind in Behchoko and Wekweeti to support the firefighters. Even after ECC pulled out of Behchoko, some residents stayed behind to continue fighting the fire and save our community.

Mr. Speaker, I also want to thank all the people who supported Tlicho citizens during Behchoko and Wekweeti evacuation in Yellowknife. Thank you for your generosity and kindness.

Mr. Speaker, we were not happy with how our Tlicho communities were treated during Yellowknife evacuation. I will have another Member statement to discuss these concerns. Thank you.

MR. SPEAKER: Thank you, Member for Monfwi. Members' statements. Member for Kam Lake.

MEMBER'S STATEMENT 1589-19(2):
POST-EVACUATION BUSINESS SUPPORTS

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, I have stood in this House and have spoke about the symbiotic relationship between between GNWT and private industry. We have a fundamental need for the sustainability of private industry. Its growth and prosperity is a true indicator of a healthy economic environment.

Here in Yellowknife, we saw firsthand how reliant governments are on private industry. Our private industry is the backbone of this territory and showed up in a big way as business and public servants worked together to fire smart this town.

A healthy territory relies on a vibrant private sector which isn't only a reliance on the businesses deemed essential and able to stay. We rely on hundreds of business from medium corporations and limited liability companies to small and home-based businesses that collectively serve residents and government.

Mr. Speaker, our businesses are hurting. Many have said evacuations hit harder than COVID. Hay River businesses experienced three evacuations in a year and a half, South Slave operators saw significant weeks of

evacuations. Some South Slave businesses lost everything. And even with the three weeks of evacuation here in Yellowknife, without infrastructure loss, cost financial shortfalls of \$20,000 in some and well over hundreds of thousands in others.

Mr. Speaker, the income disruption policy is not reflective of northern wages and owners don't qualify. The SEED relief covers some monthly expenses but is capped at \$5,000 as is the BDIC WARM funding. I have heard some people say that businesses should have had insurance, but business insurance does not cover natural disasters or pandemics. Multiple Kam Lake businesses continue to pay salaries or allowances to staff out of a personal duty of loyalty and care for their employees. With no billable hours, this caused incredible hardship for those employers.

Mr. Speaker, in a nation with a labour shortage, these employers need their staff to return to Yellowknife to continue to fulfill fall contracts. And this government needs those residents to come home too. Some businesses, without the cash flow to continue to pay salary, lost staff who couldn't weather the uncertainty of an evacuation, some have cancelled contracts or shifted business operations, driving summer work into winter months with greater costs while others work on an exit plan, Mr. Speaker. This means we have not yet experienced the actual fire season cost as the dominoes continue to fall in private industry. Businesses need to save for a rainy day they say but this is not a rainy day, Mr. Speaker. These are the impacts of unmitigated climate change on a territory without a viable aspirational plan. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. Members' statements. Member for Yellowknife North.

MEMBER'S STATEMENT 1590-19(2):
WILDFIRE EVACUATIONS

MR. JOHNSON: Thank you, Mr. Speaker, I would like to join in my colleagues and thanking all of our forestry firefighters, all of those who worked at -- our pilots, our tanker bases, in those logistics, to the hundreds of volunteers in multiple communities, especially here in Yellowknife who stayed behind and built what is truly an impressive fire break in a matter of days as well as all of the municipal staff. And lastly, Mr. Speaker, I would like to thank all of our constituents who have been through a lot, and it seems like the majority of time in this Assembly has been spent in some sort of state of emergency, and it feels like we just can't get a rest. I know a lot of us are feeling like little

stress, and I encourage everyone, you know, to try and take some time now to recover and hopefully we get a little break from this never-ending string of emergencies.

But Mr. Speaker, that may not be the case, and I want to echo the sentiment of some of my colleagues that we have to take this after-action review seriously. We have to work with our municipalities, and I think that we have to answer some fundamental questions, one is on fire management. Are we spending enough on fire prevention or are communities properly funded to build fire breaks? Are we doing enough control burning now that cooler weather is with us? Emergency management, can we really continue to have our communities be the lead on emergency management?

Here in Yellowknife, it was very clear that the City of Yellowknife was never resourced and funded to do air evacuation or to evacuate a whole city, let alone provide accommodations across multiple jurisdictions. We stepped that up and did that, but it raises fundamental questions about where that responsibility should lie in the first place.

I think there are lots of questions about our forest management practices going forward. Certainly we have spent hundreds of millions of dollars on suppression, and we are experts in that front. But there are questions about how large fire breaks need to be built around communities. Communities, two of them, we had the opportunity to tragically to see the one in Enterprise just before the community was burnt, Mr. Speaker, and they were proud of the size of that. But was there any size of fire break that would have prevented that fire or would control burning have done that? I don't have these answers. They are technical questions, but I think this is the entire scope of an after-action review that we owe our citizens and I think needs public input from the public and all the community and all of the people involved in this so we can answer some of these questions and we don't find ourselves fighting over jurisdiction in the midst of an emergency again. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Yellowknife North. Members' statements. Member for Nahendeh.

MEMBER'S STATEMENT 1591-19(2):
EULOGY FOR ADAM YEADON

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, Adam Blake Yeadon was born on August 30th, 1997, at Fort Nelson BC to Barbara Bertrand and Jack Yeadon. Adam was the fourth of five children.

Adam was raised in Fort Liard where he lived most of his life. He went to Bella Coola for a couple of years with his dad and brother Jackson, but his heart was calling him home and he came back to live with his sister Donna and her husband Norman.

He was dedicated -- described as a loveable and happy child who grew into a generous young man with drive and enthusiasm. He was always willing and smiling, hardworking, and loved using the chainsaw. It was his prized possession.

Mr. Speaker, Adam was most happy when he was on the land. He was never afraid to be alone in the bush; it's where he felt his happiest and safe and connected. He was a determined individual. A perfect example was when he was 17 years old, he decided that he wanted to be a wild land firefighter so, when the plane landed in Fort Liard to take people to Fort Simpson for training, he jumped on the plane. Unfortunately, when he landed an instructor looked at him and asked him his age. After telling him the truth, his age, he was then sent home on the next plane to Fort Liard. This not did not stop him. The following year, he was prepared and ready when the call came for people interested in training. Once he took the training, it confirmed his passion to be a wild land firefighter. He loved his EFF family immensely and took his job very seriously. He was very proud to be part of the EFF community.

On February 21st, 2020, his dad's birthday, his life improved with Keena coming into his life. She remembered going for a walk that day and Adam stopped her for a chat. This moment led to them getting together and the following year they both welcomed their most beautiful baby, Aisey. Adam was such a loving father and very protective of his family. Adam was very loved by his family and friends. They returned the love he had for them.

Mr. Speaker, I am proud to say his colleagues built and placed a cross on the site where he passed away and will be doing a moment of silence at the start of each fire season. This was due to their respect for him.

The family would like to thank ECC for all the support they received during this difficult time, and the Premier for being able to come to the funeral. He is predeceased by his loving mother who passed away in 2006.

Mr. Speaker, he will be greatly remembered and loved by his father Jack, brothers Carl and Jackson, his sisters Crystal and Donna, his girlfriend Keena and his daughter Aisey, his extended family, friends, and the firefighting family in the community ever Fort Liard and the

residents of the Nahendeh. Mr. Speaker, he will be sadly missed.

MR. SPEAKER: Thank you, Member for Nahendeh. Our continued thoughts and prayers for the family and community at this time.

Members' statements. Returns to oral questions. Recognition of visitors in the gallery. Member for Great Slave.

Recognition of Visitors in the Gallery

MS. NOKLEBY: Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize my constituent Julie Thrasher who, unfortunately, I can't see from where I sit. But Julie is a Great Slave constituent, also originally from Inuvik, and also a strong supporter in the community, often feeding and helping the vulnerable population. So I just wanted to say thank you to Julie for that work; it's well needed. So thank you; welcome.

MR. SPEAKER: Thank you, Member for Great Slave. Recognition of visitors in the gallery. Member for Inuvik Boot Lake.

HON. DIANE ARCHIE: Thank you, Mr. Speaker. Mr. Speaker, I would also like to recognize Julie in the gallery as well. I knew her growing up in Aklavik, and she's a good friend of mine and she's like family. So thank you for being here, Julie. Mahsi.

MR. SPEAKER: Thank you, Member for Inuvik Boot Lake. Recognition of visitors in the gallery. Member for Tu Nedhe Wiilidheh.

MR. EDJERICON: Thank you, Mr. Speaker. Mr. Speaker, I just want to recognize the drummers that were here earlier at the beginning of the session. And I'd like to recognize Cody Drygeese, Lerory Betsina, Cody Liske, Daniel Liske, Randy Bellageron, Ethan Sundberg. I also want to recognize my CA Shirley Tsetta, and all the translators; it's good to see you all back again. And GNWT staff and the ledge staff. And also Pascal Erasmus who was here a little earlier. And Kieron Testart, former MLA for the Yellowknife area. Mahsi.

MR. SPEAKER: Thank you, Member for Tu Nedhe-Wiilidheh. Recognition of visitors in the gallery. Member for Range Lake.

HON. CAROLINE COCHRANE: Thank you, Mr. Speaker. I'd also like to recognize Mr. Kieron Testart who is a constituent of Range Lake and I believe is putting his name forward, so welcome to the gallery. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Range Lake. Recognition of visitors in the gallery. Acknowledgements. Oral Questions. Member for Hay River South.

MR. SPEAKER: Thank you, Member for Range Lake. Recognition of visitors in the gallery. Acknowledgements. Oral questions. Member for Hay River South.

Oral Questions

ORAL QUESTION 1573-19(2):
NATURAL DISASTER FINANCIAL
PROGRAM SUPPORTS FOR BUSINESSES

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. Mr. Speaker, I'd ask the Premier to confirm what programs and associated funding amounts are in place to specifically support businesses impacted by the wildfires, and how quickly can we get that support out to alleviate the financial burden on our local businesses? Thank you.

MR. SPEAKER: Thank you, Member for Hay River South. Madam Premier.

HON. CAROLINE COCHRANE: I think I'd like to defer that to the Minister of Finance. Thank you.

MR. SPEAKER: Thank you, Madam Premier. Minister responsible for Finance.

HON. CAROLINE WAWZONEK: Thank you, Mr. Speaker. Mr. Speaker, at present, there's two programs already operational, and they were both stood during the midst of the evacuation. The first one I'll speak to out of the Department of Industry, Tourism and Investment. We changed the SEED program that a lot of businesses that are familiar with, added on a directive relating specifically to the wildfires. Under this program at present, there is a contribution amount of up to \$5,000 for eligible costs that were incurred. There's also, under the BDIC, they've also had their board -- brought their board together and established a program that they're calling the Wildfire Assistance and Relief Measures Program. It's very similar, and it provides up to \$5,000 again for evacuated communities, businesses, and \$3,500 for those that are in business -- or in communities that were otherwise affected. And the two are working together just to ensure that they can try to maximize benefits for businesses that might be eligible under the program. Thank you, Mr. Speaker.

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. It's good to hear that we do have some programs. It's not a lot of money because

for Hay River and, you know, Enterprise and K'atlodeeche, you know, we've been through, you know, three major events here in the last 15 months, and it's really taken its impact -- it's really impacting businesses. So I think we have to take another look at that. But anyways, Mr. Speaker, I'd ask the Premier if any requests have gone into the federal government for additional financial support for businesses impacted by the wildfires; if so, and what has the response been? Thank you.

HON. CAROLINE WAWZONEK: Thank you, Mr. Speaker. That one, Mr. Speaker, really does lay largely in the purview of the Premier's office. But given the multi-department nature of the evacuations and the emergencies, quite a number of departments are working together to be in touch with their counterparts. I know ITI officials are in touch with their counterparts. But beyond that, we've also all been contributing to work that's happening out of the Premier's office. And with the invitation of the federal government, knowing that we're going to have some asks, to prepare a very thorough and complete look at what kind of asks we might have and what they would be. So that is going out. If it hasn't gone out in a formal sense but, again, that's coming because of the conversations happening both out of the Premier's office but with a lot of our officials. Thank you, Mr. Speaker.

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. And I appreciate that answer. You know, however, you know, like I say, we've gone through three major events in Hay River and, you know, a year after the flood, we're still -- you know, we still got a number of files that need to be actioned. And when I see what's happened here, it's going to be -- this is going to be still existing after the next Assembly, the way things are going. So I think we need to be really proactive and forceful when we're dealing with the federal government to try and get additional funds, otherwise we're going to lose residents, we're going to lose businesses, and we're going to see, you know, the NWT kind of end up being almost a third world area. So anyways, Mr. Speaker, what percent -- I'd ask the Premier what percentage of wildfire and evacuation costs will the federal government reimburse this government and how quickly can we expect to see that reimbursement? Thank you.

HON. CAROLINE WAWZONEK: Thank you, Mr. Speaker. Mr. Speaker, at a practical level, that's Department of MACA but, really, from a government fiscal perspective, I can say that the Department of Finance is looking quite closely at what we might get. There's a sliding scale for -- under the disaster financial

assistance arrangements. That's the federal program that applies to all provinces and territories. When you get to a certain level, which we most certainly have hit, you can get up to 90 percent of eligible costs. And that's the tricky part, Mr. Speaker, is that I don't get to determine what the eligible costs are. What we do is we ask for everything. But it certainly is unlikely that we will be getting everything. And whatever we do get will come at 90 percent amount. But, Mr. Speaker, we certainly will continue to adapt the response of the Government of the Northwest Territories. Twice now in the sort of preambles of questions, the Members sort of mentioned if there's insufficiency. Mr. Speaker, just like I said in COVID many times, the government continues to monitor their response, and we'll continue to do its best to adapt as we go forward. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Final supplementary. Member for Hay River South.

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. And, you know, it's important, I think that -- I think that we as government, and the future government, really take a look at what happened here in this last few years because when you look at what happened with the flooding and also with the fires now, the impact it had. It had -- for Hay River, it impacted the fishing industry. For communities along the waterways, it impacted access to their cargo. You know, it just goes on and on. It -- you know, basically it really impacted businesses, individuals, health -- people's health, everything. So I think it's very important that this government and future governments really take a look at it. But, Mr. Speaker, over the past four years, this territory has experienced major disaster -- disasters, and there appears to be a pattern emerging.

Going forward, what is this government, in terms of planning and costing, doing to prepare for climate change and future disasters as they occur? Thank you.

HON. CAROLINE WAWZONEK: Thank you, Mr. Speaker. Mr. Speaker, the wildfires, the floods, COVID have certainly impacted every single sector large and small. Larger businesses might have the ability to weather it better but that certainly doesn't make it any easier. It's also impacted all levels of government and it has impacted this government.

Mr. Speaker, we can't necessarily -- if I could plan for a large scale natural disaster, you'd see a budget line item for -- you know, to plan for the large scale emergency. We aren't able to plan for a large scale emergency by virtue of the

fact that it's an emergency. What we can do, Mr. Speaker, is keep our fiscal House in order so that we have the capacity to provide relief and we have the capacity to provide funding, we have the capacity to support these emergent events as they occur, and to be able to stand and say look, we'll continue to adapt that response. So, Mr. Speaker, we were lucky to have forecasted a significant operating surplus this year. That has given us a cushion from which we were able to then provide a response to the emergency, and we're going to have to continue to be mindful of how we get back to that place of having large operational surpluses so we have that financial flexibility to be able to respond if or when an emergency occurs. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Oral questions. Member for Frame Lake.

ORAL QUESTION 1574-19(2):
ADEQUACY OF GOVERNMENT SUPPORT
DURING NATURAL DISASTERS

MR. O'REILLY: Merci, Monsieur le President. My questions are for the Premier. With regard to the recent evacuations and adequacy of government supports, it's my understanding that evacuation costs are eligible up -- for up to 90 percent reimbursement under the federal guidelines for the disaster financial assistance arrangements. Page 19, eligible response costs include temporary relocation, shelter, food, clothing, rescue, transportation, and related social and inquiry services. End of quote.

So can the Premier confirm whether evacuation costs for NWT residents, including any GNWT initiatives such as the Evacuation Travel Support Program, are eligible for federal reimbursement? Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Frame Lake. Madam Premier.

HON. CAROLINE COCHRANE: Thank you, Mr. Speaker. I'd like to defer that to the Minister of Municipal and Community Affairs. Thank you.

MR. SPEAKER: Thank you, Madam Premier. Minister responsible for MACA.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, all disaster experienced to date in the Northwest Territories are eligible for reimbursement under two federal funding programs. The Disaster Financial Assistance Arrangement, or DFAA, and Emergency Management Assistance Program, or EMAP. In the event of a large scale natural disasters, the DFAA provides reimbursement to territorial,

plus provincial governments for related costs, including evacuations. The GNWT will seek reimbursement for all evacuation related costs which we have incurred. This includes the Evacuation Travel Support Program and direct GNWT costs such as flights and accommodations. Evacuation costs incurred by NWT residents are not eligible for reimbursement under DFAA. This is because DFAA is a program of last resort. After all resources of funding, including insurance, have been exhausted, this -- it is not an insurance program. It is an -- and it's not a compensation program. Thank you, Mr. Speaker.

MR. O'REILLY: Merci, Monsieur le President. I want to thank the Minister for that. So given that most of the evacuation costs are reimbursed well, I just don't understand why our support programs haven't been a little more generous and fairer. So I've received numerous complaints about the unfairness and inadequacy of the Evacuation Travel Support Program. So can the Premier tell us whether Cabinet is ready to reconsider the scope and amount of the current program and better support our residents that were evacuated? Mahsi, Mr. Speaker.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, the Department of Finance is not considering expanding the scope and amount to the Evacuation Travel Support Program. The Evacuation Travel Support Program was established to provide financial relief to NWT residents who evacuated in a vehicle during the evacuation that occurred as a result of the 2023 wildfires. I recognize that funding through this program alone does not cover all potential costs associated with the evacuation or incurred by residents.

In addition to the Evacuation Travel Support Program, the GNWT offered a number of different supports for evacuees during the evacuation including evacuation charter flights, gas at the Alberta border for evacuees who drove, accommodations at evacuation centres, and private accommodations where space was limited at evacuation centres, food allowance and meals, access to free municipal and provincial campgrounds, and a donation of \$400,000 to the United Way to support the number of community organizations. I encourage residents to contact their insurance companies to see if they have coverage for evacuation in their policy. Thank you, Mr. Speaker.

MR. O'REILLY: Merci, Monsieur le President. I'm sure the Minister recognizes that I'm going to keep fighting for better support for the evacuees. But during my statement, I

recognized that it was quite an accomplishment to evacuate most Yellowknife residents safely over a very short period of time. However, there can and should be improvements made to how we work together with Indigenous governments, including legislative and policy changes. So can the Minister tell us how GNWT intends to work better with Indigenous governments in the future on emergency management? Mahsi, Mr. Speaker.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, MACA's experience is that many Indigenous governments work directly with community governments as part of their local EMO. Emergency management works best when it's addressed at the local level and by those who can direct community government staff and have the authority to mobilize community government, its assets, as part of the emergency response. There does need to be more clarity on roles and responsibilities, including relationships between the local EMO and the regional EMO and the territorial EMO, especially given the Emergency Management Act assigned responsibility for emergency management to community governments. We recognize there needs to be further cooperation with Indigenous governments for emergencies, and we will -- we want to hear directly from the Indigenous governments as part of the after-action review. And I can tell you, Mr. Speaker, I've had a number of conversations with Indigenous leaders on that, and I agree we need to work better together. Thank you, Mr. Speaker.

MR. O'REILLY: Thank you, Minister. Final supplementary. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. I want to thank the Minister for that. I believe he's quite sincere, and I do appreciate his efforts on that front, so.

I believe it is time, though, Mr. Speaker, to start to think about lessons learned about a fire and emergency management from these evacuations. There should be an independent third-party public review, and I think one of the options that needs to be considered is the Public Inquiries Act. But I'd like to know from the Minister whether Cabinet has a position and a direction on such a review of fire and emergency management. Mahsi, Mr. Speaker.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, yes, we've already started to turn our attention to the lessons learned on the emergency management side. People have been taking notes. We've been working with the municipalities, hearing things that work really well, and things that we can improve on. There will be an independent third

party review. It is a standard practice in all jurisdictions to conduct an after-action review after disaster events to examine what happened, what worked, and what didn't, and to make recommendations for improvements going forward. The 2023 wildfire after-action review is anticipated to be a large undertaking and will be public. We want to hear from the public, staff working directly on the emergency response, Indigenous governments, NGOs, federal and provincial, territorial partners who assisted with providing evacuation supports and others. We will not be waiting for recommendations to start making improvements. We know that much work can start now, including review of the NWT emergency plan, increase training to support the community governments, starting a review with the Emergency Management Act. This work cannot be finalized until the recommendations are provided. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Oral questions. Member for Deh Cho.

ORAL QUESTION 1575-19(2):
MANAGEMENT OF WILDFIRE NEAR
ENTERPRISE

MR. BONNETROUGE: Mahsi, Mr. Speaker. Mr. Speaker, my questions are related to the recent wildfires which caused widespread evacuations and total destruction to properties. The wildfire at Enterprise was burning prior to the devastating day of August 13th.

Can the Minister of ECC apprise this House as to why the wildfire near the hamlet of Enterprise was allowed to burn out of control for several days prior to the devastation and evacuation of the residents? Mahsi.

MR. SPEAKER: Thank you, Member for Deh Cho. Minister responsible for Environment and Climate Change.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, I can assure this House that the wildfire that impacted the community of Enterprise received initial attack and was actioned consistently prior to the disaster of August 13th. The fire was initially identified on August 2nd and an initial attack within two hours. I repeat, two hours.

Within two hours, that grew -- the fire grew from three hectares to 120 hectares with extreme weather conditions that include very strong winds. The fire was actioned by crews and/or aircraft as conditions allowed from the time it was discovered but the extreme fire conditions and extreme fire behaviour made fighting the fire very challenging and limited ability to -- for

ignition operations to be completed. Thank you, Mr. Speaker.

MR. BONNETROUGE: Mahsi, Mr. Speaker, and mahsi to the Minister for the all the information that they were fighting the fires prior to. And it's kind of confusing because the fires kind of snuck up to the community on that day, you know, after all the Department of ECC and fire management help have all the necessary tools and information at their fingertips to determine whether wind and wind speed, yet these systems seemed to have failed on that day or just prior to that day.

Can the Minister apprise this House as to why these factors and tools were not taken into account prior to the devastating day? Mahsi.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, I would like to state again that the fire was actioned as conditions allowed from start on August 2nd. The tragic event on August 13th were because of the environmental conditions and extreme wind event. Wind gusted higher than forecasted in the area that already had severe drought and burning conditions. Our team worked with the best information available from the beginning of this fire and used the tools and approaches available to us. The unfortunate reality is that we had a perfect storm of buildup of forest fuel, very high drought codes, and extreme wind event, extremely challenging fire behaviour, that resulted in this situation. I recognize the impact that this devastating loss had on the hamlet of Enterprise, and my thoughts are with them. We had been in the community on September 5th and 11th with the senior officials to discuss the fire event on August 13th.

Mr. Speaker, I had the opportunity to talk to a number of incident commanders, as well as we brought in our old retired firefighters that had dealt with fires in the past and they basically all said the same thing. We were in a situation that was unique to the -- us. They've never seen it before. We've seen disaster -- this fire react; we didn't expect it to do. So we did everything we could. Thank you, Mr. Speaker.

MR. BONNETROUGE: Mahsi, Mr. Speaker. And mahsi to the Minister for that. Mr. Speaker, I understand other wildfires at other communities were happening at the same time, and the fire attack crews may have been spread out.

Can the Minister apprise this House why no fire attack crews were at Enterprise although the fire was at their doorstep for days? Mahsi.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, the fire was more than

30 kilometers away from Enterprise for days before it impacted the community. The fire was closer to Kakisa before this extreme wind event pushed it towards the community of Enterprise, which was further than predicted by models. Aircraft and crews actioned this fire consistently as conditions allowed throughout their response beginning with initial attack on August 2nd. The fire impacted on Enterprise was not a result of crews being spread out, but it was a result of extreme wind event and environmental conditions. This caused the fire to burn at extreme intensity and speed driven by wind which was made worse by severe drought and built up fuel in the environment causing explosive conditions. It is important to note that there are times crews and aircrafts were not able to fight the fire due to smoke and the fast movement of the fires. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Final supplementary. Member for Deh Cho.

MR. BONNETROUGE: Mahsi, Mr. Speaker, and mahsi to the Minister. Mr. Speaker, we hear of a couple of brothers from Enterprise, along with other volunteers, putting out fires that were continually flaring up throughout the community of Enterprise after the initial wildfire. They note that there were no ECC fire crews for more than five days to assist and this was well after the main fire tore through the hamlet.

Can the Minister apprise this House as to why no fire crews were available in the community to monitor and fight the fires? Mahsi.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, the Member talked about those two brothers who were helping and, again, I say thank you very much to them for the work that they did there.

Mr. Speaker, after the wildfire hit the community, many of the flare-ups that were associated with this were structural fires. Our wildfire firefighters are not trained in this. That there was very much about structural firefighters that need to do the work there.

While meeting with the hamlet, we are made aware of these concerns and are committed to looking into this in an after-action review. ECC is still working on fires and once the season is complete, the after-action review will be the number 1 priority. So we will be working on it. And some of this -- the challenges that the Member talked about is our wildfire fighters do not fight structural fires. That there is volunteer firefighters or fire crews. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Oral questions. Member for Kam Lake.

ORAL QUESTION 1576-19(2):
POST-EVACUATION BUSINESS SUPPORTS

MS. CLEVELAND: Thank you very much, Mr. Speaker. Mr. Speaker, I'd like to continue on my colleague's question -- my colleague from Frame Lake's question for the Minister of Municipal and Community Affairs in regards to the Disaster Financial Assistance Arrangement policy through the federal government.

My first question is in regards to airfare, Mr. Speaker.

So here in Yellowknife, the language that was coming out from the government was if you can get yourself on a commercial flight, get to the airport, get on a flight, get out of town, please leave as soon as you possibly can. And so numerous residents did that. They listened to the government. They booked themselves a flight if they could afford to do so, even if they couldn't really long-term sustainably afford to do so, they did it. I have residents who spent rent money on airfare in order to listen to the government, support the government's efforts to evacuate Yellowknife and get out of town. Those residents are now out airfare because they did not sit and wait for evacuation flights. And at the time, here in Yellowknife, the sentiment around town was one of chaos and confusion. There was a lot of miscommunication -- or not miscommunication, but competing communication, residents having to piece together communication and information that was coming out from different levels of government. And so residents did what they could to get out of town and get themselves and their family out of harm's way. And so I'm wondering if this policy speaks directly to recovery of cost for transportation, why will the government not refund the cost of airfare that residents paid for out-of-pocket at the request of this government? Thank you.

MR. SPEAKER: Thank you, Member for Kam Lake. Minister responsible for Municipal and Community Affairs.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, section 4 of the DFAA deals with the public sector expense eligibility. Section 4(1)(1) is in reference to provincial territorial eligible costs. If a province or a territory provides temporary relocation, shelter, etcetera to residents. The GNWT did provide evacuation support, including transportation, accommodation, and food. And so the GNWT will be making a claim for its cost for those eligible expenses under the DFAA. Thank you, Mr. Speaker.

MS. CLEVELAND: Thank you very much, Mr. Speaker. Mr. Speaker, I had the privilege of

being on the ground here in Yellowknife on those days when an evacuation was called. On the evening of Wednesday -- I can't even remember the date now -- August 16th, when it was called, the people who could get on a flight that night, they got themselves on a flight that night. The very next day, thousands of people lined up at Sir John waiting for flights, and if you drove out to the airport after going down and looking at the thousands of people waiting for flights, there were no planes on the ground at the airport. So people were worried. They were concerned. And if a flight came up, they got on it. So while there were on Friday numerous flights available for people, multiple people got up and left town if they could because there was a lot of fear in town. There was a lot of people with kids, with elders, people -- human beings that just wanted to get on a plane and get out of town. For -- what I don't understand there is I understand what the Minister is saying that there were eventually charter flights available but there was a lot of confusion around that, and there was a lot of waiting and a lot of people who wanted to do what they could to get out. So I don't understand why the government can pay for a charter flight but they can't pay for a resident. As we saw with the reentry flights, there was a lot of confusion, a lot of waiting. Some people -- I have some residents who have never received an email back from the reentry registration emails. Luckily, they are back in town. They paid for a flight and they got themselves home, but they had to get back to work, they had to be here so that the rest of us could enjoy their services and they could be here to serve the rest of town. So while people tried to support evacuation flights, it didn't always work out.

But my next question, Mr. Speaker, is in regards to hotels. Residents from Hay River were told get out now, go to Grande Prairie. They got out now. They went to Grande Prairie. They weren't set up and ready for residents yet. Red Cross said to them, go book yourself at a hotel. They later found out they didn't pick the right hotel, so they weren't covered. I have residents who went to the evacuation centre in Edmonton. They waited for five days before they received a hotel. So those are days that residents paid for out-of-pocket but they were following the rules of government. And I know I'm going on a lot, and I could go on more, Mr. Speaker, but I'll leave it there.

Why will the government not repay these costs for our accommodations? Why will the government not repay these costs for airfare for residents? Thank you.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. It's going to be a little bit of a

longwinded answer. There was a whole bunch of information shared there that seemed to be messy. First of all, let's talk about the line-up. Yes, it was long. We understood that. There was planes. They were trying to get our crews in there. But the second day, as people -- we had people get on the planes that were told to go back home the first day. The second day they got onto the plane. They were able to do that. We had people registering and getting on the planes that way there.

In regards to the question that the Member asked -- there was a couple questions but -- I think there was three, but I will focus on her last one. It was about the Red Cross. I've heard that from other people. I've heard where people got into the host community, Red Cross didn't have them or told them to go find their own, to phone back. So what I'm telling people is to reach back out to us, to get back to us, tell us what happened, and then we will work on that. Because we've had that situation just not in Grande Prairie, we've heard it in Edmonton, we've heard it in other places there. So we're asking people to reach out to us, and we will work on that. Thank you, Mr. Speaker.

MS. CLEVELAND: Thank you very much, Mr. Speaker. So what I heard there is that if somebody has registered with the Red Cross and they still had to pay for their own hotel that they can come back to the Department of Municipal and Community Affairs and seek compensation for the cost of those hotels. And I'm wondering if the Minister can please let me know if I'm right on that, and also who they would contact in order to get that done. Thank you.

HON. SHANE THOMPSON: Yes, that's correct. The second thing is who to contact, reach out to the department, or give it to yourself as the MLA, reach out to them and then work with us. I can tell you the Member has given me a number of emails, and we've been working on those situations. So please get us those emails because we need to get -- fix this because it was unfortunate that situation happened. We have to rely on our host province, and that's what they did. Some of them had Red Cross to help them there, and they were working on it. So, again, if we missed those things -- and we're going to miss some of those things. Please reach out to us, and we'll work on it. Thank you.

MR. SPEAKER: Thank you, Minister. Final supplementary. Member for Kam Lake.

MS. CLEVELAND: Thank you very much, Mr. Speaker. So that's great news. That's very good news. So anybody in the territory who was registered with the Red Cross, was unable to

get a hotel for whatever reason, reach out to your MLA, and we can advocate on your behalf. So that's really good news.

Mr. Speaker, the last question I have is in regards to insurance deductibles. A number of residents quickly learned that insurance policies are not all built the same. Some residents had insurance deductibles waived.

Whereas others had significant, significant, insurance deductibles that they had to pay in order to receive any support from their insurance companies. And so I'm wondering if MACA plans to apply for reimbursement of resident deductibles through the DFAA. Thank you.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. She's probably not going to like answer. Unfortunately, when people have their insurance, that's the program that they have to do and they have to look into it. Unfortunately, I have insurance and I haven't even looked at mine until after what we've been dealing with. So unfortunately, the disaster financial assistance is last resort. If you have insurance, you need to go to your insurance company. And I am sorry to the residents that have higher deductibles or don't have the same supports, it's unfortunate, but that's the insurance companies that you have to deal with. Thank you.

MR. SPEAKER: Thank you, Minister. Oral questions. Member for Tu Nedhe-Willideh.

ORAL QUESTION 1577-19(2):
EMERGENCY MANAGEMENT SUPPORTS
DURING WILDFIRES

MR. EDJERICON: Thank you, Mr. Speaker. Mr. Speaker, communities are dealing with the unprecedented wildfire crisis gave a lot to the efforts to save their homes, residents, and municipalities, and property. Mr. Speaker, my questions are going to be the Minister Shane Thompson, Environment and Climate Change.

Mr. Speaker, what has been done to recognize the sacrifices made by the communities under evacuation order and the frontline workers who stayed to fight the fire? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Tu Nedhe-Willideh. Minister responsible for Environment and Climate Change.

HON. SHANE THOMPSON: Yes, it's more of a Municipal and Community Affairs question. So we do have a hosting grant available to communities. We have identified communities as evacuation centres, like Fort Simpson was

for Kakisa and Jean Marie. The reason we identify these evacuation centres is so that we don't burden the community on there, so. But we've noticed that some of the communities have been working or getting evacuees into the communities. So we did establish a hosting grant, and the communities can apply for the hosting grants on that there. In regards to if he's looking for equipment and that, we are working with the communities on those things as we move forward. Thank you.

MR. EDJERICON: Thank you, Mr. Speaker. Mr. Speaker, this fire that happened that impacted the residents of the Northwest Territories, including Yellowknife and the smaller communities, in particular Lutselk'e, Dettah, N'dilo, and Fort Resolution, you know, when this evacuation order went ahead, we had evacuees that came to Fort Resolution, that over 105 people there showed up to that community that came in from Fort Smith, Hay River Reserve, Fort Smith Reserve as well, and Yellowknife. So, Mr. Speaker, we -- the communities of Fort Resolution have incurred costs as a result of the additional people coming into the community on accommodations, food security, etcetera. Mr. Speaker, the cost involved with an emergency operation are enormous. The community governments I represent do not have deep pockets. How will the Minister ensure the costs related to the wildfire are not disproportionately placed on municipalities and designated authorities? Thank you, Mr. Speaker.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. So, Mr. Speaker, like I said, we do have a hosting grant that's up to \$40,000. We -- again, that's why we're telling people with evacuation centres there are certain communities that are host friendly and those ones that aren't. We understand that we seen people go into communities, so we provided that. We did -- our superintendent reached out to Fort Res, worked with them. We also had the food security with ITI working with them to see if we needed to do those things. So I can also tell you that I've reached out to the federal government, Indigenous Service Canada, talked about designated authorities and how they're being impacted. These are some of the challenges that we're seeing that we need to get fixed up on. So if it's a designated authority, if they're created by the Indian Act, then we're trying to get the funding for them to help us move forward. So we've reached out to Indigenous Service Canada on that, but we are -- and, again, we did set up a hosting grant this fiscal year because of the situations where people were going to hub communities that were not hosting. Thank you, Mr. Speaker.

MR. EDJERICON: Thank you, Mr. Speaker. The \$40,000 grants is just not going to be enough. For our community of Fort Resolution, you know, that community council and the Metis council paid out monies to their evacuees, some -- that all from -- are all scattered across Canada. And also in YKDFN, they spent a lot of money out of their IBAs that they want to see back, and also the community of Lutselk'e. Not including the work that they have done to fire smart the community as the fire would start to happen. They incurred a lot of costs to date. And, Mr. Speaker, they want to see some kind of monies back to their communities. So it's clear we need to improve on our emergency preparedness on both the territorial and local levels. What is the Minister doing to ensure we are better prepared for the next fire that might happen maybe in my region probably next year? Thank you, Mr. Speaker.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. So two departments, Municipal and Community Affairs and ECC, are doing an after-action review. So that's part one. We are reaching out to the municipalities, working to see that there. We're also setting up training events. We're looking if there are -- the emergency plan, how it worked, where we can improve on it, set up training, tabletop exercises so people are better prepared on that. We're also working with ECC to come in and work with the communities on their fire smarting -- or their fire smart to the communities. But also when the Member talks about, you know, fire breaks and stuff like that, NWTAC got over \$20 million for eight years and communities can work on there. My understanding is the funding doesn't get there next -- until next year, but people that spent money on fire breaks and that, they can hold that this year, and then bring it -- and bring forth those expenses for next year as eligible expenses. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Final supplementary. Member for Tu Nedhe-Wiilideh.

MR. EDJERICON: Thank you, Mr. Speaker. Mr. Speaker, I've reached out to the Indigenous governments and Dettah and N'dilo, Lutselk'e, and Fort Resolution. I've asked them to provide a letter to me on the costs that they incurred as a result of this fire evacuation that happened. And once I get that information, I will forward it to the Minister to let them know that what we incurred in the communities as a result of the trigger being pulled in this evacuation here in the Northwest Territories.

Having said that, Mr. Speaker, also, you know, the emergency plans for the communities need to happen. Right now, I've approached the Minister about trying to get something going in

Fort Resolution because of the fire near Hay River. Also, the community of Lutselk'e, they also need a plan and we need help on that area. So if we don't start fire smarting our communities even this fall, then we're going to have the same problems maybe as early as springtime. Where the fire could be next year. So I guess my question to the Minister is that what can we do to work with the communities to make sure that we have adequate resources provided so that they can make decisions and start fire smarting the communities even as early as this fall? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Tu Nedhe-Wiilideh. Minister responsible for MACA.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, I guess first and foremost, each community should have their own emergency management operation plan. They should have it in place. And if they don't, we as the regional -- our regional staff will be in there working with them. We created five new positions for emergency management. So -- that we can help work with them. One of the after-action review things is that I'm looking at -- we need at least another five more positions at the regional level to do the recovery and work with these communities. So that's part of the conversation that we're having.

In regards to fire breaks and fire smarting the communities, as I said, last -- with the last question is NWTAC has money. Each community of the 29 communities have money that they can access through NWTAC. Unfortunately, the money that NWTAC got, they don't get it until next year from the federal government. But what they have said, and they have worked with the federal government, that they can do the work that needs to be done now. If they want to do -- fire smart the community and reach out to the community -- or NWTAC to see what their share is, what they get from that, and then they can do the work this year and then as of April 1st can then give the invoice to NWTAC and they get reimbursed back that way. So we're all working together for this. And as, again, we are doing an after-action review with MACA and ECC. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Oral questions. Member for Monfwi.

ORAL QUESTION 1578-19(2):
FIRE MANAGEMENT POLICY EFFECT ON
INDIGENOUS CULTURE

MS. WEYALLON ARMSTRONG: Thank you, Mr. Speaker. Minister Thompson, this is for the ECC department.

Minister Thompson, has the department, ECC, ever considered the impact the existing fire management policy is going to have on our Indigenous language, culture, and way of life? Did the ECC -- I mean, I'm just saying, what I'm trying to say here is that has the department considered the impact the existing fire management policy is having on Indigenous language, culture, and way of life?

MR. SPEAKER: Thank you, Member for Monfwi. Before we continue, Members, please refrain from using names. Just use the Minister or Members' ridings or department they're in charge of. Minister responsible for Environment and Climate Change.

HON. SHANE THOMPSON: Thank you very much, Mr. Speaker. Mr. Speaker, we take that into account. We have -- our fire crews are very much Indigenous. We work with them. The fire crews and people we brought back were Indigenous. These people have been in the system for 20, 30 years or 40 years, and we've worked with them. I've had conversations with them. We've had -- that they talk about it. In the old days where people would use to -- like, burning was part of the ecology of the landscape. It would then help them regrowth and stuff like that. The problem is if we don't do those things, we get these tinder boxes that are -- that go on forever. And what we've seen in Hay River and that fire that went from Kakisa into Hay River was a tinder box. Within four hours that fire travelled. So these are all these things. We work with Indigenous governments. We have those conversations. And I'm very proud that ECC does have those conversations and the people that we bring back are of Indigenous heritage. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Oral questions. Member for Monfwi.

MS. WEYALLON ARMSTRONG: Mr. Speaker, the reason why I ask is that anyone who lived and spends time in small communities, they would understand what we're talking about because Indigenous people, they have close connection to the land. You know, we -- it provides and sustain us. And even you, you understand that. Now we use the land for healing. That is the reason why I ask that question, is because we have close connection to the land.

But anyways, Mr. Speaker, the GNWT says it will take seven years for burned land to naturally replenish itself. Does that mean it will take seven years for any lost wildlife to also

replenish their numbers given the state of our dwindling caribou herds across the NWT and considering that several caribou herds' habitats have been disrupted this year and in years past, does the GNWT calculate how many caribou and other wildlife are lost annually due to wildfire? How many years for caribou herds to grow back? Thank you.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, there was two or three questions in there so I will try to answer which ones they are.

Do we -- if it's seven years, does it have the impact on wildlife? I'd have to get back to the Member on that. I don't know that detail. I don't get into that detail. I understand the importance of fire and what it does to the environment. It's part of the regrowth. It has happened in the past. It used to be part of it, the way of life. I was actually talking to an advisor, an elder who lives on the land, and we talked about, you know, the importance of fire and what it did. And he talked to me about in the old days they used to find areas that were really dry and that and they would burn it so it would be regrowth and that. So we do look into those things. And if the habitat on the caribou, it is an asset, a value. So it's a value to us. We look at that. We try to fight the fires there as best we can because caribou are important, so is their environment. Thank you, Mr. Speaker.

MS. WEYALLON ARMSTRONG: Mr. Speaker, thank you. Since 2009, we have caribou restriction in place and our people need to know because we do rely on caribou. That's why I'm asking. And this is where they failed to work closely with the traditional knowledge. We do need those people. ECC needs to have to be working with the Indigenous government and traditional knowledge keeper so that they can be informed of what is happening with our caribou, and we do rely on that. So that's why I asked.

And, Mr. Speaker, okay, this is another question that I don't mean to be disrespectful in a time like this, okay. And I know it's too early to ask. And I don't know if MACA can answer me this or Minister of finance. And I want to know how much money have we spent to evacuations, and if all this money was spent to fire breakers, just like my colleague said here, knowing it is going to be dry season with less precipitation, we did -- we did not need to evacuate and respond to the fire as it started -- respond to the fire as it started. Thank you.

HON. SHANE THOMPSON: Thank you. I'm going to answer the caribou question. The other one is a different one, and I'll just go on to that

later, Mr. Speaker. Mr. Speaker, in regards to the caribou, the traditional knowledge, we work with our Indigenous governments about caribou. We talk about that. We talk about how we protect it. We talk about the environment. We see where the area is that we need to protect. What we need to do is make sure our caribou survives for generations to come. So it's just not now. Yes, we have had the mobile zone, but that there was what we worked with the Indigenous governments on there. In regards to the complexity of the questions about how much money is spent and that, we're going to have to take that as notice because we still don't have that information, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. A final short supplementary. Member for Monfwi.

MS. WEYALLON ARMSTRONG: Thank you. Yeah, with the climate change here now --

MR. SPEAKER: -- sorry, the Minister took that on notice. Yes, I know, but it's taken as notice. So moving on, oral questions. Member for Yellowknife North.

ORAL QUESTION 1579-19(2):
GOVERNMENT OF THE NORTHWEST
TERRITORIES' DECLARATION OF STATE
OF EMERGENCY

MR. JOHNSON: Thank you, Mr. Speaker. I'd like to thank my colleague from Frame Lake and the Minister for MACA for answering the questions. And I look forward to an after-action review, and I'm happy to hear that the public's involved. Although I just have a few clarifying questions on why exactly the city of Yellowknife evacuation order was issued by the GNWT and what exactly occurred in that very rapid 24-hour period there. So my first question is for the Minister of MACA. Can he explain why all the other communities were community evacuation orders, but the capital region was done by the GNWT, why that was the case? Thank you.

MR. SPEAKER: Thank you, Member for Yellowknife North. Minister responsible for MACA.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, this is probably going to be a little bit of a longer answer, and I apologize to the House, but we need to get the information out there.

The GNWT used the territorial state of emergency. The decision was based on a combination of multiple factors and not one factor. They included starting in May, the NWT had already experienced multiple community evacuations. In one week alone, just before Yellowknife evacuation orders had been

issued, Enterprise, Fort Smith, Hay River, Jean Marie, K'atloodeeche First Nation had also learned -- been evacuated and we've also seen the devastation that happened in Enterprise. Very aggressive and unpredicted wildfire behaviour near Yellowknife area was causing significant concerns to certain -- to very knowledgeable firefighters. Previous wildfires had, in fact, critical infrastructure like the fibre optic link, highways, impacted communications and transit corridors. The fire break that was here around Yellowknife today were not in place when those evacuation orders were issued. There were potentially risk to the highway and airport given the current fire conditions. There were many factors that led to Yellowknife evacuations but, ultimately, the right decision was made. Given the same information that I had today from -- or when we did it, I'd do it again twice on Sunday, Mr. Speaker. The city is right from their perspective. The NWT health and social services is right from their perspective. But the GNWT had considered all perspectives. The fire conditions, one road, one airport, system capacity, etcetera. Conversations about what was said are largely irrelevant because of how quickly the situation changed from Sunday to Thursday, the day before the Yellowknife evacuation. But the city did formally ask for assistance with its shelter in place and a scenario for a city evacuation on the 15th, the day before the evacuation order was issued.

Mr. Speaker, NWT HSSA was focusing on the hospital. They had patients there. They had long-term patients. They also had 60 evacuees from Hay River in Fort Smith that they had to get out there. So to do a shelter in place and to set up an evacuation centre, they would not be able to do that. So when the city came to us, we sat there and looked at everything. We looked at every avenue, what the situation was happening, and we made the decision that we had the time to evacuate the community, we'd give the 48 hours to get the community out because the fire was coming. 15 and 11. 85 was burning as well. These situations were occurring. If 15 and 11 connected, that highway would have been closed off. Then we would have problems with the air quality in for our residents. We'd also have the problem of getting -- to use the airport because we were seeing it, and the predictions were that Saturday it was going to hit, and we were going to see all the problems there. So that's why the decision was made moving forward. Thank you, Mr. Speaker.

MR. JOHNSON: Thank you, Mr. Speaker. I appreciate that answer. And, you know, I appreciate the Minister made the decision, and he stands by it. I guess I'm still a little confused

about the jurisdictional question. You know, Hay River has issued multiple evacuations in the last couple years and it's always the town of Hay River. And there is an understanding that's who does it. I don't believe we would ever step in front and evacuate their town without them doing that first, but that's what occurred in Yellowknife. And I'm just wondering, you know, god forbid we ever have an evacuation, whose call is it at the end of the day and is there a reason that the exception was made in Yellowknife?

For all the reasons the Minister just said, it seems to me he could have gone to the mayor, I'm asking you to issue an evacuation order. That's the chain of how we did this everywhere else. So I'm just -- is going forward, that's what we would do, or is it when we evacuate the capital, it's a GNWT decision; is that the current process? Thank you.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. Mr. Speaker, first and foremost, it's the community. Hay River evacuated that. They called evacuation. What happened there, we declared a state of emergency. We declared a state of emergency not because of just Yellowknife. We had Inuvik being threatened. We had Kakisa. We had Jean Marie. We evacuated Hay River, Fort Smith, and K'atloodeeche First Nation, Enterprise. We were seeing -- we're not like Alberta. We don't have all these aircrafts that we needed and we were sitting there seeing that we needed to get these aircrafts to be able to do that. Part of the evacuation order -- or the state of emergency was to be able for us to get the tools that we needed. So we were able to declare the state of emergency. Then we looked at it. At TEMO, we brought in the federal government. So the process, it starts out local, goes right to the territories, and then we look at the federal or ask our counterparts across the country to work with us. We had a situation where we had the military in with us. We had a situation where we were looking at sheltering in place. That wasn't a viable option. So at that point in time, we declared with the state of emergency. Hay River, Fort Smith, K'atloodeeche, we were not under a state of emergency at that point in time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Oral questions. Member for Yellowknife North. Oral questions. Member for Hay River South.

ORAL QUESTION 1580-19(2):
FIRE STRUCTURAL DAMAGE CLAIMS

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. These questions are for the Minister of ECC. I'd ask the Minister have any assessors

visited the communities that had structural damage to assess those damages as of today. Thank you.

MR. SPEAKER: Thank you, Member for Hay River South. Minister responsible for Environment and Climate Change.

HON. SHANE THOMPSON: That would be Municipal and Community Affairs. But, yes, so we've had assessors come into Behchoko. We've had assessors -- or we still have assessors in Enterprise. And then we would then be -- once we've done Enterprise, we would go on to Paradise Gardens that were impacted, those homes there, and then also Patterson. So we do have the assessors in there. Thank you, Mr. Speaker.

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. Once the assessors do their job and the information is gathered, who will be responsible for working with those businesses and persons who had structure and equipment damage by the fire? Will it be Pathfinders; who will it be? Thank you.

HON. SHANE THOMPSON: Thank you. I think the Member answered his question. He's correct. But it did depends. If it's -- it's an insurance company it's with the insurance company. If it's -- they don't have insurance, it would be with the Pathfinder. And we are looking at trying to get a Pathfinder strictly for Enterprise because what we found is having Pathfinders specifically in the communities that were impacted seemed to be working better than not. So we are looking at getting a Pathfinder for -- specifically for Enterprise. Thank you, Mr. Speaker.

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. Mr. Speaker, considering that, you know, we still have, I think, 22 files left over from the flood that -- you know, that haven't been completed, haven't even started to be actioned yet, and we do have, I think, three Pathfinders in Hay River, and I'm not sure what we have for staff here, but now with the fires and the magnitude of, you know, what happened in the South Slave, will there be additional staff added in the South Slave to help people, you know, deal with their claims? Thank you.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. So right now we're adding an additional one right now. But as we see fit, if there's more -- if the damages we're seeing, we need more Pathfinders and then we will look into that. Right now, we feel we have enough Pathfinders right now, whether it's here in the city or in Hay River, part of that team. But we are adding an additional one right now to help

with that Enterprise file. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Final supplementary. Member for Hay River South.

MR. ROCKY SIMPSON: Thank you, Mr. Speaker. Mr. Speaker, there seems to be some confusion, or there has been anyway right from the start with Pathfinders in place, as to who was actually making decisions to either approve or decline applications. You know, I think that's very important so that when people are going to see a Pathfinder, you know, sometimes they think the Pathfinder is the one who might be approving an application, but I don't -- my sense is that they're -- it's not them. So I'd like -- I'd ask the Minister to provide, I guess, maybe with a flow chart of the process of who is responsible for the different aspects of the application as it goes from -- from when it gets taken in to when it's finally approved. Thank you.

HON. SHANE THOMPSON: Thank you, Mr. Speaker. I don't know if he's asking me to provide one or to talk about it now. So the Member is asking me to provide a flow chart; yeah, we will work on that. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Oral questions. Colleagues, our time for oral questions has expired. Written questions. Returns to written questions. Mr. Clerk.

Returns to Written Questions

RETURN TO WRITTEN QUESTION 65-19(2):
PUBLIC-PRIVATE PARTNERSHIP
PROJECTS CAPITAL AND OPERATING
COSTS AND REVENUES

CLERK OF THE HOUSE (Mr. Rutland): Thank you, Mr. Speaker. I have a Return to Written Question 65-19(2) asked by the Member for Frame Lake on May 25th, 2023, regarding Public-Private Partnership Projects Capital and Operating Costs and Revenues.

Over the past ten years the Government of the Northwest Territories has taken part in three. Public-Private Partnership, or P3, projects which include the construction of the Mackenzie Valley Fibre Link, the renewal of the Stanton Territorial Hospital and recently the completion of the Tlicho All-Season Road.

The Mackenzie Valley Fibre Link project involved the construction of a fibre optic line connecting from McGill Lake to the community of Inuvik to extend the delivery of high-speed broadband connectivity to several communities along the Mackenzie Valley. Construction of the

project was completed in partnership with Northern Lights General Partnership and was fully operational in June 2017.

A renewal of the Stanton Territorial Hospital was also completed as a P3 project in partnership with Boreal Health Partnership. The project was initiated to address the aging building systems in the former Stanton Hospital building and provide upgraded facilities to ensure that effective services could be provided to residents of the Northwest Territories. Patient services delivered in the newly constructed hospital commenced on May 26, 2019.

The most recent P3 project to be completed is the Tlicho All-Season Road which opened officially on November 30, 2021. The Government of the Northwest Territories worked with North STAR Infrastructure to extend an all-season road 97 km from Highway No. 3 to the community of Whati. Completion of this project allowed for greater year-round access to Whati which had formerly only been accessible via winter road or air travel.

The Member had requested the original projected capital and operations costs and associated revenues for all P3 projects that have occurred over the past ten years. The projected costs for each project are as follows:

- For the Mackenzie Valley Fibre Link the projected capital cost was \$91 million and the projected operating cost was \$85.6 million over the life of the project agreement, a debt servicing cost, which includes principal and interest costs of \$147.8 million and \$124.6 million was expected in revenues.
- The capital projection for the Stanton Renewal project was \$350 million, the projected operating expenditures were \$326.4 million and the debt servicing costs were projected at \$270.7 million.
- In relation to the Tlicho All-Season Road a total of \$215.33 million was projected in capital costs along with \$149.6 million projected for operating costs over the life cycle of the project agreement and \$152.3 million for debt servicing costs.

The Member also requested the actual expenditure and revenue totals for each of the last ten fiscal years for these projects.

Actual capital expenditures for the Mackenzie Valley Fibre Link over the past ten years were as follows:

- \$69.142 million in 2015-16;

- \$25.894 million in 2016-17;
- \$3.28 million in 2017-18.

Actual operating expenditures for the Mackenzie Valley Fibre Link were:

- \$1.212 million in 2016-17;
- \$2.861 million in 2017-18;
- \$3.418 million in 2018-19;
- \$3.445 million in 2019-20;
- \$3.541 million in 2020-21;
- \$3.473 million in 2021-22; and
- \$5.172 million in 2022-23.

The actual debt servicing costs related to the fibre link over the ten-year period were:

- \$9 million in 2017-18;
- \$7.4 million in 2018-19;
- \$7.5 million in 2019-20;
- \$7.4 million in 2020-21;
- \$7.6 million in 2021-22; and
- \$7.4 million in 2022-23.

Revenue generated by the fibre link over the requested period was:

- \$232 thousand in 2016-17;
- \$756 thousand in 2017-18;
- \$1.184 million in 2018-19;
- \$1.461 million in 2019-20;
- \$1.457 million in 2020-21;
- \$1.844 million in 2021-22; and
- \$2.073 million in 2022-23.

Capital expenditures occurring over the past ten years related to the Stanton Territorial.

Hospital Renewal project totaled:

- \$4.153 million in 2014-15;
- \$36.632 million in 2015-16;
- \$105.393 million in 2016-17;
- \$92.556 million in 2017-18;
- \$80.331 million in 2018-19; and
- \$3.924 million in 2019-20.

Operating costs over the same time frame for the hospital included:

- \$2.924 million in 2018-19;
- \$6.764 million in 2019-20;
- \$7.704 million in 2020-21;
- \$9.64 million in 2021-22; and
- \$11.512 million in 2022-23.

Costs related to the servicing of debt for the Stanton Renewal project over the ten-year period were:

- \$2.9 million in 2018-19;
- \$10.3 million in 2019-20;
- \$10.4 million in 2020-21;
- \$10.325 million in 2021-22; and
- \$10.258 million in 2022-23.

Construction of the Tlicho All-Season Road resulted in the following capital expenditures:

- \$7.232 million in 2017-18;
- \$24.917 million in 2018-19;
- \$45.357 million in 2020-21;
- \$41.167 million in 2021-22; and
- \$1.604 million in 2022-23.

Operating costs associated with the road were:

- \$3.87 million in 2021-22; and
- \$5.304 million in 2022-23.

Additionally debt servicing costs for the road over the past ten years totaled:

- \$1 million in 2021-22; and
- \$6.1 million in 2022-23.

As a percentage of the Capital and Operational budgets presented in the main estimates and capital estimates during the past ten years costs for these projects represented the following percentages of the budgets. I would like to note that I will be providing the percentage of the capital costs as a total of the overall project budget as some expenditures were recorded in specific fiscal years as a result of substantial completion check points.

Capital costs for the Mackenzie Valley Fibre Link accounted for 139 percent of the original P3 budget largely due to additional capital costs

that were agreed upon between the Government of the Northwest Territories and the project partner after the completion of the project and for which a supplementary appropriation was approved in 2022-23.

Operating and debt servicing costs accounted for the following percentages in each fiscal year:

- 17.3 percent in 2016-17;
- 84.8 percent in 2017-18;
- 77.34 percent in 2018-19;
- 77.53 percent in 2019-20;
- 78.22 percent in 2020-21;
- 79.16 percent in 2021-22; and
- 96.49 percent in 2022-23.

Revenue generated by the Mackenzie Valley Fibre Link over the past ten years as a percentage of the allocated budget was:

- No revenue budgeted in 2016-17;
- 64 percent in 2017-18;
- 152 percent in 2018-19;
- 122 percent in 2019-20;
- 121 percent in 2020-21;
- 154 percent in 2021-22; and
- 122 percent in 2022-23.

Capital expenditures on the Stanton Renewal Project accounted for 92 percent of the original budget.

Operating and debt servicing costs accounted for the following percentages in each fiscal year:

- 32 percent in 2018-19;
- 93 percent in 2019-20;
- 99 percent in 2020-21;
- 109 percent in 2021-22; and
- 119 percent in 2022-23.

The percentage of actual capital expenditures related to the Tlicho All-Season Road in respect to the budget was 98 percent.

The operating and debt servicing costs accounted for:

- 271 percent in 2021-22, this was due to the projected commencement date reflected in the original model; and
- 81 percent in 2022-23.

Prior to the decision to enter into any P3 agreement a series of analysis is completed to determine the financial, structural, environmental and legal impacts on the territory and the government with respect to the existing infrastructure and service delivery along with proper consultation with Indigenous governments that may be impacted. There is also a Public-Private Partnership Policy that guides the government's use of P3 agreements to complete large scale projects. While the analytical documents are not publicly available the policy documents are. An offer has also been made to present the audit findings in regards to the Stanton Renewal to standing committee to provide greater understanding of this project. Thank you, Mr. Speaker.

RETURN TO WRITTEN QUESTION 66-19(2):
GOVERNMENT OF THE NORTHWEST
TERRITORIES INTERVENTION
CHALLENGING FEDERAL LAW C-92

Mr. Speaker, I have a Return to Written Question No. 66-19(2) asked by the Member for Great Slave on June. 1, 2023, regarding the Government of the Northwest Territories', or GNWT, intervention of Federal Bill C-92. I appreciate the opportunity to provide further context and clarification on this important matter.

The Member inquired about the legal basis and rationale for the Government of the Northwest Territories intervening in this case before the Supreme Court of Canada.

It is important to note that while the Quebec Court of Appeal has deemed the majority of the federal act constitutional, it has identified Sections 21 and 22(3) as being ultra vires of the Constitution of Canada. It is precisely this limited legal question that prompted the Northwest Territories' intervention.

Sections 21 and 22(3) of the federal act grant Indigenous law the same authority as federal law and establish paramountcy of Indigenous law over provincial and territorial laws in cases of conflict. Our intervention seeks to bring to the Supreme Court's attention the federal government's failure to consider the fundamental differences in jurisdiction and power between territories and provinces.

The GNWT believes it is important for the Supreme Court to fully understand the potential unintended consequences stemming from the

federal act. These concerns include the inadvertent alteration of the NWT's legislative authority, ambiguity surrounding the scope and application of Indigenous laws, and the creation of a power imbalance between various Indigenous laws enacted by Indigenous governments in the NWT. Such impacts could lead to a situation where Indigenous laws not only supersede conflicting aspects of NWT laws, but also potentially replace them as federal laws, even in the absence of any conflict.

The Member also inquired how the GNWT justifies its intervention in this matter considering our support of the Inuvialuit Regional Corporation's child welfare law.

While it may appear that our intervention and support for the Inuvialuit Regional Corporation's child welfare law are contradictory, the Attorney General intervened in the Supreme Court of Canada case, not to argue against the inherent right of self-government over child and family services, but to provide the court necessary context as to how the federal act impacts the territories differently than the provinces.

Our intervention in the Supreme Court case is driven by our responsibility to uphold the jurisdictional and legislative autonomy for the Northwest Territories. While the GNWT supports the recognition of Indigenous rights, concerns were raised with the mechanics of the federal act. The concerns stem from the lack of clarity on how Indigenous laws are meant to interact with laws made under the jurisdictions provided through another federal act, the Northwest Territories Act. This is where the NWT's concerns and perspectives were different from the interventions made by Attorneys General from the provinces.

Regardless of the decision to come from the Supreme Court of Canada, the GNWT has continued to work with the Inuvialuit Regional Corporation on the implementation of their law to the greatest extent possible. The Inuvialuit Regional Corporation's child welfare law reflects the unique needs and aspirations of their community, and our support is grounded in the principles of self-determination and recognition of Indigenous jurisdiction within the NWT.

The Member has also asked what direct engagement and consultations the GNWT undertook with the Inuvialuit Regional Corporation, or other Indigenous governments, prior to making the decision to intervene.

The GNWT recognizes the importance of engaging and consulting with Indigenous governments and organizations in matters that

affect their jurisdictions and interests. In the case the Attorney General has sole responsibility that is independent from the rest of the GNWT in regard to legal matters and the decision to intervene.

Additionally, the Member noted the frustration and disappointment by both the Inuvialuit Regional Corporation and federal government with the GNWT's intervention. The Member asked about the steps taken to engage with the Inuvialuit Regional Corporation and Canada on the position taken by the government.

The Government of Canada specifically recognized the NWT's position in support of the inherent right to self-government in its written submissions when it referenced that the NWT recognized the validity of section 18 of the federal act.

Lastly, the Member questioned how the GNWT reconciles its intervention in this case with the commitment to implementing the United Nations Declaration on the Rights of Indigenous Peoples, specifically Articles 21 and 22.

The GNWT fully acknowledges and embraces the principles enshrined in the UN Declaration, including the rights of Indigenous peoples to self-determination, autonomy, and the preservation of their distinct legal systems. We are committed to upholding these principles and implementing them in a manner that respects and protects the rights and interests of Indigenous peoples in the NWT.

Regarding our intervention in this specific case, the GNWT spoke in support of the inherent right to self-government and that it includes child and family services. Our focus, however, is on the constitutional implications of sections 21 and 22(3) of the act, which undermine the jurisdictional and legislative authority of the GNWT.

Our intervention is driven by the necessity to safeguard the autonomy and jurisdictional rights of the NWT, while ensuring that the rights of Indigenous peoples are respected and upheld within the framework of Canadian law. It is essential to recognize that our intervention does not contradict or undermine our commitment to implementing the UN Declaration.

We are actively working in partnership with Indigenous governments, organizations, and stakeholders in implementing the UN Declaration in the Territory, which includes advancing Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act, currently before the

Legislative Assembly. Our approach centers around open dialogue, engagement, and consensus-building to ensure that the implementation approach aligns with the diverse needs and aspirations of Indigenous communities.

Articles 21 and 22 of the UN Declaration, which emphasize the importance of Indigenous peoples' self-determination, governance, and legal systems, are integral to our commitment to implementing the UN Declaration. We recognize the significance of these articles and their alignment with our broader objectives of recognizing and respecting the jurisdictional authority and self-determination of Indigenous peoples in the NWT. Thank you, Mr. Speaker.

RETURN TO WRITTEN QUESTION 67-19(2): UNRESOLVED MATTER OF THE FEDERAL INDIAN DAY SCHOOLS

Mr. Speaker, I have a Return to Written Question No. 67-19(2) asked by the Member for Tu Nedhe-Wiilideh on June 1st, 2023, regarding unresolved matters of Federal Indian Day Schools. Thank you, Mr. Speaker.

The Member stated that on April 1, 1969, the Roman Catholic and Anglican churches. Relinquished control of the Federal Indian Day schools and transferred the program to the Northwest Territories. There were 29 Federal Indian Day schools in the NWT where Indigenous children and youth were subjected to physical, emotional, and sexual abuse and cultural genocide. The Member asked if the Premier can provide in detail the steps the Government of the Northwest Territories has taken to formally acknowledge and document these abuses.

The GNWT has compiled a complete history of schools, residences, and other western educational institutions in the NWT in its publication, Report on the History of NWT Educational Facilities. The GNWT will continue to engage with Indigenous governments and communities to learn more about how they choose to proceed with the investigation of this still-upsetting chapter in their past and how they believe the GNWT can assist them.

The Member stated that survivors want an opportunity to share their experiences and stories and preserve these for historical records. The Member asked if the Premier can describe in detail what the GNWT has done to set up a commission to listen to these experiences and stories, and establish an archive for on-going learning and research, similar to the Truth and Reconciliation Commission of Canada.

The GNWT remains open to engagement with Indigenous governments and communities to formulate an acceptable approach to manage this difficult part of their history. The GNWT continues to collaborate with the Indigenous leadership as a Member of the Council of Leaders and is dedicated to offering help however it can.

The Member stated that the Prime Minister of Canada and the Pope formally apologized to residential school survivors and acknowledged the inter-generational damage caused by residential schools. The Member asked what the rationale is for the Premier not apologizing for the GNWT's role in its abuses and cultural genocide of Indigenous children and youth with Federal Indian Day schools.

There is still more work to be done in order to address reconciliation in the Northwest Territories, but we are making progress. Although the journey will be lengthy and occasionally challenging, we are dedicated to seeing it through.

The Member also asked what position would the GNWT take on a class action lawsuit brought forward by survivors of the federal Indian Day Schools.

The GNWT recognizes that class action approval has been filed this year for a lawsuit against the Government of Manitoba as one of the respondents by former residential school students. The GNWT also recognizes the 2006 Indian Residential Schools Settlement Agreement, the 2019 Federal Indian Day School Class Action Settlement as well as the Indian Residential Schools Day Scholars Settlement of 2021.

While these lawsuits and settlements recognized the damage caused by residential schools, the agreements desired a fair, comprehensive, and lasting resolution of the legacy of these schools by compensating the survivors and their descendants. The GNWT reaffirms its dedication to work with the Indigenous leadership and offer assistance to its Members. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Clerk. Returns to written questions.

Colleagues, we will take a short recess.

---SHORT RECESS

MR. SPEAKER: Replies to Commissioner's address. Petitions. Reports of committees on the review of the bills.

Reports of Committees on the Review of Bills

BILL 65: BUILDERS' LIEN ACT

MS. CLEVELAND: Mr. Speaker, your committee would like to report on its consideration of Bill 65, Builders' Lien Act.

Bill 65 received second reading in the Legislative Assembly on November 3rd, 2022, and was referred to the Standing Committee on Social Development for review. On January 18th, 2023, the standing committee held a public hearing with the Minister of Justice. At the public hearing, the Minister made a commitment to conduct further engagement with the public. Following this, committee sought an extension of the review period under Rule 8.3(2). Over the next several months, committee engaged extensively with the department to consider several potential amendments. Committee acknowledges significant progress was made but could not agree on a path forward on several key areas of this bill.

Mr. Speaker, on June 29th, 2023, committee held a clause by clause with the Minister at which time committee passed a motion to report the bill as not ready to proceed. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. Reports of committees on the review of bills. Member for Deh Cho.

BILL 74: FOREST ACT

MR. BONNETROUGE: Mahsi, Mr. Speaker. Your committee would like to report on its consideration of Bill 74, Forest Act.

Bill 74 is unique because it is the first bill to be developed collaboratively with the Indigenous governments and co-management bodies. That means the bill is also the first legislation to be reviewed under the process convention for the introduction, consideration, and enactment of bills drafted pursuant to the intergovernmental council legislative development protocol.

Bill 74 received second reading in the Legislative Assembly on March 9, 2023, and was referred to the Standing Committee on Economic Development and Environment for review. Also, on March 9, 2023, committee received approval from the House to extend its review of the bill from the standard 120 days to 180 days to allow for more collaboration with Indigenous governments. The standing committee held a public briefing on this bill with

the Minister of Environment and Climate Change and an intergovernmental council representative on April 28th, 2023. Following that, committee held four public hearings around the territory and received six written submissions.

After careful consideration of feedback received, committee negotiated numerous motions with the departmental staff and the Indigenous governments that were members of the technical working group to amend Bill 74 to address committee's concerns with the bill. The clause-by-clause review of Bill 74 took place on August 11th, 2023. Committee proposed 28 motions to amend the bill. The Minister concurred with 22 of those motions.

Mr. Speaker, the committee reports that Bill 74, forest Act, is ready for consideration in Committee of the Whole as amended and reprinted. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Deh Cho. Reports of committees on the review of bills. Member for Kam Lake.

BILL 75:
COUNCIL FOR WOMEN AND GENDER
DIVERSITY ACT

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, your committee would like to report on its consideration of Bill 75, Council for Women and Gender Diversity Act.

Bill 75 received second reading in the Legislative Assembly on March 9th, 2023, and was referred to the Standing Committee on Social Development for review. On June 28th, 2023, the standing committee held a public hearing with the Minister responsible for the Status of Women. Also in attendance was the board of the Status of Women Council of the NWT. Committee received one written submission from the Northern Mosaic Network. Committee heard from stakeholders and was concerned about:

- the need for collaboration among stakeholder entities to advance gender equality;
- lack of definitions of key terms;
- lack of preamble in the bill and concern that the purpose of the bill falls short on addressing key issues not limited to core funding mechanisms enshrined in legislation, appointment of council members and diversity of board representation

- finally, there was desire to retain the original name of the act.

For these reasons, committee cannot support the bill at this time.

On September 21st, 2023, committee held a clause-by-clause review of the bill with the Minister at which time committee passed a motion to report the bill as not ready to proceed. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. Reports of Committees on the Review of Bills. Member for Deh Cho.

BILL 78:
WASTE REDUCTION AND RESOURCE
RECOVERY ACT

MR. BONNETROUGE: Mahsi, Mr. Speaker. Your committee would like to report on its consideration of Bill 78, Waste Reduction and Resource Recovery Act.

Bill 78 received second reading in the Legislative Assembly on March 29, 2023, and was referred to the Standing Committee on Economic Development and Environment for review. On June 1st, 2023, the standing committee held a public hearing of the bill with the Minister of Environment and Climate Change. Committee held a clause-by-clause review of Bill 78 on July 5th, 2023. Committee proposed five motions to amend Bill 78 and was pleased that the Minister of Environment and Climate Change concurred with all five. The changes to Bill 78 were in regards to making more information publicly available and reinforcing the establishment of advisory committees.

Mr. Speaker, the committee reports that Bill 78, Waste Reduction and Resource Recovery Act, is ready for consideration in Committee of the Whole as amended and reprinted. Mahsi.

MR. SPEAKER: Thank you, Member for Deh Cho. Reports of Committees on the Review of Bills. Member for Great Slave.

BILL 80:
DENTAL HYGIENISTS PROFESSION
STATUTES AMENDMENT ACT

MS. NOKLEBY: Thank you, Mr. Speaker. Your committee would like to report on its consideration of Bill 80, Dental Hygienists Profession Statutes Amendment Act.

Bill 80, a Private Member's bill advanced by the MLA for Kam Lake, received second reading in the Legislative Assembly on March 30th, 2023, and was referred to the Standing Committee on

Social Development for review. The standing committee held a public hearing in Yellowknife on May 12th, 2023. Committee heard from two stakeholders and received two written submissions on the bill. On August 3rd, 2023, committee held a clause-by-clause review of the bill with the sponsoring Member and moved two motions to amend dates for implementing the regulation of dental hygienists.

Mr. Speaker, the committee reports that Bill 80, Dental Hygienists Profession Statues Amendment Act, is ready for consideration in Committee of the Whole as amended and reprinted. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Great Slave. Reports of Committees on the Review of Bills. Member for Kam Lake.

BILL 81:
AN ACT TO AMEND THE EDUCATION ACT,
NO. 2

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, your committee would like to report on its consideration of Bill 81, An Act to Amend the Education Act, No. 2. Bill 81 received second reading in the Legislative Assembly on March 30th, 2023, and was referred to the Standing Committee on Social Development for review. The standing committee held a public hearing in Yellowknife on May 31st, 2023. Committee then travelled to Inuvik, Norman Wells, and Deline from June 6th to the 9th, 2023, for further engagement on the bill. Committee held a clause-by-clause review of the bill with the Minister of Education, Culture and Employment on August 15, 2023.

Mr. Speaker, the committee reports that Bill 81, An Act to Amend the Education Act, No. 2, is ready for consideration in Committee of the Whole as amended and reprinted. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. Reports of Committees on the Review of Bills. Member for Deh Cho.

BILL 84:
AN ACT TO AMEND THE NORTHWEST
TERRITORIES BUSINESS DEVELOPMENT
AND INVESTMENT CORPORATION ACT

MR. BONNETROUGE: Mahsi, Mr. Speaker. Your committee would like to report on its consideration of Bill 84, An Act to Amend the Northwest Territories Business Development and Investment Corporation Act.

Bill 84 received second reading in the Legislative Assembly on March 30th, 2023, and was referred to the Standing Committee on

Economic Development and Environment for review. Committee proceeded by distributing stakeholder letters and holding a public hearing in Yellowknife on May 10th, 2023, where committee heard from members of the public and from the Minister of Industry, Tourism and Investment, alongside the chief executive officer of the Business Development and Investment Corporation. Committee had concerns about the corporation's board composition and developed an amendment to address this. Through public engagement, committee also heard concerns from stakeholders about the rebranding efforts. What committee found was a lack of clear public information about the rebranding efforts of the corporation. This, in combination with a board that needs better representation of the entire territory, led committee to its final decision about the readiness of Bill 84 to continue in the legislative process.

Mr. Speaker, committee reports that Bill 84, An Act to Amend the Northwest Territories Business Development and Investment Corporation Act, is not ready for consideration in Committee of the Whole. Mahsi.

MR. SPEAKER: Thank you, Member for Deh Cho. Reports of Committees on the Review of Bills. Member for Yellowknife North.

BILL 85:
UNITED NATIONS DECLARATION ON THE
RIGHTS OF INDIGENOUS PEOPLES
IMPLEMENTATION ACT

MR. JOHNSON: Thank you, Mr. Speaker. Your committee would like to report on its consideration of Bill 85, United Nations Declaration on the Rights of Indigenous Peoples Implementation Act.

Bill 85 received second reading in the Legislative Assembly on March 30th, 2023, and was referred to the Standing Committee on Government Operations for review. On September 20th, 2023, the committee held a public hearing with the Minister of Executive and Indigenous Affairs on this bill and completed its clause-by-clause review.

Mr. Speaker, the committee reports that Bill 85, United Nations Declaration on the Rights of Indigenous Peoples Implementation Act is ready for consideration in Committee of the Whole as amended and reprinted. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Yellowknife North. Reports of Committees on the Review of Bills. Member for Deh Cho.

BILL 93:
PRACTICE OF ENGINEERING,
GEOSCIENCE AND APPLIED SCIENCE
TECHNOLOGY ACT

MR. BONNETROUGE: Mahsi, Mr. Speaker. Your committee would like to report on its consideration of Bill 93, Practice of Engineering, Geoscience and Applied Science Technology Act.

Bill 93 received second reading in the Legislative Assembly on June 2nd, 2023, and was referred to the Standing Committee on Economic Development and Environment for review. The standing committee held a public hearing on July 18th, 2023, where it heard from the Minister of Infrastructure and the Northwest Territories Association of Professional Engineers and Geoscientists. The Standing Committee completed its clause-by-clause review on July 25th, 2023, where it proposed one amendment regarding publishing more information online. The Minister concurred with committee's amendment.

Mr. Speaker, the committee reports that Bill 93, Practice of Engineering, Geoscience and Applied Science Technology Act, is ready for consideration in Committee of the Whole as amended and reprinted. Mahsi.

MR. SPEAKER: Thank you, Member for Deh Cho. Reports of Committees on the Review of Bills. Member for Kam Lake.

BILL 94:
MISCELLANEOUS STATUTE LAW
AMENDMENT ACT 2023

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, your committee would like to report on its consideration of Bill 94, Miscellaneous Statute Law Amendment Act 2023.

Bill 94 received second reading in the Legislative Assembly on June 2nd, 2023, and was referred to the Standing Committee on Social Development for review. On June 29th, 2023, the standing committee held a clause-by-clause reading with the Minister of Justice.

Mr. Speaker, the committee reports that Bill 94, Miscellaneous Statute Law Amendment Act 2023, is ready for consideration in Committee of the Whole. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. Reports of Committees on the Review of Bills. Reports of standing and special committees. Member for Yellowknife North.

Reports of Standing and Special Committees

COMMITTEE REPORT 55-19(2):
REPORT ON BILL 85, UNITED NATIONS
DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLES IMPLEMENTATION
ACT

MR. JOHNSON: Mr. Speaker, Your Standing Committee on Government Operations is pleased to provide its Report on Bill 85, United Nations Declaration on the Rights of Indigenous Peoples Implementation Act, and commends it to the House. Mr. Speaker, I'll read the first three pages of the report and then deem the rest read.

Introduction and Background

Bill 85, United Nations Declaration on the Rights of Indigenous Peoples Implementation Act (Bill 85) received second reading on March 30, 2023, and was referred to the Standing Committee on Government Operations for review. The United Nations Declaration on the Rights of Indigenous Peoples is a comprehensive international human rights instrument. The Declaration sets out the minimum standards to ensure the survival, dignity, and well-being of Indigenous peoples.

Bill 85 follows the Calls to Action from the Truth and Reconciliation Commission of Canada and calls for justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls, which calls on all levels of government to implement the Declaration. In 2019, the Legislative Assembly established a mandate for the Government of the Northwest Territories directing it to prioritize this work. The Legislative Assembly then set up a Special Committee on Reconciliation and Indigenous Affairs to seek and encourage discussions on implementing the Declaration within the Northwest Territories. SCRIA delivered an interim "what we heard" report and a final report with recommendations.

Bill 85 is a historic piece of legislation. It is the third of its kind in Canada, following similar legislation in British Columbia and at the federal level through the Government of Canada. The bill was developed in partnership between the GNWT and Indigenous governments or Organizations through a working group of officials. The bill is also linked to a separate Memorandum of Understanding that lays out a collaborative approach to implement the Declaration. As of May 2023, the GNWT and 10 of 15 IGOs had signed the MOU.

Bill 85 affirms that the declaration applies in the Northwest Territories. The GNWT will have to take "all reasonable measures" to ensure its

laws, and their interpretation and application, are consistent with the declaration. Bill 85 also provides a framework for the GNWT and IGOs to collaborate and cooperate on implementing the declaration. Among other things, this framework:

- Requires a "statement of consistency" to be released with most new legislation, to explain whether new laws are consistent with the Declaration;
- Sets up an action plan committee, with Members from the GNWT and IGOs, to co-develop a work plan on making existing laws and policies consistent with the Declaration; and
- Affirms the authority of the GNWT to enter into shared decision-making agreements with IGOs.

This report summarizes committee's review of Bill 85, starting with our engagement with IGOs, the GNWT, and the public. This report also describes committee's efforts to strengthen Bill 85, including 13 motions to amend the bill – ten of which were adopted at the clause-by-clause review – and eight recommendations.

Public Engagement

In April 2023, the committee received a public briefing from the Premier and her staff on Bill 85. The Premier's presentation is included in Appendix A.

Between May 2023 and July 2023, committee engaged the public. Our approach to engagement is described in Appendix B. Committee hosted six public meetings in Fort Simpson – Lidlii Kue, Fort Smith – Thebacha, Yellowknife – Sombak'e, Tuktoyaktuk, Inuvik, and Deline. Committee also set out to travel to Hay River, which the Hay River and area Metis Local 51 had also specifically requested. When this summer's wildfires disrupted our public engagement plans, committee held a virtual public briefing with Metis Local 51 instead. About 50 people from across the Northwest Territories participated in these meetings.

Committee also sought written submissions on Bill 85. We sent over 100 targeted engagement letters to IGOs, local governments, advocacy associations, and non-profit organizations. Committee received detailed submissions from:

- The First Nations Child & Family Caring Society;
- The First Nations Financial Management Board;
- The City of Yellowknife; and

- The Hay River and area Metis Local 51.

These four submissions are included in Appendix C. The Gwich'in Tribal Council also provided a confidential submission to facilitate committee's discussion and review.

Committee appreciates everyone who offered their feedback at public meetings and in written submissions. Their participation demonstrates a commitment to promote the inherent rights of Dene, Metis, and Inuvialuit peoples in the Northwest Territories. Most participants welcomed Bill 85 as a positive step to advance Indigenous peoples' rights and offered thoughtful ideas to improve the bill, the action plan, and the GNWT's approach to implementing the Declaration more generally. The important themes, and committee's thoughts on those themes, were:

1. Honouring existing treaties. Work to implement the declaration must respect the provisions of existing treaties and agreements. Cede and surrender clauses should be removed from existing land claims agreements.

Committee agrees. Members have asked the Premier to not put cede and surrender clauses into land and resource agreements but have not received a commitment to take out such clauses from existing agreements.

2. Stronger language on Indigenous rights and roles. Bill 85 should ensure the action plan is drafted with IGOs "holding the pen" and is implemented in accordance with free, prior, and informed consent. The preamble should say the GNWT "will" implement the Declaration, rather than "should". The bill should cite substantive equality as a guiding principle.

Committee notes that the action plan must be prepared through the action plan committee, which we find is sufficient to ensure IGO participation in the drafting.

Regarding free, prior, and informed consent, committee is unclear on how the GNWT intends to interpret and implement FPIC. Clarity matters in this area because, as SCRIA observed, people have different views on what FPIC means and operationalizing consent was stressed as the most important mechanism to realize reconciliation. Committee is concerned at the risk of people being uncertain or disappointed in the absence of clear interpretation of FPIC. Committee is making a recommendation on this theme.

3. Specific action plan contents. The action plan should have to include specific measures to confirm rights, devolve jurisdiction, build institutional capacity, strengthen fiscal

autonomy, set service standards, and facilitate nation-to-nation relationships. The action plan should also be an optional pathway to self-government.

Committee agrees and is making a recommendation on this theme.

4. Accountability. Bill 85 should include further accountability mechanisms beyond the annual report and the 5-year review.

Committee agrees and passed an amendment on this theme.

5. Funding support. The GNWT should set up a funding framework for the action plan committee and fund IGOs to build their capacity on implementing the Declaration.

Committee agrees and is making a recommendation on this theme.

6. Definition of "Indigenous Government or Organization." Some participants found that the bill's definition of IGO too open-ended while others felt the GNWT is failing to recognize all Indigenous groups in the Northwest Territories, specifically the Metis Local 51.

Committee agrees that the bill's definition of IGO is too open-ended. Committee was unclear whether the bill's definition could range from Indigenous governments to corporations and voluntary societies. Committee suggested an amendment to provide greater certainty that an IGO must be a rights-bearing organization as selected by Indigenous peoples to represent them. The government indicated it would not concur, and committee did not pursue the amendment at the clause-by-clause review.

Committee notes the lack of a consistent approach across government to this definition which was highlighted in the review of Bill 65, Builders' Lien Act. Committee believes the GNWT's inconsistent approach will cause problems in the future.

7. GNWT intervention in the federal court case. The GNWT's intervention in a federal court case to challenge whether Indigenous law can prevail over provincial and territorial law for child and family services is disappointing and contrary to the principles of the Declaration.

Committee also finds the GNWT's approach to the court case hard to reconcile with its commitment to implement the Declaration. We hope the forthcoming ruling will make this situation less likely in the future.

8. Institutional skepticism. Some participants were skeptical the GNWT would meaningfully implement the Declaration. Some participants

were also concerned about a perceived lack transparency of the Council of Leaders, Article 46 of the Declaration,³⁸ and the trustworthiness of the United Nations more generally.

Committee notes these concerns which highlight the necessity for policy work to implement the Declaration to tangibly improve the well-being of Indigenous residents, individually and collectively. In Tuktoyaktuk, for example, residents wanted to know how Bill 85 would help revitalize Inuvialuktun and ensure access to basic dental services. Actions to implement the Declaration should start right away, and not be on hold until the action plan is finalized in two years.

A more detailed summary of these themes is included in Appendix D. Committee encourages the GNWT, IGOs, and the action plan committee to consider this input during the next steps to implement the Declaration.

Mr. Speaker, I move, seconded by the Member for Thebacha, that the remainder of Committee report 55-19(2), Standing Committee on Government Operations Report on the Review of Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

---Carried

Recommendation 1: That the Government of the Northwest Territories, in collaboration and cooperation with Indigenous Governments or Organizations, develop and release a clear statement on how it interprets and intends to apply free, prior, and informed consent. Recommendation 2: That the Government of the Northwest Territories, in collaboration and cooperation with Indigenous Governments or Organizations, include in the action plan developed under section 9 of Bill 85 specific measures to confirm rights, devolve jurisdiction, build institutional capacity, strengthen fiscal autonomy, set service standards, and facilitate nation-to-nation relationships, among others. This work should refer to the written submission of the First Nations Financial Management Board to Committee's review of Bill 85. Recommendation 3: That the Government of the Northwest Territories should set up a funding framework to support Indigenous Governments or Organizations' capacity to engage with work to implement the Declaration going forward.

Amendments

Committee put forward 13 draft motions to amend Bill 85. These are included in Appendix

E of this report. The GNWT shared each draft motion with Indigenous Government representatives; negotiated together toward a consensus position; and confirmed acceptance from leadership. 39 The GNWT indicated it only supported amendments where there is consensus from Indigenous Governments, citing the unique nature of Bill 85 and its focus on the rights of Indigenous peoples. Committee welcomed this approach, as Article 19 of the Declaration says that legislation that affects Indigenous peoples must have their free, prior and informed consent.

Committee engaged extensively with the GNWT on the amendments to find wording that everyone could support. Committee commends the Law Clerk, the Deputy Law Clerk, the legislative drafters, departmental staff, and Indigenous Government representatives for their effective collaboration, which was essential to progress on this Bill. The government ultimately concurred with 10 of the 13 of the motions to amend at the clause-by-clause review, held on September 20, 2023.

1. Excluding powers of the territorial court

The definition of “statutory power of decision” to which shared decision-making agreements could apply originally included powers of the Territorial Court.

Committee found this inclusion highly problematic, as it infringes upon judicial independence. Committee put forward and adopted Motion #1 to exclude powers of the Territorial Court, the Supreme Court, or the Court of Appeal from the relevant definition.

2. Clarifying timelines

Bill 85 required Ministers and Private Members to release the statement of consistency on new legislation “without delay.”

Committee was concerned this language was too vague. It allowed for situations where Members could lack access to the statement when voting on the principle of a bill at 2nd reading, or when reviewing the bill after 2nd reading. Committee believes the need for flexibility to advance urgent bills – even if a statement of consistency is not ready – may be justified at 1st reading, but not at 2nd reading. Committee also notes that appropriation bills, which could be required to advance quickly, are not required to have a statement of consistency.

Committee put forward and adopted Motion #2 to address this issue. Committee was also concerned that Bill 85 did not include a deadline to complete the annual report.

Timely reporting is important because it provides relevant information Report on Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act to hold governments to account and make better decisions. Committee put forward and adopted Motion #6 to require the annual report to be completed within 90 days after the end of each fiscal year. Several IGOs welcomed the added clarity. This timeline matches the standard set in BC’s and Canada’s legislation.

Unlike these jurisdictions, the Northwest Territories requires the Minister to co-develop the annual report with the Action Plan Committee.⁴⁹ Committee encourages the GNWT and IGOs to collaborate on meeting the deadline.

3. Keeping Regular Members informed

Committee wanted to ensure that Regular Members are adequately informed of developments at the Action Plan Committee. This awareness matters because of the Action Plan Committee’s position to influence the GNWT’s agenda for legislative and policy work that Regular Members review and scrutinize. Committee does not trust Cabinet to provide timely, comprehensive, and detailed updates regarding the Action Plan Committee’s work. Committee wanted to require the Action Plan Committee to include a representative chosen by Regular Members who could relay information back to them. This approach worked well in several similar instances during the 19th Assembly.

The GNWT was open to an amendment to address Committee’s concerns. Committee put forward Motion #3, which required the Action Plan Committee to include a representative chosen by Regular Members. The motion also allowed the Action Plan Committee to restrict that representative from being a Regular Member as well as their rights of participation. Some IGOs were opposed in principle to allowing a Regular Member to act as a permanent observer on the Action Plan Committee. They were concerned that the political nature of a Regular Member could undermine a body that they expect to be non-political. The GNWT and IGOs proposed a compromise that would prohibit the representative from being a Regular Member. Committee could not accept this proposal because Bill 85 does not similarly prohibit the GNWT or IGOs from choosing political figures. Committee wanted to ensure if the Action Plan Committee ever became a more political body, the law would not prohibit Regular Members from choosing a representative from among themselves. Committee and the GNWT were

ultimately unable to find a compromise. Committee therefore recommends:

Recommendation 4:

That the Government of the Northwest Territories, in consultation with the Standing Committee on Accountability and Oversight and Indigenous Governments or Organizations, set up a mechanism that ensures Regular Members can access timely, comprehensive, and detailed information about the Action Plan Committee's work. Report on Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act

4. Promoting transparency

Committee felt that Bill 85 did not go far enough to promote the transparency of work to implement the Declaration. Transparency matters because it makes governments more accountable to each other and to residents. In this context, it can also strengthen the credibility of governments in doing this work. Committee was not satisfied with Bill 85's vague requirement for the action plan to follow a "transparent process."

The bill lacked specific requirements to ensure key documents would be publicly disclosed. Committee addressed transparency issues through five motions to amend. Four of the motions we put forward and adopted required the public disclosure of:

- The action plan – in Motion #5 (subclause 9(4));
- The annual report – in Motion #7;
- The examination of the consistency of proposed regulations with the Declaration and section 35 rights – in Motion #10B; and
- The results of the five-year review of the act – in Motion #13 (subclause 13(3)). to require public disclosure of the results of the five-year review of the act.

Committee put forward and adopted a fifth motion, Motion #8B, requiring the GNWT to notify Regular Members when it authorizes negotiations on a shared decision making agreement. The motion also requires the timely public disclosure of any finalized agreements on a website.

The motion represents a compromise. Committee would have preferred a requirement to disclose authorizations to negotiate to the public, not only to Regular Members. The GNWT opposed that proposal, citing concerns about violating Cabinet Confidences. The

GNWT also wanted to maintain confidentiality to allow flexibility for negotiations to evolve.

Committee was not convinced these concerns outweigh the public interest in knowing, and notes that British Columbia requires some public disclosure in this area.

Committee therefore recommends:

Recommendation 5: That the Government of the Northwest Territories should, without delay, make all authorizations provided to a Minister to negotiate or enter into a shared decision-making agreement under the United Nations Declaration on the Rights of Indigenous Peoples Implementation Act publicly available by publishing it on a government-maintained website.

5. Ensuring public engagement

Committee was disappointed that Bill 85, as originally drafted, was mostly silent on how the public would be engaged. Committee believes the GNWT should directly involve its public while developing and reviewing the action plan itself. The public's Report on Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act concerns and aspirations should be consistently considered and directly reflected in the GNWT's position on the action plan.⁵⁶ Some Indigenous residents do not have a relationship with an IGO, so their only way to be involved is through the GNWT. Public engagement can also improve the quality of decisions and build confidence and trust in public government.

IGOs were concerned that legislative requirements for public engagement could be confused with the GNWT's constitutional or legal duty for Aboriginal consultation. Committee acknowledges this concern but notes that the GNWT considers public engagement and Aboriginal consultation as distinct processes.

Committee put forward and adopted two motions to require the GNWT to engage the public on two items:

- The action plan – Motion #5 (subclause 9(3)); and
- The five-year review – Motion #13 (subclause 13(2)).

Committee also considered a third amendment to require the GNWT to engage the public on shared decision-making agreements in draft form. IGOs strongly opposed this idea, citing its incompatibility with Nation-to-Nation negotiations, emphasizing the rarity of public

involvement in such negotiations, and asserting that it would lead to needless delays without meaningfully enhancing transparency, as final agreements will be made public. Committee accepted these concerns. However, Committee was uncomfortable with the lack of any GNWT accountability before entering these agreements. The GNWT is the public government of the Northwest Territories and must be accountable to its public. As a compromise, Committee put forward Motion #8A, which would require the GNWT to engage with Regular Members before entering a shared decision making agreement.

The GNWT rejected the motion, citing continued IGO concerns.

Committee therefore recommends:

Recommendation 6: That the Government of the Northwest Territories provide notice to and seek comments from the Standing Committee of Accountability and Oversight before entering into a shared decision-making agreement under the United Nations Declaration on the Rights of Indigenous Peoples Implementation Act.

6. Enhancing accountability and oversight

Committee was concerned that Bill 85 does not do enough to make the GNWT accountable for implementing the Declaration.

The First Nations Child & Family Caring Society also recommended further accountability mechanisms. Committee also notes that the Truth and Reconciliation Commission of Canada concluded that Report on Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act “all levels of government must make a new commitment to reconciliation and accountability” [emphasis added].

SCRIA’s final report highlighted the need for effective oversight, monitoring, and accountability. SCRIA recommended that the legislation “include a mechanism that will monitor how the law is being implemented.” Committee agreed and put forward and adopted Motion #11, which basically implements SCRIA’s recommendation. The Action Plan Committee, which will develop the independent oversight mechanism should draw inspiration from SCRIA’s final report and federal Bill C-29: An Act to provide for the establishment of a national council for reconciliation.

Committee also identified a deficiency in the independence of the five-year review. Making the Action Plan Committee responsible for the

review could create a conflict because this body also develops the action plan.

While the Action Plan Committee is suitable for oversight in many ways, Committee put forward Motion #15, calling for an independent person or entity chosen by the Action Plan Committee to lead the review. The GNWT rejected this motion, citing concerns from IGOs. As a result, Committee put forward and adopted a compromise amendment

– Motion #13 (subclause 13(1)).

The motion explicitly states that the Action Plan Committee may choose an independent person or entity to lead the review. The GNWT did not object, considering the motion redundant.

Because we exhausted legislative options to ensure an independent review, Committee recommends:

Recommendation 7: That the Government of the Northwest Territories, in its capacity as a member of the Action Plan Committee, advocate for the Action Plan Committee to choose an independent person or entity to lead the five-year review of the United Nations Declaration on the Rights of Indigenous Peoples Implementation Act.

7. Clarifying the relationship between the legislation and the MOU

Bill 85 mentions the Memorandum of Understanding (MOU) in two spots. Committee found these references problematic because they may allow the MOU – a nonlegislative instrument – to require the GNWT to do things without oversight from the Assembly. Committee was particularly concerned that the reference in Section 10(2)(e) could enable changes to action plan priorities without legislative oversight. Committee brought these concerns to the GNWT, but we were not satisfied with their response. Committee therefore sought to clarify the relationship between the two documents. We put forward and adopted Motion #12, which addresses situations where the MOU is in a conflict with the proposed Act and ensures the act will prevail. The GNWT did not object, perceiving the motion as unnecessary. Committee welcomed the greater certainty. Report on Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act

Bill 85 and Private Member’s Bills

Bill 85 requires Private Members sponsoring a bill to table a statement without delay explaining whether the bill is consistent with the Declaration and section 35 rights.

Committee was displeased that Regular Members were not consulted on this proposal at any point before the Premier introduced the Bill. Committee discussed extensively whether the requirement infringes on Members' privilege. Committee was advised that the answer is no – Members can still move ahead with Private Member's Bills, even if they are deemed inconsistent with the Declaration or with section 35 rights. As a result, Committee did not further consider changing or removing the requirement from the Bill. However, Committee fears this requirement will have a chilling effect on Private Member's Bills. Members already face significant barriers to developing a Private Member's Bill. It is unclear whether and how Private Member's Bills must realize free, prior and informed consent (FPIC) to be deemed consistent with the Declaration.

The GNWT's lack of clarity about FPIC does not help. Realizing FPIC could be challenging given Members' limited resources. Committee therefore recommends: Recommendation 8: That the Government of the Northwest Territories consult the Standing Committee on Accountability and Oversight when developing guidelines for statements of consistency required under the United Nations Declaration on the Rights of Indigenous Peoples Implementation Act.

Conclusion

At the September 20th, 2023, clause-by-clause review, Committee passed a motion to report Bill 85, as amended, to the Legislative Assembly as ready for consideration in Committee of the Whole. This concludes the Standing Committee on Government Operations' review of Bill 85. Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond.

However, since the 19th Legislative Assembly will dissolve in less than 120 days, Committee has decided to leave out this recommendation and requests that the government provide a public response to this report, even of a preliminary nature, before the beginning of the 20th Assembly.

MR. SPEAKER: Member for Yellowknife North.

MR. JOHNSON: Mr. Speaker, I move, seconded by the Member for Thebacha, that Committee Report 55-19(2), Standing Committee on Government Operations Report on the Review of Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act, be received by

the Assembly and referred to Committee of the Whole. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Yellowknife North. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. Bill 85 will be moved into Committee of the Whole.

---Carried

Reports of standing and special committees.
Member for Kam Lake.

COMMITTEE REPORT 57-19(2): REPORT ON BILL 65, BUILDERS' LIEN ACT

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, your Standing Committee on Social Development is pleased to provide its report on the review of Bill 65, Builders' Lien Act.

Mr. Speaker, I move, seconded by the Member for Great Slave, that Committee Report 57-19(2) be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. The committee report is deemed read.

MS. CLEVELAND:

Introduction

Bill 65: Builders' Lien Act (Bill 65) received second reading on November 3, 2022 and was referred to the Standing Committee on Social Development (Committee) for review. The Department of Justice (Department) sponsored the Bill.

On January 18, 2023, Committee held a public hearing on Bill 65. Committee heard comments focused on why the Builders' Lien Act, as drafted, does not apply to the Government of the Northwest Territories (GNWT), but does apply to municipalities, and does not consider Indigenous governments at all. There were also questions on how provisions related to lands owned by those entities would work, particularly the provisions on seizure and sale. Committee had previously raised similar concerns, particularly concerning types of lands subject to

the Bill and the extent to which GNWT engaged with Indigenous and municipal governments in developing the Bill.

During the public hearing, Committee expressed concerns regarding the lack of consultation done on behalf of the Department prior to Bill 65's introduction. In response, the Minister of Justice made a commitment to Committee to conduct further engagement with the public. Following the public hearing, the Government House Leader formally requested that Committee seek an extension of the review period under Rule 8.3(2). The Department needed further time to engage in discussions with Indigenous governments, municipalities, and industry about Committee's concerns. Committee agreed and successfully sought an extension.

Over the course of reviewing the Bill, Committee considered several potential amendments and engaged extensively with the Department on amending the Bill to better reflect concerns related to land interests and exemptions from seizure and sale. Six months were dedicated to Committee and Departmental staff working together and negotiating on potential amendments. However, while Committee acknowledges that significant progress was made, in the end, the Minister did not agree with Committee on a path forward on several key areas of the Bill. Committee therefore decided that the Bill as drafted is not ready to proceed. Committee decided it was better to urge the Department to work to improve the Bill and reintroduce it in the next Assembly with significant modifications to improve it, rather than to proceed with a fundamentally flawed Bill at this time.

Committee's Outlook on Builders' Lien Legislation

Committee strongly supports the need for new builders' lien legislation in the Northwest Territories. The existing Mechanics Lien Act has not changed substantially for decades. Since then, real property development, contractual arrangements and construction practices have changed considerably and continue to evolve. The central intent of such legislation is to ensure that contractors, subcontractors, and workers are paid for their work and materials. In recent years, other Canadian jurisdictions have updated their builders' lien legislation, such as Ontario (2019), British Columbia (2020), and Alberta (2022).

However, Committee has concluded that Bill 65, as it is currently written, is not ready for passage in the Legislative Assembly. Committee believes the Department needs to

approach this legislation differently and author a new Builders' Lien Act within the first half of the 20th Assembly as a significant priority.

Committee Considered Public Input

Committee sought public feedback on Bill 65 with a public notice and targeted engagement letters. Committee received written submissions from:

- Mr. Dale Johnson of Clark Builders; and
- Yellowknives Dene First Nation (YKDFN)

All written submissions are included in an Appendix to this report.

Additionally, during the public hearing on Bill 65, Committee heard remarks from the Minister of Justice and asked questions to departmental officials. Committee thanks Mr. Johnson and YKDFN for their engagement. Their participation helped inform Committee discussions on key issues for future consideration.

Committee Concerns

There are three main areas that Committee had concerns with regarding Bill 65.

- The primary issue was determining which land interests held by different levels of government and Indigenous governments would be subject to seizure and sale, as that is the ultimate remedy for a lien that ensures a contractor or subcontractor is paid for their services.
- Second, the core structure of the Bill being such that exemptions from seizure and sale are made on the basis of who owns a project, rather than what type of project it is.
- Lastly, Bill 65 did not include a provision to introduce a prompt payment system that ensures a timeline for both issuing and paying invoices on building projects and provides a dispute resolution mechanism to resolve payment disputes.

Land Interests of Different Levels of Government

Committee's main concern with Bill 65 is how the Act would operate in regard to liens on construction projects within the context of several types of lands owned by multiple levels of government across the NWT. For example, of the lands to consider includes municipalities, lands withdrawn from disposition for the purpose of pending treaties, private land, and properties located within land, resources, and self-government agreement areas, among

others. Given that within the NWT much land is either owned, or managed and administered by different levels of government, Committee considered it vital that the Act clearly state which types of lands may be subject to seizure and sale as a remedy for a lien on a project.

Ultimately, Committee did not want one level of government to be exempt from seizure and sale, while other levels of government would be subject to seizure and sale. From the start, it was Committee's desire that all levels of government be treated the same under the Act. However, the Bill as drafted does not bind the GNWT, but it does bind municipalities, and it makes no reference to Indigenous governments. This latter point, of having no reference to Indigenous governments, was a major point of contention for Committee, as it provided the sense that the Bill had been drafted without the consideration of Indigenous governments.

Committee had many discussions on this subject, including with the Government House Leader. Committee struggled with the notion that if Indigenous governments would be subject to the Bill, and would have their lands exempted from seizure and sale just like the GNWT or a municipal government, then how would an Indigenous government be defined? Committee proposed several draft motions to amend this aspect of the Bill, and considered many draft motions proposed by the Department. As these discussions progressed though, Members quickly realized that this topic raised bigger questions about defining an Indigenous government that could not and should not be answered within the context of this Bill.

Committee determined that it is inappropriate for both the legislative branch, as well as the executive branch of government to prescribe a definition on what an Indigenous government is within the context of Builders' Lien legislation. Especially while there is another Bill before the Assembly concerning the United Nations Declaration on the Rights of Indigenous Peoples, which is an internationally recognized document that affirms the autonomy and self-determination of Indigenous peoples. Article 3 of the Declaration, which reads:

"Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

With this consideration, Committee determined that the GNWT should not be the arbiter in defining what an Indigenous government is, as that is a matter that should be decided by

Indigenous peoples and Indigenous governments themselves. Thus, Members concluded that while this is an important topic that is part of a larger discussion that should be had, it is not Committee's place to legislate on this matter with this Bill.

Furthermore, Committee did consider several options as potential paths forward with this section of the Bill. Those included leaving the definition of Indigenous government undefined, identifying Indigenous governments through regulation, as well as utilizing the definition of Indigenous government from another Bill before the Assembly, which is Bill 85: United Nations Declaration on the Rights of Indigenous Peoples Implementation Act.

It was at this point where discussions broke down, as Committee did not consider this subject sufficiently addressed within the Bill as drafted. Thus, since a compromise could not be reached with the government on what specific language to use in the Act, Committee decided that Bill 65 is not ready to move forward.

Exempting Governments vs. Exempting Project Types

Committee recognized that if Bill 65 was amended to bind the GNWT, along with municipalities and Indigenous governments, to be subject to liens but not to seizure and sale of land, then very little infrastructure in the NWT would be left to be subject to seizure and sale. Recognizing this, Committee determined that the Bill as drafted, which provides an exemption for seizure and sale on the basis of who owns a project, was problematic.

Therefore, following much consideration on this point, Committee determined that exemption for seizure and sale of land should instead apply to the type of project, rather than the owner of the project. Approaching the Bill this way would avoid the issue of having to define Indigenous governments altogether.

This approach to the Bill would ensure a better balance between protecting critical public infrastructure such as health centres, highways, or emergency services, etc., against the need to protect contractors, workers, and suppliers, which is the primary intent of the Bill. However, because this is such a substantial shift in how the Bill is structured, and since there is not enough time within the 19th Assembly to make this fundamental change to the Bill's structure, Committee decided that the Bill should be re-drafted.

Prompt Payment System

One aspect that was absent from Bill 65 is a section on prompt payment, which would provide assurances within a set timeline for contractors and subcontractors to issue invoices for their work, and for owners to pay invoices for services rendered. A prompt payment system would also create a dispute resolution mechanism by providing a framework for resolving disputes between parties. Committee is aware of several jurisdictions that have codified prompt payment systems into legislation, with the most recent jurisdictions whose amendments and regulations came into force being Alberta (2022), Saskatchewan (2022), and Ontario (2019).

Committee did ask the Government House Leader if this system was considered, and the response was that the Department made a conscious choice not to include this provision at this time. However, the government indicated that it is open to adding this provision in the future. The government also considered adjudication provisions, but chose not include it in the Bill, as the government considers the issue of payment schedules as a matter for the Supreme Court, under debtor/creditor law.

Committee heard prompt payment as a vital concern of the construction industry. Therefore, Committee considered the absence of a prompt payment system as a significant missing aspect within Bill 65 and Committee would like to see the inclusion of such a provision within future lien legislation introduced by the government.

Conclusion

On June 29, 2023, Committee held a clause-by-clause review. Committee passed a motion to report Bill 65 to the Legislative Assembly as not ready for consideration in Committee of the Whole.

Committee strongly recommends the Department to work on re-introducing Builders' Lien legislation that addresses the fundamental flaws with Bill 65 as a top priority for the next Assembly.

This concludes the Standing Committee on Social Development's review of Bill 65: Builders' Lien Act.

MR. SPEAKER: Reports of standing and special committees. Member for Kam Lake.

MS. CLEVELAND: Mr. Speaker, I move, seconded by the Member for Great Slave, that Committee Report 57-19(2), Standing Committee on Social Development Report on the Review of Bill 65: Builders' Lien Act, be

received and adopted by the Assembly. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried.

---Carried

Reports of standing and special committees. Member for Great Slave.

COMMITTEE REPORT 60-19(2): REPORT ON BILL 80, DENTAL HYGIENISTS PROFESSION STATUTES AMENDMENT ACT

MS. NOKLEBY: Thank you, Mr. Speaker. Your Standing Committee on Social Development is pleased to provide its report on review of Bill 80, Dental Hygienists Profession Statutes Amendment Act.

Mr. Speaker, I move, seconded by the Member for Monfwi, that Committee report 60-19(2), Standing Committee on Social Development Report on the Review of Bill 80: Dental Hygienists Profession Statutes Amendment Act, be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Great Slave. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. Bill 80 is deemed read.

---Carried.

MS. NOKLEBY:

Introduction

Bill 80: Dental Hygienists Profession Statutes Amendment Act (Bill 80) received second reading on March 30, 2023, and was referred to the Standing Committee on Social Development (Committee) for review. Bill 80 is a private member's bill, sponsored by the Member for Kam Lake, to amend the Health and Social Services Professions Act and the Dental Auxiliaries Act. This Bill proposes to provide dental hygienists with the option to work independently of a dentist. Specifically, Bill 80:

- Will require the Minister of Health and Social Services to recommend to the

Commissioner regulations under the Health and Social Services Professions Act, on or before March 31, 2024;

- Designate the profession of dental hygienists as a profession, effective April 1, 2024;
- Transfer the regulation of dental hygienists from the Dental Auxiliaries Act to the Health and Social Services Professions Act, effective April 1, 2024; and
- Replace gender specific language in the Dental Auxiliaries Act with gender neutral language.

This report outlines key events leading up to the introduction of Bill 80; describes Committee's engagement with the public; and summarizes stakeholders' positions and Committee's decisions on key issues.

Committee Welcomes Improvements to Oral Healthcare

The purpose of Bill 80 is to permit dental hygienists to work independently of a dentist. Currently, under the Dental Auxiliaries Act, all dental hygienists working in the NWT must be supervised by a dentist. Section 6 of the Dental Auxiliaries Act reads:

6. No dental hygienist shall practice dental hygiene except under the direction and control of a dentist who assumes direct professional responsibility for the patients in respect of whom the services are being provided.

On May 12, 2023, Committee held a public hearing on Bill 80. Committee heard comments focused on the important role of oral health in preventative healthcare, and its significance within the overall health of individuals. Members expressed concern with the current state of oral healthcare delivery across the NWT, especially in small communities and regional centres. Members also voiced concern about the lack of equitable access to preventative oral healthcare across the NWT. Committee agreed unanimously with the intent of Bill 80 and all Members agreed to support it.

While the Department of Health and Social Services (the Department) did not present at the public hearing, Committee did meet with the Minister to discuss the Department's concerns with the Bill. Committee also exchanged correspondence with the Minister to try reaching consensus on an agreeable timeline for when the proposed changes within Bill 80 will take effect.

The Minister stated that the estimated timeline for the Department to complete the work within

Bill 80 would take up to four years to complete. The Department also sent draft motions to amend Bill 80 with the dates of July 31, 2027, and August 1, 2027, as the dates of enactment for professional designation of dental hygienists, as well as the date for the creation of dental hygienist regulations, respectively.

However, Committee did not agree with the proposed amendments from the Department and advanced motions with a more aggressive timeline to implement the regulatory work.

AMENDING BILL 80's TIMELINES

Committee held a clause-by-clause review with the Member for Kam Lake on August 10, 2023. Committee engaged with the Member for Kam Lake on a compromised date of enactment on the Bill's proposed timelines. Committee then passed two motions to amend the Bill's timelines for when dental hygienists become a designated profession, and the date by which the Department shall establish dental hygienist regulations.

Originally, clauses 1 and 2 of Bill 80 read:

1. (1) The Health and Social Services Professions Act is amended by this section.

(2) Section 5 is repealed and the following is substituted:

5. (1) The Commissioner in Executive Council may, by order, designate professions to which this Act applies.

(2) The profession of dental hygienists is designated as a profession to which this Act applies, effective April 1, 2024.

Additionally, the original wording for Clause 3 read:

(3) The following is added after section 67: 67.1. (1) The Minister shall, on or before March 31, 2024, recommend to the Commissioner regulations under section 67 to regulate the practice of dental hygienists.

(2) Before recommending regulations under subsection (1), the Minister shall consult with

a) Indigenous governments;

b) the Canadian Dental Hygienists Association; and

c) dental hygienists actively practicing in the Northwest Territories.

Committee proposed two motions to amend the timelines (included in Appendix 1). These amendments will extend the timelines proposed in the Bill to December 1, 2025, and November

30, 2025, respectively giving the Department more time to enact the proposed legislative changes. Committee believes these amendments, which will come into force approximately halfway through the 20th Assembly, will be a sufficient timeline for the Department.

On August 10, 2023, at the clause-by-clause reading of Bill 80, the Member for Kam Lake, sponsoring Member of the Bill concurred with these amendments.

Committee Considered Public Input

Committee sought public feedback on Bill 80 with a public notice and targeted engagement letters. Committee received written submissions from:

- Ms. Nadja Lennie;
- Ms. Ashley Morine; and
- Hon. Julie Green, Minister of Health and Social Services.

All written submissions are included in Appendix 2 to this report.

Moreover, during the public hearing on Bill 80, Committee heard remarks from the Member for Kam Lake, along with Mr. Todd Orvitz, CAO of the Inuvialuit Regional Corporation, and Ms. Nadja Lennie, owner of Fireside Denture Clinic. Committee thanks Mr. Orvitz and Ms. Lennie for their engagement. Their participation helped inform Committee discussions on key issues for future consideration.

Committee Recommends Urgency in Oral Preventive Care

Committee strongly agrees with the Member for Kam Lake's concerns about the lacking areas of oral healthcare delivery within the NWT. Committee supports the intent of Bill 80 and acknowledges that the Department has stated its support of the Bill's intent as well. Committee considers oral healthcare as an urgent matter that must be addressed by the Department sooner, rather than later. While the amended Bill sets fall 2025 as the deadline for a new designation and regulations for dental hygienists, the Department should aim to complete this work even sooner.

In addition, during the public hearing on Bill 80 the CEO of the Inuvialuit Regional Corporation (IRC) stated that their organization had recently established a Memorandum of Understanding with the Northwest Territories Health and Social Services Authority (NTHSSA) enabling IRC to employ their own practicing dental hygienist under the direction and control of the

NTHSSA's contracted oversight dentist. Committee believes this type of arrangement is a great interim option to increase access to oral preventive care while the department works on designating dental hygienists a profession and creating accompanying regulations. Committee would like to see similar types of agreements as that between the IRC and the NTHSSA be established with other communities and organizations that deliver health services. Therefore, Committee recommends the following:

Recommendation 1: The Standing Committee on Social Development recommends that the Department of Health and Social Services increase efforts to improve oral preventative care in communities. This work should include:

- Providing interim options for dental hygienists to work independently of a dentist prior to fall 2025; and
- Ensuring Indigenous Governments and other organizations that deliver health services are aware of other options to provide oral preventive healthcare.

Conclusion

On August 10, 2023, Committee held a clause-by-clause review. Committee passed a motion to report Bill 80, as amended, to the Legislative Assembly as ready for consideration in Committee of the Whole.

This concludes the Standing Committee on Social Development's review of Bill 80: Dental Hygienists Profession Statutes Amendment Act. Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond. However, since the 19th Legislative Assembly will dissolve in less than 120 days, Committee has decided to leave out this recommendation and requests that the government provide a public response to this report, even of a preliminary nature, before the beginning of the 20th Assembly.

MR. SPEAKER: Reports of standing and special committees. Member for Kam Lake.

COMMITTEE REPORT 59-19(2): REPORT ON THE REVIEW OF BILL 77, NURSING PROFESSION ACT

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, your Standing Committee on Social Development is pleased to provide its Report on the Review of Bill 77: Nursing Profession Act.

Mr. Speaker, I move, seconded by the Member for Great Slave, that Committee report 59-19(2), Standing Committee on Social Development Report on the Review of Bill 77: Nursing Profession Act, be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried.

---Carried

MS. CLEVELAND:

Introduction

Bill 77: Nursing Profession Act (Bill 77) received second reading on March 29, 2023, and was referred to the Standing Committee on Social Development (Committee) for review. Bill 77 repeals and replaces the Licensed Practical Nurses Act (Act), which has only had minor amendments since coming into force in 2004. It is intended to improve regulatory function by establishing a single regulatory framework for all nurses in the Northwest Territories (NWT). It will also standardize the assessment of credentials and oversight of nursing practices under one regulatory structure.

Bill 77 was developed through close collaboration with Registered Nurses Association of Northwest Territories and Nunavut (RNANTNU), which will be renamed the College and Association of Nurses of the Northwest Territories and Nunavut. Regulatory bodies of this kind have been established in other jurisdictions.

Bill 77 changes the following:

- Repeals the Licensed Practical Nurses Act and transfers the authority of RNANTNU;
- Establishes new nursing designations, scopes of practice, registers, and associated requirements for Licensed Practical Nurse, Registered Nurse Authorized Prescriber,
- Registered Psychiatric Nurse, and Registered Psychiatric Nurse Authorized Prescriber;
- Allows Registered Nurses and Registered Psychiatric Nurses who meet certain qualifications to order and interpret specific diagnostic and screening tests, make

diagnoses, and prescribe specific medications;

- Updates the complaints and discipline process, including the appointment of a Complaints Officer;
- Adds a requirement for employers to report to RNANTNU if they terminate a nurse, or if the nurse chooses to resign instead of being terminated, due to unprofessional conduct;
- Adds by-law making powers to regulate the practice of nurses, including nurses who practice solely through virtual care; and
- Modernizes language.

Committee Considered Public Input

Committee sought public feedback on Bill 77 with a public notice and targeted engagement letters. Committee received written submissions from the Canadian Nurses Protective Society (CNPS), Scott Robinson RN, and RNANTNU which are appended to this report.

On May 10, 2023, Committee held a public hearing to review Bill 77. At that meeting, Committee heard remarks from the Minister of Health and Social Services and her staff, and they received oral comments from RNANTNU and the public. Committee thanks all these participants for their engagement.

One area of concern identified was the need to provide clarity and certainty with respect to the complaints process. Committee agreed with this concern. RNANTNU stressed the need to redact information in the complaints summary to protect client health and other sensitive information. In response, Committee stressed the importance of procedural fairness, specifically that nurses should receive full, unredacted copies of complaints made against them.

Committee also had concerns about how complaints regarding unprofessional conduct would be addressed by the new statutory officer created by Bill 77, and asked questions about complaints related to Cultural Safety competencies and standards of care for Indigenous residents and those living in small communities. The Minister referred to Living Well Together: Indigenous Cultural Awareness and Sensitivity Training for GNWT employees, and RNANTNU discussed existing standards of practice with respect to Cultural Safety during the public hearing. While these continuing Cultural Safety initiatives are important, Committee stressed the need for nurses to provide culturally safe care in the NWT.

Committee was initially concerned about changes to the scope of practice, job descriptions, and change of pay for some nurses. For instance, Registered Psychiatric nurses will see major changes with Bill 77 because they will now be regulated in the NWT.

Committee also asked questions about whether the Government of the Northwest Territories was corresponding with Nunavut on amendments to the Act and heard that the territories were working together but not aligned legislatively. RNANTNU maintains it will be able to operate under the NWT and Nunavut's respective Acts governing the practice of nursing in both jurisdictions.

One area that CNPS and other members of the public identified was the need to provide clarity around insurance and protection, as well as the appeal mechanism for respondents ordered to pay costs during the complaints process. Committee shared these concerns.

After careful consideration, Committee supported six motions amending Bill 77. Three of these proposed amendments were the direct result of public engagement. Committee negotiated the exact wording with the GNWT. The other three proposed amendments were non-contentious: two corrections were made to French language clauses in the Act, and one was an agreed upon change regarding insurance and liability protection.

Committee Amended Six Clauses

Motion 1

Both Committee and the GNWT supported the submission made by CNPS to amend Clause 20 of Bill 77 by adding the words "liability insurance or protection" to paragraph 20(1)(t), striking out "liability insurance." A motion reflecting this change was drafted and passed at the clause-by-clause review.

Motions 2 and 4

While Committee noted the mechanism in place to appeal decisions, submissions during public engagement noted this would not apply to costs of investigations in situations where complaints were dismissed by the Board of Inquiry.

Two motions related to this issue were drafted. The first proposed that Bill 77 be amended by adding language "establishing the procedure to be followed in appeals of directions to pay the costs of investigations" after clause 20(1)(z.19). The second amended clause 67 by introducing substantial changes regarding an "Appeal of Direction to Pay Costs of Investigation" where a hearing was not required 67.1(1), concerning

notice of direction 67.1(2), appeal 67.1(3), referral to the Board of Inquiry 67.1(4), and language clarifying an order as to costs 67.1(5). The Minister concurred with both motions, and they were passed at the clause-by-clause review.

Motion 3

Committee feels that it is procedurally fair for nurses to receive full, unredacted copies of complaints made against them. Committee also noted that while nurses are entitled to receive a copy of a complaint made against them under the Act, they may be unaware of this right.

The GNWT and RNANTNU remain concerned about protecting client health information, and redacting potentially vexatious material from complaints, and therefore prefer to provide summaries of complaints.

After negotiation with the GNWT, a motion was drafted concerning "notice of right to receive copy of complaint" which proposed to amend clause 56(5) by adding "(5.1) A summary of a complaint provided under paragraph (2)(a) or (5)(a) must include a statement advising the respondent of the right to receive a copy of the complaint under paragraph (2)(b) or (5)(b) on request." The Minister concurred with the motion, and it was passed at the clause-by-clause review.

Motions 5 and 6

Committee agreed to support the GNWT's recommendation to correct the French versions of clause 70, under the heading "Renvoi à une commission d'enquête" and 119(3), by striking out "qui n'est pas un médecin" and substituting "qui est un médecin." Two motions reflecting these amendments were drafted and passed at the clause-by-clause review.

Conclusion

On May 31, 2023, Committee held a clause-by-clause review. Committee passed the motions to report Bill 77, as amended, to the Legislative Assembly as ready for consideration in Committee of the Whole. In the House on June 1, Bill 77, Nursing Profession Act, was orally reported as ready. On June 2, Bill 77 was cited in the Orders of the Day as one of the items under Consideration in Committee of the Whole of Bills and Other Matters.

This concludes Standing Committee on Social Development's review of Bill 77: Nursing Profession Act.

MR. SPEAKER: Reports of standing and special committees. Member for Kam Lake.

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the Member for Great Slave, that Committee report 59-19(2), Standing Committee on Social Development Report on the Review of Bill 77: Nursing Profession Act, be received and adopted by the Assembly. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any think abstentions? The motion is carried.

---Carried

Reports of standing and special committees.
Member for Kam Lake.

COMMITTEE REPORT 58-19(2):
REPORT ON BILL 82, LEGAL PROFESSION
ACT

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, your Standing Committee on Social Development is pleased to provide its Report on the Review of Bill 82: Legal Profession Act.

Mr. Speaker, I move, seconded by the Member for Great Slave, that Committee Report 58-19(2) be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. Bill 82 is deemed read and moved into Hansard.

---Carried.

MS. CLEVELAND:

Introduction

Bill 82: Legal Profession Act (Bill 82) received second reading on March 30, 2023, and was referred to the Standing Committee on Social Development (Committee) for review.

Bill 82 repeals and replaces the existing Legal Profession Act (Act). The changes modernize the legislation based on the recommendations from a discussion paper created by the Law Society of the Northwest Territories (Society) to the Department of Justice. Specifically, Bill 82 will:

- Specify the purpose and administration of the Society.
- Define "member" of the Society and revise conditions for membership.
- Broaden the definition of the "practice of law."
- Modernize and expand the tools available for dealing with lawyer misconduct.
- Define the Assurance Fund, create a time limit for claims, and permit the Society to make charges against the Fund and to pursue claims against lawyers.
- Give the Society the ability to appoint interim custodians of a member's property and practice and approve that a lawyer may open a trust account.
- Address other matters such as expanding on liability protections, disclosure and safeguarding of solicitor-client privilege, use of titles, violations under the Act and associated fines, and obligations related to financial inspections and audits of lawyers.

The existing Legal Profession Act was passed in 1976 and established the Society as the body that regulates lawyers in the NWT. In 2018, a Revision Committee was established by the Executive of the Society to consult on and recommend changes, as the Act has not been extensively reviewed since it was first enacted. Parts of the existing Act are considered obsolete, and key issues related to the regulation of lawyers remain unaddressed.

This report outlines key events leading up to the introduction of Bill 82; describes Committee's engagement with stakeholders; and summarizes stakeholder positions and Committee decisions.

Committee Welcomes Improvements to Legal Profession Act

In October 2022, the Standing Committee on Accountability and Oversight (AOC) received the Legislative Proposal for Bill 82. AOC confirmed support of the Bill with the Government House Leader and Bill 82 was tabled in the House during the February-March 2023 Sitting.

Committee held a public hearing on May 10, 2023, and completed its clause-by-clause review of Bill 82 with the Minister of Justice on May 31, 2023. Committee did not propose any amendments to the Bill.

Committee Considered Public Input

Committee sought public feedback on Bill 82 with a public notice and targeted engagement letters. Committee received written submissions from:

- The Law Society of the Northwest Territories;
- Mr. Brian Flewelling, a private resident;
- Northwest Territory Métis Nation; and
- Délı̨nę Gołı̨nę Government.

All written submissions are included in an Appendix to this report. Additionally, during the public hearing on Bill 82, Committee heard remarks from the Minister of Justice, asked questions to Departmental officials, and received oral comments from the Society and Mr. Flewelling. Committee thanks the Society and Mr. Flewelling for their engagement. Their participation helped inform Committee discussions on key issues for future consideration.

Committee Concerns

Overall, Committee supported Bill 82 since it was first introduced. However, before advancing the Bill, there were several areas of concern that Committee wanted further feedback on from the public and the Minister of Justice. Those areas are:

- Access to justice;
- Cultural safety trainings taken by lawyers;
- Public access to law libraries and legal materials;
- Regulating paralegals; and
- Pro bono legal services.

Before the end of the May-June 2023 Sitting, Committee received feedback from both the Law Society and the Minister of Justice regarding these areas of concern. Based on that feedback, Committee considered the Bill ready to be advanced to the next stage.

Access to Justice

In both its oral and written submissions, the Law Society explained that while access to justice is "an important and ever-present issue" for their profession, this is a broader issue that requires all justice system participants to help find the right solutions. The Society also stated that one of the recommendations in their discussion paper specifically addressed access to justice, which in Bill 82 is section 21(2)(e):

- S.21(2) No person shall carry on the practice of law in the Northwest Territories or hold out that they are entitled to practise law or that they are a registrant of the Law Society, unless the person is:

- a. an active registrant of the Law Society;
- b. authorized to practise law by the governing body for lawyers in an extra-territorial jurisdiction approved by the Executive and has met the requirements established by the Law Society of the Northwest Territories to engage in the practice of law in the Northwest Territories;
- c. a student-at-law and is practising law in accordance with the rules;
- d. a law student and is practising in accordance with the rules; or
- e. otherwise authorized under this Act or the rules to carry on the practice of law in the Northwest Territories.

As well as section 22(4)(d) of Bill 82, which reads:

- S.22(4) The following classes of registrants exist for the Law Society:

- a. Lawyers;
- b. Students-at-law;
- c. Law students;
- d. Any other class of individuals providing limited legal services set out in the rules.

All specified rules throughout these two sections need to be further developed by the Law Society, with the end goal of greater access to justice. Upon learning this, Committee considered this concern sufficiently addressed.

Cultural Safety Training

Committee initially contemplated whether Bill 82 should have included a provision requiring all legal professionals practicing in the NWT to undergo mandatory training for cultural safety and trauma-informed practices. However, in the Society's written submission, they explained that this area would be addressed through the Law Society's rules, not the Act. Committee also learned the Law Society requires cultural safety training on an annual basis. Upon learning this, Committee considered this concern sufficiently addressed.

Public Access to Legal Materials

Committee recognizes that the NWT's sole Law Library was closed due to budgetary reasons, therefore there was concern that this created a barrier to public access to legal materials for residents and legal professionals. While the Law Society did acknowledge this in their submissions, they state that the Law Foundation is granted a mandate under the Act to establish, maintain, and operate law libraries. The Society also stated that their organization does provide public access to legal resources such as the Legal Resource Center, with the support of the Department of Justice, and CanLii, a free online legal database, with the support of the Federation of Law Societies. While Committee agreed that the responsibility of law libraries did not lie with the Law Society, Committee did identify concerns that law libraries and support services to improve access to justice resources are not being made available through the Department of Justice. This concern remains.

Regulating Paralegals

Committee wrote to the Minister of Justice on whether the Department considered including a provision within Bill 82 to regulate paralegals and clearly define what a paralegal is and what they can and cannot do. The Minister did not see this approach as practical given the limited number of paralegals in the NWT. Further, the Minister stated that this type of provision is out of scope of the Bill, would be too burdensome on the Law Society, and is better addressed through the rules of the Law Society itself. Upon hearing this, Committee considered this concern sufficiently addressed.

Pro Bono Legal Services

Committee is concerned about changes to the Law Society membership fee structure within the legislation for lawyers offering pro bono legal services to residents. The Minister indicated that as lawyers are a self-governing profession, the Law Society retains discretion over establishing fees through its rules. The Minister also stated that to protect the Law Society as a regulator, it is the Department's view that fees for pro bono services are an issue that is best addressed within the rules of the Law Society. Further, the Minister stated that the Law Society confirmed a willingness to reduce or waive fees in support of pro bono services through their rules. Upon hearing this, Committee considered this concern sufficiently addressed.

Conclusion

On May 31, 2023, Committee held a clause-by-clause review. Committee passed a motion to report Bill 82 to the Legislative Assembly as

ready for consideration in Committee of the Whole. This concludes the Standing Committee on Social Development's review of Bill 82: Legal Profession Act.

MR. SPEAKER: Member for Great Slave.

MS. NOKLEBY: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the Member for Monfwi, that Committee Report 60-19(2), Standing Committee on Social Development Report on the Review of Bill 80: Dental Hygienists Profession Statute Amendment Act, be received and adopted by the Assembly. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Great Slave. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried.

---Carried

Member for Kam Lake.

MS. CLEVELAND: Thank you very much, Mr. Speaker. Mr. Speaker, I move, seconded by the Member for Great Slave, that Committee report 58-19(2), Standing Committee on Social Development Report on the Review of Bill 82: Legal Professions Act, be received and adopted by the Assembly. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried.

---Carried

Reports of standing and special committees.
Member for Deh Cho.

COMMITTEE REPORT 62-19(2): REPORT ON BILL 74, FOREST ACT

MR. BONNETROUGE: Mahsi, Mr. Speaker. Your Standing Committee on Economic Development and Environment is pleased to provide its report on Bill 74, Forest Act, and commends it to the House. Report on Bill 74, the Forest Act.

Executive Summary

The Standing Committee on Economic Development and Environment was tasked with

reviewing Bill 74: Forest Act in the final year of the 19th Legislative Assembly. Committee reviewed Government of the Northwest Territories policies, programs, and legislation related to forest management as Bill 74 is intended to change how the GNWT manages and protects forests, communities, and values threatened by wildfire. Committee travelled to four communities during its review and engaged with stakeholders and the public at large.

Committee recognizes that Bill 74 is the first legislation to be developed collaboratively with Indigenous governments and co-management bodies in accordance with the Intergovernmental Council on Land and Resource Management: Legislative Development Protocol. Bill 74 is also the first legislation to be reviewed under the "Process Convention for the Introduction, Consideration and Enactment of Bills Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol." While this is a first for the NWT, the territory is the only jurisdiction in Canada where the legislative branch of government reviews laws not just with the executive branch but also with Indigenous governments. Committee also considered this precedent setting legislation, the input we received, and reflected on the review process generally. All this information informs a range of recommendations to the GNWT with the intent and purpose of improving forest management and wildfire prevention in the NWT.

Recommendation 1: Standing Committee on Economic Development and Environment recommends that the GNWT undertake an independent third-party comprehensive review of GNWT fire prevention and suppression with public engagement. This review should consider the policy framework, coordination with other governments and agencies, funding for these activities, as well as departmental practices concerning firefighter safety. The findings of the GNWT review be made publicly available on a GNWT website.

Recommendation 2: Standing Committee on Economic Development and Environment recommends that the department review what information it can and should provide regarding its internal interactive fire databases, its communication efforts and how information is presented and organized on its website to improve access to and knowledge of fire prevention and suppression activities and practices.

Recommendation 3: Standing Committee on Economic Development and Environment recommends that there be an annual meeting

between relevant GNWT departmental staff and each community to review values at risk, fire prevention and suppression preparedness, coordination of efforts, and related matters.

Recommendation 4: Standing Committee on Economic Development and Environment recommends that representatives from technical working groups should meet with standing committee earlier in the process, closer to the beginning of the co-drafting process, to discuss opportunities to share information on policy options and policy intentions for resource management legislation.

Recommendation 5: Standing Committee on Economic Development and Environment recommends that if the overall legislative timeframe allows, there should be the ability to extend standing committee reviews of resource management bills to allow for completion of the collaborative review process.

Recommendation 6: Standing Committee on Economic Development and Environment recommends that exchanges between standing committees, the departments and technical working groups on the review of resource management bills should be made public where possible and documented in committee reports on resource management bills.

Recommendation 7: Standing Committee on Economic Development and Environment recommends that Departments undertaking the co-drafting of resource management legislation and regulations should secure additional resources for this process and conduct more robust public engagement.

Recommendation 8: Standing Committee on Economic Development and Environment recommends that departments undertaking the co-drafting of resource management legislation and regulations should share more information with the public about policy options and policy intentions and conduct public engagement earlier in the process (i.e., not wait until the end of the co-drafting process). Public engagement can and should run concurrently with the co-drafting process.

Recommendation 9: Standing Committee on Economic Development and Environment recommends that the Department of Environment and Climate Change prepare a detailed budget and work plan for continued co-development of regulations necessary for a new Forest Act, allowing for more public engagement on those regulations and the implementation of its new responsibilities under a new Forest Act.

MR. SPEAKER: Thank you, Member for Deh Cho. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried.

---Carried

Member for Deh Cho.

MR. BONNETROUGE: Mr. Speaker, I move, seconded by the Member for Frame Lake, that the remainder of the Committee report 62-19(2) be deemed read and printed in Hansard in its entirety. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Deh Cho. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. Committee Report 62 is deemed read.

---Carried.

MR. BONNETROUGE:

Introduction

Bill 74: Forest Act (Bill 74) received second reading on March 9, 2023, and it was referred to the Standing Committee on Economic Development and Environment (Committee) for review. Committee received the approval of the House to extend its review of the Bill from 120 to 180 days on March 9 to allow for collaboration with Indigenous governments as explained below. This review period ended on August 16, 2023.

Bill 74 combines and modernizes the current Forest Management Act and Forest Protection Act. These Acts have not been substantially changed since the Government of the Northwest Territories (GNWT) inherited the legislation from the Government of Canada in 1987. The new Act will modernize the roles and responsibilities of the GNWT, the Minister of Environment and Climate Change (ECC), Renewable Resources Boards, Renewable Resource Councils, and forest management committees, and better align with land, resources and self-government agreements as well as land use planning.

Bill 74 is intended to improve how the GNWT manages the following key areas:

- Sustainable forest management and protection standards;

- Wildfire, and the protection of forests, communities and values at risk;

- The roles and responsibilities of the GNWT, the Minister of ECC, Renewable Resources Boards, Renewable Resource Councils and forest management committees; and

- It also redefines and clarifies terminology.

At the end of the 18th Legislative Assembly, the Department of the Environment and Natural Resources granted the Committee's request to withdraw Bill 44: Forest Act, due to the "tremendous strain" caused by the large number of Bills being referred, and the "limited resources" the Committee had available. Correspondence from the Premier regarding "Intergovernmental Council Lessons Learned" recognized that previous bills did not have time to work out consistent processes. Virtually all of Bill 44 has been carried over into Bill 74, but material has been reorganized and expanded.

Bill 74 is the first Bill to be developed collaboratively with Indigenous Government and co-management bodies in accordance with the Intergovernmental Council on Land and Resource Management: Legislative Development Protocol (Protocol). Committee commends the level of consideration that went into Bill 74 compared to its predecessor from the 18th Assembly. Committee recognizes and appreciates the improved integration of co-management, strengthened provisions on Indigenous rights, much better organization and flow, and that collaboration is now the foundation for sustainable forestry.

Bill 74 is also the first legislation to be reviewed under the "Process Convention for the Introduction, Consideration and Enactment of Bills Drafted Pursuant to the Intergovernmental Council Legislative Development Protocol" (Process Convention). While this is a first for the NWT, the territory is the only jurisdiction in Canada where the legislative branch of government reviews laws not just with the executive branch but also with Indigenous Governments. This is how we work together in the NWT within our unique system of integrated co-management, consensus government, and implementation of Indigenous rights.

Pursuant to the Legislative Development Protocol, the Department of Environment and Climate Change (the Department) established a Technical Working Group with representation from some of the Indigenous Governments to develop Bill 74. Some of the co-management bodies were also engaged during this process. Committee thanks the Intergovernmental Council Technical Working Group (Technical Working Group) for their collaborative work on

Bill 74 pursuant to the Protocol. In highlighting co-management of forest resources, the use of Traditional Knowledge and participation in land management, Committee acknowledges that elements of Bill 74 correspond to United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Articles 11, 20, 24, 26, 29, 31, and 32. Following the Technical Working Group process, the Department carried out a public engagement using a discussion paper and allowed public comments from November 21- December 28, 2022.viii One submission was received and What We Heard report was released on March 7, 2023, by the Department. Committee acknowledges the hard work of the Department in managing the legislative development process and public engagement with limited time and resources.

Committee's Work on The Bill

Public Engagement

Committee notes public participation in forest management is the responsibility of the GNWT. We believe it is important for the Government to clarify and strengthen the public's role in forest management, and especially for those with established interests (rights holders and community governments for example). This approach is consistent with Cabinet's "Open Government Policy" and is based on submissions made during the 18th Assembly and public engagement with ECC earlier this year based on the "Summary of Policy Intentions," as well as Committee's own review of Bill 74.

Committee sought public feedback on the Bill with public notices and targeted engagement letters in April.

Committee sent out two sets of stakeholder letters. The first went to Indigenous Governments and organizations pursuant to the Process Convention. The second set targeted community governments, possible commercial operations and other nongovernmental organizations. We received written submissions from:

- Aurora Wood Pellets,
- Land and Water Boards of the Mackenzie Valley (LWBs),
- the Wek'eezhii Renewable Resources Board, xiv
- the Dehcho Land Use Planning Committee,
- Northwest Territories Association of Communities (NWTAC),

- and a co-drafted letter from Canadian Parks and Wilderness Association NWT Chapter and Alternatives North.

It is important to note that wildfires throughout the territory affected Committee's planned public meetings and that these fires resulted in evacuations in Hay River and K'atl'odeeche First Nation on May 14. Committee rescheduled all travel and held the following in-person public hearings:

- May 25 – Yellowknife
- June 14 – Whati
- June 15 – Fort Simpson / Liidlii Kue
- June 16 – Enterprise

Collaboration With the GNWT and Technical Working Group

Development of the Twenty-Eight Motions Brought Forward by Committee

It is important to note that the Department did not share any substantive information about the co-drafting process for Bill 74 while it was under development despite our requests for sharing of some information. Committee met with the Minister and representatives of the Technical Working Group publicly on April 28, 2023, to ask questions and seek clarification. Committee also met in camera with Departmental staff and representatives of the Technical Working Group on July 31, 2023, to discuss Committee's original motions for amendments. This was a very useful exchange and allowed all sides to ask questions, clarify intentions, and discuss potential solutions.

Committee exchanged letters with the Government House Leader (GHL) about Bill 74 as follows (appended to this report to extent permitted by consensus government process conventions):

- March 23, 2023 SCEDE letter to the GHL to highlight differences between Bill 74 and Bill 44 from the 18th Assembly, to get information on the Technical Working Group, any background research that may have been generated, to find out which co-management bodies were engaged in the development of the Bill (GHL responded to some of the issues raised on April 20, 2023);
- May 10, 2023 SCEDE letter to the GHL to follow-up on the April 28, 2023 meeting with questions on 17 areas of potential concern within the Bill and on s.35 Aboriginal rights consultations (GHL responded with a June 8, 2023 summary table that is partially disclosed in Appendix A);

- July 12, 2023 SCEDE letter to GHJ to follow-up on forestry policy and practice concerns raised during the public hearing including fire prevention activities, GNWT and federal support, road access during fire emergencies, access to fire services and insurance, reforestation practise and policies, coordination on fire bans, wood cutting practices and compliance with the United Nations Declaration on the Rights of Indigenous Peoples (GHJ responded on August 11, 2023);
- July 14, 2023 SCEDE letter to the GHJ with 37 proposed motions to amend Bill 74 in response to public submissions and Committee's own deliberation with rationale pursuant to the Process Convention (GHJ responded on August 4, 2023 with an indication of support for 22 motions and rejection of others with reasons, summary table in Appendix A); and
- August 4, 2023 SCEDE letter to the GHJ with notice of six further motions for amendments in response to concerns and potential solutions raised by the Department in the July 31 meeting (the motions were subsequently shared with the Minister in advance of the clause-by clause public hearing held on August 11, 2023).

In addition to the formal correspondence, there were numerous exchanges between Committee staff, the Law Clerk, departmental staff and legal counsel and members of the Technical Working Group. All of this was done under very tight timelines and Committee greatly appreciates this work that made improvements to the Bill possible in a collaborative fashion. Committee initially shared thirty-seven draft amendments with ECC and the Technical Working Group on July 14. These motions were based on public comments and Committee discussion, and we are of the view that the amendments brought forward strengthen Bill 74, especially with regard to public participation in forest management. At the clause-by-clause public hearing held on August 11, 2023, the Minister concurred with twenty-two of these motions to amend the Bill. Committee advanced six additional motions with which the Minister did not concur.

What Committee Heard and How Committee Responded

Public Information

Committee heard during its public meetings in Whati, Fort Simpson, and Enterprise, and in written submissions from NGOs and the NWT Association of Communities (NWTAC), that the Minister should make important documents and decisions on forest management public.

Canadian Parks and Wilderness Association NWT Chapter (CPAWS) and Alternatives North (AN) (collectively called non-governmental organizations or NGOs) and NWTAC recommended creating a public registry in their submissions. Committee notes these concerns were raised during Bill 44 and in the public engagement by ECC earlier this year. Public registries were also created in virtually all the resource management legislation in the 18th Assembly including the Mineral Resources Act, Protected Areas Act and more. Regular MLAs have also worked diligently to ensure greater public disclosure in other Bills such as the recent changes to the Elevators and Lifts Act that now has a public registry.

Committee brought forward motions (2, 4, 14, 26.1 and 26.2) to amend s.14 of Bill 74 by adding requirements to publish important documents and decisions on a website maintained by ECC. Committee prepared an extensive list of documents and decisions arising from the Bill and is of the view that all of this information can and should be made public with some appropriate conditions around exemptions for ecological, culturally and business sensitive information. Following extensive discussions and exchanges, Committee, the Department and the Technical Working Group agreed on a much shorter list of what information Bill 74 will require to be made public with a commitment that further consideration would be given in the regulations to the other items recommended by Committee.

Committee attempted to further broaden the scope of documents to be made public to include forest harvest agreements (with appropriate protection of sensitive information consistent with other resource management legislation and omitted from the agreed upon motion), fire prevention and preparedness plans for industrial activities, and for permits and licences issued for non-personal use forestry activities (following the Department's concerns that publishing personal use permits and licences would create too much work). The Minister would not concur with these additions, so the motion failed at the clause-by-clause review.

Residents voiced concerns about accountability for the position of Forest Superintendent carrying out forest management, given the broad discretion in Bill 74 as to whether or not forest ecosystem management plans and the forest monitoring are developed and implemented. Rather than make these activities mandatory, Committee thought another way to introduce greater accountability and communications would be for an annual reporting requirement for the

Forest Superintendent. Committee drafted motions to amending s.15.1 so that important activities would be summarized and made publicly available through an annual report. There was considerable discussion with ECC and the Technical Working Group who share Committee's view that information about forest management should be made public. The Minister would only concur with a basic list of items to be reported on with further details to be worked out in regulation.

Committee attempted to broaden the list of items to be reported on to include research, basic inspection and enforcement activities without compromising individual cases so as to maintain public confidence in departmental capacity and direction. The Minister would not concur with these additions at the clause-by-clause review.

Climate Change

Committee heard comments both in public hearings and in written submissions about the effects of the changing climate on the forest ecosystem. For instance, during a public hearing in Whati and Fort Simpson, elders and Traditional Knowledge keepers spoke about how forest fires from previous years impacted local wildlife and caribou migration.

Residents in Fort Simpson commented on the need to manage the species of trees in NWT forests, noting more poplar and birch trees could possibly help prevent out of control forest fires.

NWTAC noted that practices like wildfire breaks and fire smarting approaches "become even more critical as the Wildfire risk increases due to climate change." (This was also noted by CPAWS and AN on page 7 of their submission). Written submissions from CPAWS and AN echoed these concerns about the changing climate in the NWT. Committee understands that these concerns were raised during the Bill 44 review process during the 18th Assembly, and as part of public engagement carried out by ECC in the 19th Assembly.

Committee considered carefully where climate change considerations would best fit within Bill 74 and decided this issue should be part of forest ecosystem management plans and monitoring of the state of the forest ecosystem. Committee therefore recommended amending s.24 and 26 of Bill 74 (Motions 6 and 12). The Minister concurred with these motions at the clause-by-clause.

Public Engagement

Based on what we heard from residents in communities and the NGO and NWTAC written submissions, Committee is of the view that public engagement is a key theme for both forest management as envisioned in Bill 74 and future regulations. This is a public government responsibility and consistent with Cabinet's approved Open Government Policy. Committee notes that public engagement requirements were also added to other resource management bills brought forward in the last Assembly. Committee supported amendments (Motions 7 and 8) to ensure more public engagement during the development of forest ecosystem management plans in s.24(2) and for forest harvesting agreements where no forest ecosystem management plan exists. Committee is of the view that public engagement on forest ecosystem management plans is not a substitute for public engagement that should be required for all forest harvesting agreements. Best practices and Cabinet's Open Government Policy should ensure that public engagement takes place any time important resource management decisions are made, including exclusive rights to harvest forests.

The lack of consideration of community governments in Bill 74 was noted by Committee in its initial review. This issue was initially raised during the review process for Bill 44 during the 18th Assembly, and in the public engagement conducted by ECC earlier this year. NWTAC also raised this concern in its written submission to Committee. For instance, under Bill 74, the review of wildfire prevention and preparedness plans required for some owners or operators of industrial activities is one area that would benefit from community government input. If a fire starts for whatever reason in or near a community, their resources are often called on for assistance. Committee therefore believes it is important that community governments be engaged during the development and/or review of these plans.

Committee drafted motions to ensure this collaboration would take place on wildfire prevention and preparedness plans. The Technical Working Group responded with changes that were less definitive and said the details could be worked out in regulations. Committee noted that this counterproposal would place the onus on the owner or operator of the industrial activity to circulate proposed plans to community governments when this should really be the responsibility of the Forest Superintendent who ultimately approves the plans. Committee also noted that there was no process identified for amending plans part way through a season and no deadlines for the submission and review of plans. Committee

therefore proposed Motions 27.01 and 27.2 to specify regulation-making authority to cover these two areas, but the Minister would not concur at the clause-by-clause review.

Consistency of Forest Management

Decisions Committee pointed to the need for consistency between forest ecosystem management plans (FEMPs), forest harvesting agreements, and permits and licences that authorize specific activities. This is consistent with the purpose of Bill 74 which establishes FEMPs as the foundation for sustainable forest management. Once plans are developed and agreed to, they should be followed. Committee brought forward Motions 10 and 16 which the Minister concurred with at the clause-by-clause.

Another area of major concern Committee heard was the need to provide clarity and certainty around land use planning in relation to forest management. This issue was raised during the review of Bill 44 during the 18th Assembly, and earlier in the 19th Assembly during the ECC public engagement, as well as in written submissions from NWTAC and the NGOs.

Additionally, Committee received a submission from the Dehcho Land Use Planning Committee (DLUPC), noting that the Bill “does not speak to authority of approved and legally binding land use plans to restrict the Minister or Forest Superintendent to authorize the use of forest resources.” NWTAC noted that forest management decisions should be consistent with “various types of community bylaws, including but not limited to, General Plans and Zoning By-laws, fire prevention by-laws, tree harvesting by-laws, soil protection by-laws, open air burning by-laws” among others. This issue was also raised by the mayors and councillors during public hearings in Fort Simpson and Enterprise.

Committee is of the view that Bill 74 needed to be consistent with land use planning in the NWT and any applicable bylaws, and thus recommended adding a subsection to s. 5 outlining this in our original Motion 1. Committee’s original motion provided for a board definition for land use plans enacted under any federal or territorial legislation. This included community plans and zoning bylaws under the Community Planning and Development Act. However, ECC and the Technical Working Group preferred a more general approach for consistency of forest management decisions with legally binding land use plans as shown in Motion 16. The Minister concurred with this motion at the clause-by-clause.

Committee did, however, move a further motion 16.1, adding the need for consistency with zoning bylaws with which the Minister did not concur. Committee is disappointed that there will now be considerable uncertainty as to the status of zoning bylaws under Bill 74 and whether they could or should constrain the issuance of permits or licences for forestry activities within municipal boundaries. Committee is of the view that if land use plans under federal legislation are accorded status, so should municipal plans and zoning bylaws under territorial legislation. Committee also notes that there appears to be some misunderstanding on the part of GNWT as to purpose and authority of zoning bylaws which can regulate land uses (including forestry activities). According to the Community Planning and Development Act, s.18(1) “A zoning bylaw may include provisions respecting one or more of the following matters, either generally or with respect to any zone or part of a zone: [...] (o) the cutting of trees; (p) the preservation of habitat;” this is important to note.

Lastly, the NGOs in their written submission recommended including the Statement of Environmental Values (SEVs) be included in the Bill in the preamble. Unfortunately, after second reading of a Bill it is difficult to change its purpose or preamble. Committee was of the view that a more appropriate place in Bill 74 would be s.12(2) which sets out the way in which the Minister will carry out their authority. Committee is of the view incorporation of the SEVs would be a helpful addition in beginning to implement the Environmental Rights Act. This amendment would also ensure consideration of some helpful environmental principles such as polluter pays and even UNDRIP which are part of the SEVs. However, the Technical Working Group rejected this amendment during collaboration and Committee decided not to pursue it any further.

Application of the Bill and Surface Interest Holders

Committee noted in its initial review of Bill 74 that this legislation would be a law of general application, and that there is no clarity as to how it would apply to or be implemented on privately owned lands and land where there may be surface interests including leases. This issue is further complicated as some surface leases in the NWT reserve to the Crown the right to use of forests. This is similar to the Crown reserving subsurface or mineral rights. Committee notes that this issue was also raised by the NGOs during the ECC public engagement earlier this year, and the Department’s response was that the issue would be dealt with in regulation. This

lack of clarity may not provide much comfort or reassurance to those with surface interests and reiterates the importance of more public engagement during the regulation making process.

Committee brought forward a series of motions requiring the Department to engage what we called in Committee discussions, and what CPAWS and AN referred to in their written submission as, “surface rights holders.” Committee recognizes that whatever contractual rights surface lease holders may have are not equivalent to or of the same nature as Indigenous rights. Committee is also aware of the legislative regime in place for surface rights holders with regard to mineral rights administration under the territorial Surface Rights Board Act.

Committee developed a series of motions to ensure that the views of surface interest holders would be adequately considered during the forest management process and decisions. Motions 11 and 18 proposed language after s.25(6) to engage surface rights holders in discussions about forest harvesting agreements and other issues that could affect them. Motions 16.1 and 17 suggested a “Notice of Application” and “Notice of issuance” regarding permits and licenses that might affect surface rights holders. Concerning s.62(1) and s.66, Committee brought forward further amendments to clarify surface rights holders’ right to appeal. However, during discussions with ECC and the Technical Working Group, Committee received both written and verbal assurances that current and future practices would not allow for licences or permits on privately owned or leased land unless initiated by or for the owner or with their consent. The Technical Working Group also said that the issue of surface interest holders and how Bill 74 would apply to them is a complicated matter requiring further study and consideration and could not be completed within the available timelines.

Committee agreed to forgo pursuing these motions having received assurances that this issue would be dealt with in a fair and thoughtful manner in the regulations.

Appeal Processes

Committee’s initial review of Bill 74 revealed some potential problems with appeal processes as drafted. For example, it was unclear whether it was actually the intention to include potential appeals of inspection and enforcement actions when such matters may require some urgency and a better recourse may be the courts. It was also unclear why and when an adjudicator may be chosen and whether that person could be an

ECC employee. The NGO submission received by Committee also recommended a number of changes to the appeal processes.

Motions 21, 22, and 23 were driven by uncertainty in the appeal mechanisms in Bill 74 as drafted. The proposed amendments Committee brought forward clearly define the role of the Forest Superintendent and the Minister, to encourage fairness, transparency, and consistency in decision-making. The GHJ also acknowledged that these sections needed improvement. After discussions with ECC and the Technical Working Group, Committee agreed to pursue Motions 21 and 31 at the clause-by-clause review, which the Minister concurred with. Motion 23 was deemed unnecessary and dropped.

Proof of Identification for Indigenous Citizens

Committee heard concerns during the public hearings from Indigenous residents questioning if and whether they would have to obtain permits or licences for traditional activities. Indigenous Governments stated very clearly during the review of Bill 44 in the 18th Assembly that such permits and licences were inconsistent with Indigenous rights. Bill 74 contains a clear exemption for Indigenous citizens from having to get permits or licences, but Committee noted that the wording of s.50(4) as drafted would require the immediate production of identification of Indigenous citizens claiming a right to harvest. Committee remains of the view that a reasonable period of time to produce documentation should be an option as not everyone carries identification when in the bush. A motion was prepared by Committee and shared with the Technical Working Group. They also identified the need to recognize regional differences and methods of checking Indigenous rights. Committee along with the Technical Working Group and representatives from Indigenous Governments worked together to find solutions that were moved as Motion 19 to resolve these issues. The Minister concurred with these changes at the clause-by-clause review.

Public Engagement on Regulations

The issue of public engagement in the development of regulations related to new resource management was a consistent theme in the 18th Assembly. Many of the resource management Bills contain broad frameworks and processes with many of the details left to regulations and the discretion of Cabinet and/or Ministers. Committee received submissions from NGOs and the NWTAC that raised the issue of inadequate public engagement on Bill 74. These organizations also specifically

requested opportunities for public engagement on the development of any regulations to implement Bill 74.

Committee noted that the petroleum resources Bills from the 18th Assembly contain public engagement requirement for regulations, even if this was a hold-over from the federal pre-devolution legislation. Committee is also aware that public engagement provisions were built into the Child Day Care Act (s.47(2)) in the 19th Assembly and received Ministerial concurrence. In discussions with Committee, ECC staff noted that there is already a government-wide approach to public engagement on regulations called the Cabinet Operational Guidelines (found as Appendix 4.11 of the Executive Council Submissions Handbook). Committee noted that under this policy, publication and comment periods for regulations are at the total discretion of each Minister.

Committee is of the view that Bill 74 is not a regular or ordinary Bill given that it was codrafted pursuant to the Legislative Development Protocol. The Bill also received special treatment during its review by Committee pursuant to the new Process Convention. There is also strong public interest in the content and substance of the Bill, particularly sustainable forestry, and fire management. A government-wide approach is not appropriate or desirable for the development of the regulations and public engagement should not just be encouraged, it should be required. Committee proposed Motion 32 at the clause-by-clause review, but the Minister did not concur.

Other Matters

Committee received submissions for a number of other changes to the Bill and identified some minor technical corrections that should be made. These are summarized below:

- An amendment to remove some superfluous wording in s.7 on the purpose of the Bill, to ensure a focus on collaborative management rather working relationships (recommended by the NGOs, developed as Motion 4.1 which received Ministerial concurrence);
- A new requirement for written reasons where the Minister determines it is necessary to take action on forestry matters where there is no consensus with Indigenous Governments (proposed by the Wek'eezhii Land and Water Board, developed as Motion 5 which received Ministerial concurrence);

- A correction to the terminology used in s. 25(2) (Motion 9 proposed by Committee which received Ministerial concurrence);

- A correction to the terminology used in s.29(3) (Motion 10 proposed by Committee and received Ministerial concurrence);

- Consistent approach to public notice for a number of actions by the Forest Superintendent (recommended by the NGOs, developed as Motion 14 which received Ministerial concurrence)

Matters Raised Outside the Scope of The Bill

Committee heard about many issues during the public hearings regarding fire prevention and fire suppression policies and practices. This is completely understandable given the devastating summer fire season NWT residents are experiencing in 2023 and the widespread evacuations across the territory that due to wildfires. Committee also recognizes the outstanding dedication of our fire fighters and those assisting us and all the GNWT staff and others supporting those efforts. The fires have had a profound impact on us all and have resulted in the loss of life, homes, and businesses.

Given the severity of the 2023 fire season and the changing ecology of fires largely driven by climate change, it would be wise to conduct a lessons learned exercise following the end of the current season. This review must include the fire fighters and other support staff. Such was the case in 2014 following another severe season when a comprehensive internal review was undertaken. Committee is of the view that an independent review of our fire prevention and fire suppression policy framework and practices should take place and makes the following recommendation.

Recommendation 1: Standing Committee on Economic Development and Environment recommends that the GNWT undertake an independent, third-party comprehensive review of GNWT fire prevention and suppression with public engagement. This review should consider the policy framework, coordination with other governments and agencies, funding for these activities, as well as Departmental practices concerning firefighter safety. The findings of the review be made publicly available on a GNWT website.

Committee heard a variety of concerns and issues related to specific fire prevention and fire-fighting operational practices. Traditional Knowledge keepers who attended the public meeting in Fort Simpson spoke about the

importance of forest renewal. Attendees at the hearings in Fort Simpson and Enterprise also asked for more information about forest management and replanting practices. Another area of concern identified was the need to provide clarity and certainty with respect to fire suppression crews in remote communities. In Whati, Committee heard from residents about forest fire prevention and better forest management. Residents discussed the need for the Department to respond to fires faster in the Tlicho region. Residents noted that money and the creation of local fire crews will lead to more employment and a safer community. Sonny Zoe (councillor, and a member of the Tlicho Government) spoke to Committee about how the people of Whati depend on the forest and referenced recent fire-related evacuations in the NWT, noting “each community should have a [local] forest fire suppression team.”

Many of these concerns raised to Committee are well beyond the scope of Bill 74 and Committee did not have sufficient time or resources to conduct a thorough review of these matters. As part of the independent review as recommended above, the issue of fire-fighting capacity in each community, and implementation of NWT-wide teams and establishment of and access to national team(s) should be considered.

Committee also learned of graphic interactive fire databases that are very detailed and available internally to the Department as the result of a visit to the Fort Simpson office. Committee thanks Jamie Chambers, ECC Dehcho Regional Superintendent for hosting our visit and showing us firsthand some of the assets and tools available. Committee appreciates that the Department has also has a lot of information on its website with regard to fire prevention and fire suppression:

- All communities below treeline have a publicly available Wildfire Prevention Plan;
- Recently added fire-smarting information for individual home and cabin owners;
- And other helpful information for protecting communities and national review processes for fire prevention and suppression

However, Committee heard that communities and their residents do not know about this sort of information and may not be using it. Committee fully recognizes that Departmental staff are currently focusing on our severe fire situation but there is a need for improved access to information on fire prevention and suppression and better communications.

Recommendation 2: Standing Committee on Economic Development and Environment recommends that the Department review what information it can and should provide regarding its internal interactive fire databases, its communication efforts and how information is presented and organized on its website to improve access to and knowledge of fire prevention and suppression activities and practices.

Whati residents are still seeing the effects of the 2014 fire that threatened the community. They noted the current firebreak is overgrown and too close to the community. A fire at the current line would put the dump and other infrastructure at risk. Residents noted it should be bigger and further away, and that they need more money for fire prevention and fire smarting to protect community values, especially the forest on the west side of the lake which did not burn in 2014. This is of high importance to the forest ecosystem because it provides habitation for local wildlife and migrating caribou. Residents also expressed uncertainty about the locations of historic fires in the region.

Recommendation 3: Standing Committee on Economic Development and Environment recommends that there be an annual meeting between relevant GNWT departmental staff and each community to review values at risk, fire prevention and suppression preparedness, coordination of efforts and related matters.

Observations on the Process and Next Steps

The co-drafting process appeared to work well with Indigenous Governments and comanagement bodies that participated. Committee recognizes the immense amount of time and effort that went into the development of Bill 74 and the improvements that were made compared to Bill 44 from the 18th Assembly, particularly in integrating comanagement and a collaborative approach to decision-making. However, a number of important Indigenous Governments did not participate. For example, the Dehcho First Nations and Akaitcho Territory government do not appear to have been directly involved. Committee understands that there are also capacity issues for Indigenous Governments and co-management bodies. A number of co-management bodies do not appear to have been engaged (the land use planning boards and Deh Cho Land Use Planning Committee).

Despite requests from Committee for an opportunity to discuss what might be shared with Committee during the co-drafting process, the Department did not share any information with us beyond what was publicly available: no

policy options, policy intentions or rationale for approaches were shared.

If information on policy options and policy intentions could be shared earlier than the receipt of a Bill, this would reduce the amount of time spent on understanding how issues are dealt with during the review of a Bill. There were several significant areas of concern for Committee and the public: coordination with land use planning, annual reporting, a public registry, surface interest holders, collaboration with municipal governments and others. All involved could have benefited from earlier communication, information exchanges, and more time.

Recommendation 4: Standing Committee on Economic Development and Environment recommends that representatives from Technical Working Groups should meet with Standing Committee earlier in the process, closer to the beginning of the co-drafting process, to discuss opportunities to share information on policy options and policy intentions for resource management legislation.

The co-drafting process took a lot of time and energy but pushed Bill 74 to the end of the term of the 19th Assembly. The timelines set out in the Process Convention are very tight. Further progress may have been possible on some issues had there been more time allowed under the Process Convention for this kind of collaborative review.

Recommendation 5: Standing Committee on Economic Development and Environment recommends that if the overall legislative timeframe allows, there should be the ability to extend Standing Committee reviews of resource management Bills to allow for completion of the collaborative review process.

Recommendation 6: Standing Committee on Economic Development and Environment recommends that exchanges between Standing Committees, the Departments and Technical Working Groups on the review of resource management Bills should be made public where possible and documented in Committee reports on resource management Bills.

On the issue of resourcing, Committee notes that GNWT received a permanent and indexed offset as part of the Territorial Formula Funding arrangement of \$24 million in 1987 during the devolution of forestry responsibilities from the federal government. In 2023, the value of this offset is roughly \$55 million according to the Department. The Department usually spends about \$35 million annually on forestry, including wildfire suppression. While there are some

years where significant additional resources are required for fires such as this 2023 season, and while some of this money may be recoverable from the federal government as part of emergency response, not all the funds secured through forestry devolution appear to be spent on forest management.

Committee notes that concerns were raised in the 18th and 19th Assemblies about the resourcing of Departments for co-drafting and public engagement for resource management legislation. The Department informed Committee that the Forest Act review and engagement would be conducted using internal resources. Committee notes that the Department of Industry, Tourism and Investment (ITI) has been very successful in acquiring additional resources for staffing and for the development of regulations to implement the Mineral Resources Act. ITI has also secured an additional \$3.7 million for the Mineral Administration and Registry System (MAARS) which will include a public registry component. Resourcing of the Department for the co-drafting process appears to have limited public engagement which was abbreviated and left to the end of the process.

Several important issues were raised during the review of Bill 44 in the 18th Assembly and persisted during the review Bill 74 in the 19th Assembly. For example, a public registry - or public access to important documents and decisions - and public reporting on key activities have been raised numerous times but were not dealt with in Bill 74 as drafted. Committee is of the view that the public engagement undertaken as part of Bill 74 was not adequate. The public engagement can and should be conducted concurrently with the co-drafting process.

Recommendation 7: Standing Committee on Economic Development and Environment recommends that Departments undertaking the co-drafting of resource management legislation and regulations should secure additional resources for this process and conduct more robust public engagement.

Recommendation 8: Standing Committee on Economic Development and Environment recommends that Departments undertaking the co-drafting of resource management legislation and regulations should share more information with the public about policy options and policy intentions and conduct public engagement earlier in the process (i.e., not wait until the end of the co-drafting process). Public engagement can and should run concurrently with the co-drafting process.

The department will take on significant new forest management responsibilities as a result of Bill 74, especially in the areas of creating and implementing forest ecosystem management plans, collaboration with Indigenous governments and co-management bodies, making more information public and annual reporting, and much more. Committee notes that the last publicly available map showing forest vegetation management inventory is dates 2015. There does not appear to be much research or forest inventory work publicly available. The 2019 Forest Health Report and 2020 Forest Health Report were released in March 2022. The status of overall forest management research and inventory work is not clear.

Additional resources are clearly needed to ensure forest inventory and planning work that is required to identify areas for sustainable forest harvesting. With these areas and opportunities identified, new economic diversification can and should take place, with government supports where necessary. New forestry operations can create jobs in all of our communities by replacing much of the timber and forest products we currently import. Bill 74 sets the stage for sustainable forestry and new business opportunities. The Department needs to ensure it has the resources and business cases in hand to make this happen.

Recommendation 9: Standing Committee on Economic Development and Environment recommends that the Department of Environment and Climate Change prepare a detailed budget and work plan for continued co-development of regulations necessary for a new Forest Act, allowing for more public engagement on those regulations, and the implementation of its new responsibilities under a new Forest Act.

Conclusion

Committee sincerely thanks all those who participated in the development and review of Bill 74 Forest Act. The new Process Convention has worked and should continue into the next Assembly. This concludes Standing Committee's review of Bill 74: Forest Act.

Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond. However, since the 19th Legislative Assembly will dissolve in less than 120 days, Committee requests that the government provide a public response to this report at the earliest opportunity.

MR. SPEAKER: Reports of standing and special committees. Member for Kam Lake.

COMMITTEE REPORT 61-19(2): REPORT ON BILL 81, AN ACT TO AMEND THE EDUCATION ACT, NO. 2

MS. CLEVELAND: Thank you very much, Mr. Speaker. Mr. Speaker, your Standing Committee on Social Development is pleased to provide its Report on the Review of Bill 81, An Act to Amend the Education Act, No. 2, and commends it to the House.

Mr. Speaker, I move, seconded by the Member for Great Slave, that the entirety of this report be deemed read and printed in Hansard in its entirety. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried.

---Carried.

MS. CLEVELAND:

Introduction

Bill 81: An Act to Amend the Education Act, No. 2 (Bill 81) received second reading on March 30, 2023 and was referred to the Standing Committee on Social Development (Committee) for review. Bill 81 makes changes to the Education Act (Act). The Department of Education, Culture and Employment (ECE) took what they referred to as a phased approach to legislative changes. Phase 1 focuses on operational and administrative amendments designed to improve the existing system within the life of the 19th Assembly. According to ECE, Phase 2 will focus on education system structure and governance amendments in the 20th or a later Assembly.

Phase 1 amendments recognize the role of Indigenous governments in education; seek to clarify roles and responsibilities between the Minister of Education, Culture and Employment (Minister) and education bodies; protect parental consent in student grade placement and education program modification decisions; mandate for student transportation; and supporting information sharing among education bodies. These amendments respond to the findings and recommendations from the 2020 February Report of the Auditor General of Canada to the Northwest Territories Legislative Assembly.

Members of the Committee, Indigenous Governments, Dene Nation, and many residents of the Northwest Territories (NWT) were disappointed with a phased approach, sharing that it did not allow for a more thorough engagement process with holistic and meaningful changes to address the uneven and poor state of education in the territory. In response, Committee sought and gained a verbal commitment from the Minister that Phase 2 will include a robust engagement process resulting in substantive amendments to the Act aimed at improving educational outcomes of NWT students.

Committee Considered Public Input

Committee sought public feedback on Bill 81 with a public notice, targeted engagement letters, and in-person engagement. Committee had face-to-face meetings with:

- Beaufort Delta Divisional Education Council
- Behdzi Ahda' First Nation
- Community members of Deljine
- Community members of Inuvik
- Community members of Norman Wells
- Deline Got'ine Government
- Norman Wells Land Corporation
- Sahtu Divisional Education Council
- Yellowknife Education District No. 1

Committee received written submissions from:

- Behdzi Ahda' First Nation
- Commission Scolaire Francophone des Territoires du Nord-Quest
- Deline Got'ine Government
- Dene Nation
- Mary Ann Villeneuve
- Ndilo District Education Authority
- Yellowknife Education District No. 1

All written submissions are included in an Appendix to this report.

Public Review

Committee held a public review of Bill 81 on May 31, 2023. At that meeting, Committee heard remarks from the Minister, and asked questions to the Minister and ECE officials regarding concerns with the phased legislative approach; engagement with Indigenous

governments; mandate for student transportation; parental consent in student grade placement and education program modification; "social passing"; roles and responsibilities of education bodies; and students' readiness to attend university, especially students in the small communities.

Committee also heard from David Wasylciw, Chairperson for Yellowknife Education District No.1, at the public review. Mr. Wasylciw highlighted concerns with the mandate for student transportation, including the budgetary impact on education bodies.

Summary of Public Concerns

Committee received an abundance of comments and concerns from Indigenous Governments, Dene Nation, residents of the NWT and education bodies across the NWT on the proposed legislative amendments to Bill 81, and more broadly on education in the NWT. In summary, these included, but are not limited to:

- Disagreement with a phased legislative approach. Amendments are inadequate and do not effectively address changes to the uneven and poor state of education in the NWT;
- Flawed stakeholder engagement process;
- Need for trauma-informed approaches in legislative drafting and engagement;
- Roles and responsibilities of education bodies are unclear and lack accountability, including at the Ministerial level;
- Lack of support for mandatory student transportation;
- Indigenous governments' want a more meaningful role in education;
- Extent of parental engagement sought for consent of grade placement and education program modification currently does not go far enough;
- Need to prevent the misuse of social passing;
- Absenteeism;
- Lack of supports for students with disabilities;
- Barriers for contracting teachers in small communities;
- Desire for local teachers and administrators;
- Curriculum is not rigorous;
- Curriculum needs to reflect local Indigenous knowledge and be made available/translated in Indigenous languages; and

- Overall, parents are highly concerned that students are not being taught at their grade level and do not graduate ready to attend post-secondary institutions.

In response to the quantity and substantive nature of comments and concerns received, Committee advanced five motions with amendments to Bill 81. Committee also makes recommendations that are considered out of scope for the current legislation and is more appropriate for consideration in Phase 2.

Committee Amended Five Clauses

Education Program Modification

Committee is concerned the extent of parental engagement sought for grade placement and education program modification does not go far enough. In many cases, students have been placed or “socially passed”, rather than promoted, into higher grade levels without parental support. Parents have been surprised and angry to learn of these changes without their active consent. Clause 12.1 of Bill 81 are amended to expand the type of decisions a parent can make, including disagreement and complaint to the District Education Authority, as it relates to a student’s education program modification.

Student Transportation

Stakeholders expressed serious disagreement with a provision to make the delivery of student transportation mandatory given the capacities of education bodies; communities; schools; labour shortages; inflation and rising costs; lack of storage infrastructure; lack of access to mechanics, automotive, and other parts; and a general lack of funding to provide transportation. Clause 26, Clause 27, and Clause 33 of Bill 81 is amended by removing the provision to make the delivery of student transportation mandatory.

Oversight Committee

Stakeholders supported the Minister establishing an ad hoc oversight committee to identify opportunities to improve the delivery of the education system and support implementation of those improvements. Behdzi Ahda’ First Nation added that Indigenous governments should be informed when an oversight committee is active. Clause 30 of Bill 81 is amended to provide notice to any Indigenous government having Aboriginal or treaty rights in the area over which the oversight committee’s power and duties extended; and to provide a terms of reference for the participation of an Indigenous government in the work of the oversight committee.

Committee’s Recommendations for Phase 2

Approximately 8,600 students across the territory have vastly different experiences in the NWT’s 49 schools. Stakeholders shared that educational experiences across the NWT are uneven. Yellowknife and regional centres are considered resource-rich having, with greater access to experienced teachers and administration, sports and extracurricular activities, and sound schools with supporting infrastructure. In contrast, schools in the small communities are inadequately funded, with many schools in dire need of repairs, renovations or replacements. As a result, Indigenous governments and members in the small communities shared that their children and youth are routinely marginalized in the NWT’s educational system, which results in lower educational outcomes and a lack of readiness for post-secondary institutions. For example, in the 2020-2021 school year, 74% of high school students in Yellowknife graduated grade twelve, compared to just 45% in the small communities. Stakeholders discussed the negative impact this had on students, their families, and communities. In some cases, leading to poor mental health, substance abuse and addiction, and premature death. Committee is highly concerned that the NWT education system is not supported to set students up for educational achievement and lifelong success after high school.

Engagement Process

Stakeholders shared that the engagement process facilitated by ECE was flawed citing that the language in Bill 81, and the plain language and supplementary materials were difficult to understand and amendments were unclear. Not enough time was provided to allow for meaningful feedback. Further, Indigenous governments want meaningful engagement; face-to-face meetings; and Ministerial visits to the communities to meet youth, students, community members, elders, and to see schools firsthand. It was emphasized that youth need to be engaged as a special group on the Act.

Committee therefore recommends:

Recommendation 1: The Department of Education, Culture and Employment create a stakeholder plan that prioritizes meaningful engagement and face-to-face meetings with Indigenous governments, youth, students, community members, and elders.

Administrative Focus

In addition to dissatisfaction with the engagement process, stakeholders

overwhelmingly shared that a phased approach to legislative amendments was wrong. Proposed administrative amendments do not effectively address the changes needed in the Act to improve educational outcomes for NWT students. Phase 1 does not include amendments that address absenteeism; educational outcomes for students; increased readiness for university; supports for students with disabilities; the curriculum; on the land programming; trades programming; wrap-around supports for students; trauma-informed approaches; need for local and Indigenous teachers; and new infrastructure and schools.

Committee therefore recommends:

Recommendation 2: The Department of Education, Culture and Employment draft aspirational legislation for its next iteration of the Education Act that takes a holistic, trauma-informed, and culturally responsive approach to education that is accountable to all NWT communities, its residents, and most of all its youth.

Absenteeism

Community members, and in particular parents, identified the issue of chronic absenteeism impacting students' educational outcomes in the NWT. Community members shared various reasons why students may not attend school, including lack of parental or other caregiver support, unstable home environments, and/or having responsibilities in their families that take priority over school. ECE has identified causes of absenteeism in numerous reports and initiatives over the decades. Committee wants to build on the strengths of NWT students and communities and calls on coordinated strategies between communities, education bodies, and schools.

Committee therefore recommends:

Recommendation 3: The Department of Education, Culture and Employment work with education bodies and schools to promote school attendance by building on community strengths and parental involvement.

Wrap Around Services

Stakeholders shared that schools are natural hubs where wrap-around services are needed and can be effectively delivered. Schools that deliver a coordinated suite of health and social services, after-school programs, and engagement with families and communities are better positioned to meet the holistic needs of students and families in real-time. This is a model for supporting equity in education.

Committee therefore recommends:

Recommendation 4: The Department of Education, Culture and Employment build a northern-specific model of coordinated wrap-around services for NWT schools.

Supports for Students

Stakeholders from all communities expressed a serious need for supports for students. Committee hears about the need for supports for students with physical and invisible disabilities. Educators and staff lack training and tools necessary to support students with disabilities access meaningful education. In addition, people raised concerns about the lack of adequate data collection on students with disabilities to inform evidence-based decision-making to support students with disabilities best.

In addition to student supports and staff training to provide meaningful and accessible education for students with diagnosed disabilities, people also expressed frustration around inclusive schooling. The leading frustration that Committee heard about was "social passing," the process of moving students to a higher grade to keep them with their peers regardless of whether they met grade level requirements. This is considered a best practice in education. However, its success relies on student access to additional support to work toward grade-level requirements. Time and time again, Committee heard from communities that these educational supports are not available in their schools and they need the help of ECE to make education accessible with a robust suite of classroom supports that help all NWT students achieve greater educational outcomes that prepare them for life after high school.

Committee therefore recommends:

Recommendation 5: The Department of Education, Culture and Employment:

- A. Increase funding and expand professional development opportunities for staff to best support students with disabilities;
- B. Expand the suite of programs and services available to students with disabilities in their home communities; and
- C. Improve data collection as it relates to students with disabilities.

Recommendation 6: The Department of Education, Culture and Employment review the Territorial Based Support Team function to ensure teachers and students receive the support they need in a way that meets the community's needs and establish outcome-focused measures to determine if the team is achieving its goals.

Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond. However, since the 19th Legislative Assembly will dissolve in less than 120 days, Committee has decided to leave out this recommendation and request that the government provide a public response to this report, even of a preliminary nature, before the beginning of the 20th Assembly.

Conclusion

On August 15, 2023, Committee held a clause-by-clause review⁴. Committee passed the motions to report Bill 81 as amended to the Legislative Assembly and ready for consideration in Committee of the Whole. This concludes the Standing Committee on Social Development's review of Bill 81.

MR. SPEAKER: Reports of standing and special committees. Member for Deh Cho.

MR. BONNETROUGE: Mr. Speaker, I move, seconded by the Member for Frame Lake, that Committee report 62-19(2), Standing Committee on Economic Development and Environment Report on the Review of Bill 74: Forest Act, be received by the Assembly and referred to Committee of the Whole. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Deh Cho. The motion is in order. To the motion? Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried.

---Carried

Reports of standing and special committees.
Member for Kam Lake.

MS. CLEVELAND: Thank you, Mr. Speaker. Mr. Speaker, I move, seconded by the Member for Great Slave, that Committee report 61-19(2), Standing Committee on Social Development Report on the Review of Bill 81: An Act to Amend the Education Act, No. 2, be received by the Assembly and referred to Committee of the Whole. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Kam Lake. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any

abstentions? The motion is carried. Committee report is deemed read.

Reports of standing and special committees.
Member for Kam Lake.

MS. CLEVELAND: I have nothing else.

MR. SPEAKER: Reports of standing and special committees. Member for Deh Cho.

COMMITTEE REPORT 63-19(2): REPORT ON BILL 78, WASTE REDUCTION AND RESOURCE RECOVERY ACT

MR. BONNETROUGE: Mr. Speaker, your Standing Committee on Economic Development and Environment is pleased to provide its Report on Review of Bill 78: Waste Reduction and Resource Recovery Act.

And, Mr. Speaker, I move, seconded by the Member for Frame Lake, that Committee report 63-19(2), Standing Committee on Economic Development and Environment Report on the Review of Bill 78: Waste Reduction and Resource Recovery Act, be deemed read and printed in Hansard in its entirety.

MR. SPEAKER: Thank you, Member for Deh Cho. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. Committee report 78 is deemed read.

---Carried.

MR. BONNETROUGE:

Introduction

Bill 78: Waste Reduction and Resource Recovery Act (Bill 78) received second reading on March 29, 2023, and was referred to the Standing Committee on Economic Development and Environment (Committee) for review. Bill 78 repeals and replaces the Waste Reduction and Recovery Act (Act), which has only had minor amendments since coming into force in 2003.

Bill 78 is intended to improve how the Government of the Northwest Territories (GNWT) manages waste reduction and resource recovery in the NWT by broadening the regulatory framework in accordance with GNWT's June 2019 Waste Resource Management Strategy and Implementation Plan, which set out the goals of preventing waste at the source, diverting waste from

disposal, and improving “waste disposal facilities and practices.”

The new act changes the following:

- Enables any new regulations required to implement amendments.
- Enables Extended Producer Responsibility (EPR) programs, which could shift responsibility for managing the disposal phase of consumer products and packaging from communities and taxpayers to producers.
- Clarifies Environment Fund contributions, disbursements, and administration.
- Expands the Minister’s authority to appoint officers, to delegate responsibilities, to enter into agreements, and to create landfill disposal bans.
- Extends how long prosecution can happen after an alleged offense.
- Updates and modernizes enforcement and inspection provisions.
- Enables more responsive surcharges and fees through Ministerial Regulations.
- Redefines and clarifies terminology.

Committee Considered Public Input

Committee sought public feedback on Bill 78 with a public notice and targeted engagement letters. On June 1, 2023, Committee held a public hearing in Yellowknife to review Bill 78. At that meeting, Committee heard remarks from the Minister of Environment and Climate Change and his staff.

One area of concern identified was the need to provide clarity and certainty with respect to the Minister’s authority to enter into waste management agreements, and where information about these agreements would be publicly available. The Minister and his staff committed to look at these practices and to make information available on a website maintained by the department.

Committee initially expressed concerns about how EPR programs and other waste reduction initiatives might impact small communities in the NWT and questioned whether subsidies would cover the cost for implementation. The department says it consulted Indigenous Governments during the engagement process. Committee previously sent stakeholder letters to small communities and Indigenous Governments. Committee was pleased to hear that small communities are represented on the Waste Reduction and Recovery Advisory

Committee and that new initiatives would be a net benefit to small communities. The department is already actively working to reduce the build-up of materials in landfills that may later be prohibited by new regulations. The Minister commented that the new Act will have no impact on Indigenous Land Rights or self government agreement. Staff also noted that Indigenous Governments and small communities would be consulted during the development of regulations under the new Act.

Committee also raised concerns about bottle recycling, particularly establishing a new, satellite recycling facility in downtown Yellowknife. Committee asked questions about staffing the new depot, having cash on site for patrons, its location, and the feasibility of adding more recycling and waste disposal initiatives (i.e., removing tires from the waste cycle through EPR programs). Committee welcomed more of these initiatives.

Recommendation 1: Standing Committee on Economic Development and Environment recommends that the GNWT and the Department of Environment and Climate Change continue their efforts toward opening a second recycling facility in Yellowknife to improve access for residents and increase waste recovery. The Department should continue to explore new technology and methods towards waste reduction, diversion and recycling while creating local employment. Committee, therefore, further recommends that this second recycling facility be a staffed site with cash available to pay patrons.

Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond. However, since the 19th Legislative Assembly will dissolve in less than 120 days, Committee requests that the government provide a public response to this report at the earliest opportunity. Committee also asked questions about whether the GNWT was investigating the disposal of industrial waste at accepted waste sites and how new initiatives might benefit the Remediation Economy.

Committee discussed seeking public input and the need for engagement before the creation of regulations under the new Act. For instance, Committee expressed an interest in more reporting and the need for transparency regarding the Environment Fund, as well as practical concerns about how EPR programs might affect residents trying to recycle tires for example, and whether they would have to bring

that tire to a store rather than their local Solid Waste Facility.

After careful consideration, Committee supported five motions amending Bill 78. Committee negotiated the exact wording with the GNWT.

Committee Amended Five Clauses

Motions 1, 2, and 4

Both Committee and the GNWT supported the idea of making the Minister's delegated responsibilities and agreements public and that it was practical to publish agreements on the department's website. Committee and the GNWT agreed to add language after clauses 4(2), 4(5), and 16(3) regarding public notice. These changes would make public notice requirements mandatory for disposal bans and consistent with the provisions for public notice on prohibited materials.

Three motions reflecting these changes were passed and received concurrence from the Minister at the clause-by-clause review.

Motion 3

Committee recognizes that Waste Reduction and Recovery Advisory Committee plays an important role in bringing together various voices from communities, the private sector and the public about waste management initiatives. Committee discussed these bodies with the Minister at the Public Hearing and was of the view that the continuation of the current Committee should be a requirement and not at the discretion of the Minister. Committee and the GNWT agreed that changing the word "may" to "shall" in clause 5 would require the continuation of the Advisory Committees, their function, and the appointment of members. Committee agreed with the Department that the Minister should have the authority to establish more than one Advisory Committee. A motion reflecting these changes was passed at the clause-by-clause review and received Ministerial concurrence.

Motion 5

Committee is of the view that the Environment Fund is an important mechanism for cost recovery, encouraging better waste management, and creation of local employment but that there should be greater accountability through publication of a summary of its financial position. Following Committee's discussion of the Environment Fund and finances at the Public Hearing, Committee and the GNWT agreed to adding language after clause 17 about audited financial statements and publishing these on the department's website.

A motion reflecting this change was passed at the clause-by-clause review and received Ministerial concurrence.

Conclusion

On July 5, 2023, Committee held a clause-by-clause review. Committee passed the motions to report Bill 78, as amended, to the Legislative Assembly as ready for consideration in Committee of the Whole (the Motions are found in Appendix A).

In the House on September XX, Bill 78: Waste Reduction and Resource Recovery Act, will be orally reported as ready for further consideration in Committee of the Whole. This concludes Standing Committee's review of Bill 78: Waste Reduction and Resource Recovery Act.

MR. SPEAKER: Reports of standing and special committees. Member for Deh Cho.

MR. BONNETROUGE: Mr. Speaker, I move, seconded by the Member for Frame Lake, that Committee report 63-19(2), Standing Committee on Economic Development and Environment Report on the Review of Bill 78: Waste Reduction and Resource Recovery Act, be received and adopted by the Assembly. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Deh Cho. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. Committee report has been received and adopted.

---Carried

Reports of standing and special committees. Member for Deh Cho.

COMMITTEE REPORT 64-19(2): REPORT ON BILL 84: AN ACT TO AMEND THE NORTHWEST TERRITORIES BUSINESS DEVELOPMENT AND INVESTMENT CORPORATION ACT

MR. BONNETROUGE: Mr. Speaker, your Standing Committee on Economic Development and Environment is pleased to provide its Report on Review of Bill 84: An Act to Amend the Northwest Territories Business Development and Investment Corporation Act.

And, Mr. Speaker, I move, seconded by the Member for Frame Lake, that Committee report 64-19(2), Standing Committee on Economic Development and Environment Report on the

Review of Bill 84: An Act to Amend the Northwest Territories Business Development and Investment Corporation Act, be deemed read and printed in Hansard in its entirety. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Deh Cho. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. Committee report is deemed read.

---Carried

MR. BONNETROUGE:

Introduction

Bill 84: An Act to Amend the Northwest Territories Business Development and Investment Corporation Act (Bill 84) received second reading on March 30, 2023, and was referred to the Standing Committee on Economic Development and Environment (Committee) for review. Bill 84 amends the Northwest Territories Business Development and Investment Corporation Act which has only had minor amendments since originally coming into force.

Bill 84 will amend the Northwest Territories Business Development and Investment Corporation (BDIC), which was established on April 1, 2005, and is a Crown Corporation of the Government of the Northwest Territories (GNWT). The BDIC's role is promoting and maintaining economic development and employment in the NWT. This role has both economic and social aspects. BDIC provides a range of loans, financial programs, and other services aimed at helping northern business succeed by promoting financial independence, economic development, and diversity in the northern economy. BDIC also undertakes economic development initiatives itself in the interest of job creation in small communities and diversification of the NWT economy. Committee supports these initiatives, especially as they coincide with the recommendations in our report on Supporting Northern Businesses. BDIC itself underwent through previous external reviews in 2013, 2014 and 2019. Committee noted that those reviews did not result in legislative change until this Bill was brought forward.

Bill 84 proposed the following:

- change the name of the Act to the Prosper Northwest Territories Act and will continue the BDIC as Prosper NWT (which was not part of

the public engagement on the Bill or a recommendation from the two previous external reviews);

- clarify when a corporation will be considered a subsidiary of Prosper NWT for the purposes of the Act and will give the Minister the authority to modify Prosper NWT's non-financial support programs to better respond to emerging business needs;

- give Prosper NWT the power to provide NWT businesses with non-financial supports and assistance that are not part of established programs and continue to give Prosper NWT the authority to provide financial support to business enterprises and subsidiaries;

- remove the requirement in the Act for periodic reviews and streamline the requirements for audits/reviews set out in the Financial Administration Act

- clarify conflict of interest provisions under the Act as well as clarify when businesses are considered related; and

- make consequential amendments to the Financial Administration Act, the Ombud Act, and the Public Service Act

Committee Considered Public Input

Committee sought public feedback on Bill 84 with a public notice and targeted engagement letters. On May 10, 2023, Committee held a public hearing in Yellowknife to review Bill 84. At that meeting, Committee heard remarks from the Minister of Industry Tourism and Investment (ITI), and from Joyce Taylor, Chief Executive Officer of BDIC. Committee also listened to statements made by members of the public in support of both the BDIC and the proposed legislative changes.

Committee voiced concerns about the BDIC board's composition. These concerns included: vacant board positions, issues of quorum, the lack of a chairperson, extensions to board appointments, and no representation from small communities.

Committee, through correspondence with the Minister of ITI, received a copy of a competency matrix for selecting board members and then developed an amendment to Bill 84 that would help ensure the board's composition would reflect the regions and industries in the Northwest Territories.

However, after receiving a written submission expressing concerns about BDIC's proposed name change and a lack of accountability, Committee had further concerns about the

board and the recent brand audit which had prompted BDIC to change their name.

Committee attempted several times to acquire the brand audit report from the Minister and BDIC itself without success. The report was finally provided to Committee following the preparation of a draft notice to compel the production of the information. When the document was provided, Committee could find very little information that actually supported the name change and requested additional information which was supplied.

Committee Cannot Endorse the Gnwt Approach at This Time

Committee is of the view that while there is considerable benefit to passing Bill 84 as drafted with the amendment concerning the BDIC board composition. These changes also reflect the recommendations brought forward in the two previous external reviews.

However, concerns remain that both the Committee and the public have not been provided with enough information about the name change and brand audit to show that BDIC's approach to rebranding at this time is reasonable. Committee notes that the rebranding and name change were not part of the public engagement process that was undertaken to develop Bill 84. Committee believes better collaboration and engagement to access and provide input into the BDIC's rebranding efforts would have allowed for a stronger Bill.

Recommendation 1: Standing Committee on Economic Development and Environment recommends that the Business Development and Investment Corporation publicly release the rebranding audit and related information on a name change as part of a broader public engagement on rebranding and a possible name change.

With the lack of public information about the BDIC's rebranding efforts, Committee explored the possibility of drafting motions to move that all name-change clauses be removed from Bill 84. However, after consideration this was thought too onerous. Ultimately, the delays during the review process and the lack of transparency informed Committee's decision to report Bill 84 to the Legislative Assembly as not ready for consideration in Committee of the Whole.

Committee is mindful that there is little time left in the 19th Assembly to allow for public engagement on changing the name of the BDIC. Committee also recognizes that the development of planned strategic direction

such as rebranding the corporation is likely the most important duty the BDIC board can undertake. Regarding the current need for further board appointments, Committee encourages the Minister to make new board appointees to fill gaps after the upcoming election.

Recommendation 2: Standing Committee on Economic Development and Environment recommends that the Minister of Industry, Tourism and Investment work the Business Development and Investment Corporation to introduce a Bill early in the life of the next Assembly to respond to the recommendations from the previous external reviews and public engagement on rebranding and a name change.

Conclusion

On July 25, 2023, Committee held a clause-by-clause review.^{vi} Based on Committee's concerns about changing the name of the BDIC, the need for public accountability, and transparency stated above, Committee passed a motion to report Bill 84 to the Legislative Assembly as not ready for consideration in Committee of the Whole.

Typically, Committee includes a recommendation in each report requesting a response from government within 120 days. The recommendation is then moved as a motion in the House and Cabinet is required to respond. However, since the 19th Legislative Assembly will dissolve in less than 120 days, Committee requests that the government provide a public response to this report at the earliest opportunity.

This concludes Standing Committee's review of Bill 84: An Act to Amend the Northwest Territories Business Development and Investment Corporation Act.

MR. SPEAKER: Reports of standing and special committees. Member for Deh Cho.

MR. BONNETROUGE: Mr. Speaker, I move, seconded by the Member for Frame Lake, that Committee report 64-19(2), Standing Committee on Economic Development and Environment Report on Review of Bill 84: An Act to Amend the Northwest Territories Business Development and Investment Corporation Act, be received and adopted by the Assembly. Mahsi, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Deh Cho. The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Any abstentions? The motion is carried. Bill 84 is received and adopted.

---Carried

Reports of standing and special committees. Tabling of documents. Minister responsible for Finance.

Tabling of Documents

TABLED DOCUMENT 973-19(2):
2024-2025 CAPITAL ESTIMATES

TABLED DOCUMENT 974-19(2):
SUPPLEMENTARY ESTIMATES
OPERATIONS EXPENDITURES, NO. 3,
2023-2024

TABLED DOCUMENT 975-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1333-19(2):
INTEROPERABILITY OF GOVERNMENT OF
THE NORTHWEST TERRITORIES
SYSTEMS

TABLED DOCUMENT 976-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1340-19(2): INDIGENOUS
EMPLOYMENT POLICY

TABLED DOCUMENT 977-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1451-19(2): NORTHERN
RESIDENT TRAVEL DEDUCTION

TABLED DOCUMENT 978-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1474-19(2): AUDIT REPORT
AND UNSPENT FUNDS ON INTERNET
CONNECTIVITY

TABLED DOCUMENT 979-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1488-19(2): GOVERNMENT OF
THE NORTHWEST TERRITORIES
INDIGENOUS LANGUAGE SYSTEM

TABLED DOCUMENT 980-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1557-19(2): LAND LEASES

HON. CAROLINE WAWZONEK: Mr. Speaker, I wish to table the following eight documents: 2024-2025 Capital estimates; Supplementary estimates (Operations Expenditures), No. 3, 2023-2024; Follow-up Letter for Oral Question 1333-19(2): Interoperability of Government of the Northwest Territories Systems; Follow-up Letter for Oral Question 1340-19(2): Indigenous

employment policy; Follow-up Letter for Oral Question 1451-19(2): Northern Resident Travel Deduction; Follow-up Letter for Oral Question 1474-19(2): Audit Report and Unspent Funds on Internet Connectivity; Follow-up Letter for Oral Question 1488-19(2): GNWT Indigenous Language System; and, Follow-up Letter for Oral Question 1557-19(2): Land Leases. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Tabling of documents. Madam Premier.

TABLED DOCUMENT 981-19(2):
FINAL REPORT ON THE MANDATE OF THE
GOVERNMENT OF THE NORTHWEST
TERRITORIES 2019-2020

TABLED DOCUMENT 982-19(2):
LETTER TO PRIME MINISTER REGARDING
MLA CONCERNS RESPECTING COSMOS
954 EFFECTS ON HEALTH AND SAFETY

TABLED DOCUMENT 983-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1321-19(2): HOUSING CRISIS
IN THE NORTHWEST TERRITORIES

TABLED DOCUMENT 984-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1464-19(2): FEDERAL DAY
SCHOOL

TABLED DOCUMENT 985-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1541-19(2): GOVERNMENT OF
THE NORTHWEST TERRITORIES
COMMITTED TO UNITED NATIONS
DECLARATION ON THE RIGHTS OF
INDIGENOUS PEOPLES IMPLEMENTATION

HON. CAROLINE COCHRANE: Thank you. Mr. Speaker, I wish to table the following five documents: Final Report of the Mandate of this Government of the Northwest Territories 2019-2023; Letter to Prime minister regarding MLA Concerns Respecting COSMOS 954 Effects on Health and Safety; Follow-up Letter for Oral Question 1321-19(2): Housing Crisis in the NWT; Follow-up Letter for Oral Question 1464-19(2): Federal Day School; and, Follow-up Letter for Oral Question 1541-19(2): Government of the Northwest Territories Committed to United Nations Declaration on the Rights of Indigenous Peoples Implementation. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Madam Premier. Tabling of documents. Minister responsible for Justice.

TABLED DOCUMENT 986-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1510-19(2): SEARCHING FOR
FRANK GRUBEN

TABLED DOCUMENT 987-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1515-19(2): TRANSPARENCY
OF CORPORATE REGISTRIES

HON. R.J. SIMPSON: Mr. Speaker, I wish to table the following two documents: Follow-up Letter for Oral Question 1510-19(2): Searching for Frank Gruben; and, Follow-up Letter for Oral Question 1515-19(2): Transparency of Corporate Registries. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Tabling of documents. Minister responsible for Infrastructure.

TABLED DOCUMENT 988-19(2):
FOLLOW-UP LETTER FOR ORAL
QUESTION 1519-19(2): RESURFACING
FORT SMITH AIRPORT RUNWAY

HON. DIANE ARCHIE: I wish to table the following document: Follow-up Letter for Oral Question 1519-19(2): Resurfacing Fort Smith Airport Runway. Thank you.

MR. SPEAKER: Thank you, Minister. Tabling of documents. Member for Frame Lake.

TABLED DOCUMENT 989-19(2):
LETTER DATED JULY 14, 2023, TO
INTERGOVERNMENTAL COUNCIL
SECRETARIAT REGARDING BILL 29:
RESOURCE ROYALTY INFORMATION
DISCLOSURE STATUTE AMENDMENT ACT

TABLED DOCUMENT 990-19(2):
LETTER DATED JULY 14, 2023 TO NON-
INTERGOVERNMENTAL COUNCIL
INDIGENOUS GOVERNMENTS
REGARDING BILL 29: RESOURCE
ROYALTY INFORMATION DISCLOSURE
STATUTE AMENDMENT ACT

TABLED DOCUMENT 991-19(2):
INFORMATION AND PRIVACY
COMMISSIONER REVIEW REPORT AND
ORDER, MAY 26, 2023

TABLED DOCUMENT 992-19(2):
ITI DECISION LETTER JUNE 26, 2023

TABLED DOCUMENT 993-19(2):
OBSERVATIONS ON ITI ATIPP MEETING
SUMMARIES (REVISED AUGUST 2023)

TABLED DOCUMENT 994-19(2):
REVISED GNWT-CHAMBER OF MINES
MEETING SUMMARIES WITH ADDITIONAL
INFORMATION JUNE 26, 2023

MR. O'REILLY: Merci, Monsieur le President. I have five following documents to table: Letter from MLA Frame Lake to Intergovernmental council Secretariat regarding Bill 29 dated July 14th, 2023; second one, Mr. Speaker, Letter from MLA Frame Lake to Non-Intergovernmental Council Indigenous Governments regarding Bill 29 dated July 14th, 2023; Information and Privacy Commissioner Review Report and Order dated May 26th, 2023; ITI Decision Letter dated June 26th, 2023, Observations on ITI ATIPP Meeting Summaries (revised August 2023); and lastly, Mr. Speaker, revised GNWT Chamber of Mines Meeting Summaries with Additional Information. Mahsi, Mr. Speaker.

TABLED DOCUMENT 995-19(2):
INTEGRITY COMMISSIONER REPORT INTO
A COMPLAINT MADE BY THE HON. SHANE
THOMPSON, MLA ALLEGING THAT
MS. KATRINA NOKLEBY, MLA HAS
BREACHED THE MEMBERS' CODE OF
CONDUCT

TABLED DOCUMENT 996-19(2):
ELECTIONS NWT 2022-23 ANNUAL
REPORT

TABLED DOCUMENT 997-19(2):
NORTHWEST TERRITORIES OMBUD
ANNUAL REPORT

TABLED DOCUMENT 998-19(2):
SPEAKING UP FOR FAIRNESS – 2022/2023
ANNUAL REPORT OF THE NORTHWEST
TERRITORIES OMBUD

MR. SPEAKER: Thank you, Member for Frame Lake. Tabling of documents. Colleagues, I wish to table the report of the Integrity Commissioner of the Investigation into a Complaint made by the Honourable Shane Thompson, MLA, alleging that Ms. Katrina Nokleby, MLA, has breached the Members' Code of Conduct.

Members, in accordance with Section 266.1(1) of the Elections and Plebiscite Act, I wish to table the Elections NWT 2022-2023 Annual Report.

Pursuant to Section 43 of the Ombud Act, I hereby table Speaking Up for Fairness, the 2022-2023 Annual Report of the Northwest Territories ombud.

Pursuant to Section 43(3) of the Ombud Act, I hereby table the Northwest Territories ombud

Special Report 1-2023 Providing Investigation Updates.

Tabling of documents. Notices of motion. Minister responsible for Finance.

Notices of Motion

MOTION 84-19(2):
TAXATION OF VAPING PRODUCTS UNDER
COORDINATED VAPING TAXATION
PRODUCTS AGREEMENT

HON. CAROLINE WAWZONEK: Mr. Speaker, I give notice that on Friday, September 29th, 2023, I will move the following motion:

Now therefore I move, seconded by the honourable Member for Yellowknife Centre, that the Government of the Northwest Territories should agree to receive revenues from an excise duty in respect of the Northwest Territories as imposed as part of the federally legislated Vaping Products Excise Tax. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Minister. Notices of motion. Member for Thebacha.

MOTION 85-19(2):
EXTENDED ADJOURNMENT OF THE
HOUSE TO OCTOBER 3, 2023

MS. MARTSELOS: Mr. Speaker, I give notice that on Friday, September the 29th, I will move the following motion:

I move, second by the honourable Member for Hay River North, that when this House adjourns on Friday, September 29, 2023, it shall be adjourned until Tuesday, October the 3rd, 2023;

And furthermore, that at any time prior to October 3rd, 2023, if the Speaker is satisfied, after consultation with the Executive Council and Members of the Legislative Assembly, that the public interest requires that the House should meet at an earlier time during the adjournment, or at a time later than the scheduled resumption of the House, the Speaker may give notice and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it has been duly adjourned to that time. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Member for Thebacha. Notices of motion. Motions. Notices of motion for the first reading of bills. First reading of bills. Second reading of bills.

Consideration in Committee of the Whole of bills and other matters. Bill 23, 29, 77, and 82,

Committee report 52-19(2), Minister's Statement 264-19(2), Tabled Document 681-19(2), Tabled Document 973 and 974-19(2), with Member for Inuvik Twin Lakes in the chair.

Consideration in Committee of the Whole of Bills and Other Matters

CHAIRPERSON (Ms. Semmler): I now call Committee of the Whole to order. What is the wish of committee? Member for Frame Lake

MR. O'REILLY: Merci, Madam la Presidente. Committee wishes to Consider Bills 29, 77, and 82, and Tabled Document 973-19(2), Capital estimates 2024-2025. Mahsi.

CHAIRPERSON (Ms. Semmler): Thank you. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Thank you, committee. We'll take a short recess and resume with the first item.

---SHORT RECESS

CHAIRPERSON (Ms. Semmler): I'll now call Committee of the Whole back to order. Committee has agreed to consider Bill 29, Resource Royalty Information Disclosure Statute Amendment Act. I'll ask the sponsoring Member to introduce the bill. Member for Frame Lake.

MR. O'REILLY: Thank you, Madam Chair. Thanks for the opportunity to offer opening remarks on Bill 29.

I just, first, want to thank the law clerk who assisted with the research, drafting instructions, and legal advice in preparing the bill. I want to also acknowledge the work of the Department of Justice staff who assisted with the drafting of the bill. And I also want to acknowledge the separation of my role on the committee and as sponsor of the bill. I always declared a conflict of interest if the bill was discussed at committee.

Madam Chair, I'm going to take a few minutes to actually go through a number of things. And I realize it's a three clause bill but it's been a while since we've talked about this. So I'd like to talk about why this bill is necessary, what it does, and what it does not do, engagement that was undertaken, and to briefly respond to some concerns that I've heard. At the end, of course, I'll be pleased to try to answer any questions raised by committee. Let's start with why this bill is necessary.

The current mineral and petroleum management legislation and regulations have been interpreted and applied in a manner that does not allow for the sharing of any royalty information with MLAs or Indigenous governments. The only information available to us and the public is in the public accounts and main estimates where combined resource royalties for mining and petroleum development are found on an annual basis. The Minister of Industry, Tourism and Investment initiated a review of the Mining Fiscal Regime in October of 2020. It's hard to see how a meaningful and comprehensive review can take place if more royalty information cannot be shared on a confidential basis with MLAs. Sharing information with Regular MLAs is at the foundation of how our consensus style government works.

So what kind of royalty information might be helpful to know in reviewing the fiscal regime for mining?

The only information on mining royalties held by GNWT is that submitted on an annual royalty return form. It's three pages. I've looked it over. There's information there about mineral production for individual mines and the value of that production, various deductions in the form of allowances and depreciation are recorded and calculated on those forms as well.

In evaluating the performance of the current system and options that could improve or maximize retention of benefits, it would be helpful and perhaps even essential to be able to understand how deductions and allowances are used and what alternatives there may be. All of this can and should be done in a confidential manner to protect business interests just as Regular MLAs get confidential information on issues such as taxation, program changes, or infrastructure. This is how we make informed decisions in our consensus government system.

There are still no publicly available proposals, plan, or schedule to fix this problem. There are still no concrete proposals for mining royalties or even improved public disclosure after four years of this Assembly. Bill 29 is my attempt to address this problem in the least intrusive manner possible by giving the Minister the ability to share royalty information on a confidential basis.

I also thought and believe that if MLAs could get such information on a confidential basis, so should Indigenous governments. They fought very hard to get to the table in terms of co-drafting of legislation and regulations in the last Assembly and that has now been

formalized in the recent legislative development protocol and process convention.

What Bill 29 actually does. There are three small, targeted changes to the laws that govern mineral and petroleum rights administration. The language of the bill is modeled after what is already in the mining regulations as of June 1st, 2018, and the Mineral Resources Act passed in 2019. There are already provisions in our legislation for royalty information to be shared within Government of the Northwest Territories for, quote, "use in the development and evaluation of policy for the GNWT." End of quote.

This means that royalty information is already available to be shared with Cabinet and other departments. This was modeled after what Ontario does. This bill would extend that possible sharing of royalty information to include MLAs and Indigenous governments who could receive it at the discretion of the ITI Minister and with conditions to protect its confidentiality. Bill 29 does not provide for any public disclosure of royalty information. It does not require any additional reporting from the resource sector or industry. It does not allow MLAs or Indigenous governments to access any royalty or other confidential information from the private sector that has not already been disclosed to GNWT.

The bill simply gives discretion to the ITI Minister to share royalty information with Regular MLAs and Indigenous governments for the sole purpose of development and evaluation of policy for the GNWT and on a confidential basis. This is not unusual as such information sharing is at the core of consensus government and our new way of working with Indigenous governments.

I started work on this bill in February 2021. Research and drafting took until May when a copy of the bill and a briefing note were provided to Cabinet and Regular MLAs almost four weeks in advance of the May/June sitting. I invited comments and concerns and suggestions for changes. Nothing in writing was received. I acknowledge there was no engagement with Indigenous governments or industry about the bill before its introduction. This is a reflection of the limited resources available to Regular MLAs and the available opportunities to introduce new legislation. At the same time, I was also concerned with the review of the Mining Fiscal Regime continuing without the ability to share royalty information. After the bill was referred to committee, I sent copies of the bill and a briefing note to the members of the Intergovernmental Council and non-IGC Indigenous governments with an offer

to engage if there were any questions or concerns. No responses were received.

I had informal meetings and exchanges with some Indigenous government staff and advisors over the summer of 2021. I also offered to meet with the Chamber of Mines. I also met with the ITI Minister to better understand any concerns or issues there as well. I followed up with a further letter to Indigenous governments in July 2023, and I tabled those letters earlier today, but I did not get much feedback.

Standing committee could not reach agreement on how to proceed with the bill. However, standing committee did recommend that the bill should receive further consideration in Committee of the Whole when it reported back on November 23, 2021. What I heard and have seen from those discussions and the submissions on the bill are some of the following:

Concerns that the Private Member's Bill goes outside the Legislative Development Protocol with Indigenous governments. I acknowledge this new way of working together. The minor nature of the changes in the bill and the fact that they don't establish or take away any rights but simply allow information sharing appears to have generally addressed these concerns. There has been some support for the bill as it can enable an informed discussion of royalties and benefit retention. Some have suggested changes to the bill to make the provision of royalty information sharing mandatory. I continue to support discretionary authority for the Minister as the least intrusive method of enabling royalty information sharing while protecting confidentiality.

There is some misunderstanding of the scope, purpose, and nature of these changes proposed in Bill 29. This includes statements on duplication with federal reporting of extractive sector payments, sharing of information beyond royalties with the public or competitors, adding additional reporting by industry, and the timing of the bill with regard to the overall review of the Mining Fiscal Regime.

I have waited four years for the development of mining regulations to get to the point of detailed analysis of royalties, options, and public debate, but we are still not there yet, and time is running out on this Assembly. This bill is an interim step to ensure that there can be a thorough and informed review of mining and other resource royalties. I have concluded that it is still in the public interest to proceed with the bill to allow this work to take place in the next Assembly. This bill simply allows the ITI minister to share resource royalty information

on a confidential basis with MLAs and Indigenous governments. Nothing more, and nothing less. No public disclosure, no new reporting or sharing of other information. However, royalty information sharing with protection of confidentiality is consistent with how consensus government already functions and how we work with Indigenous governments. It will also support an informed review of the Mining Fiscal Regime that is already underway and needs to be concluded in the 20th Assembly.

Thanks for the chance to offer opening remarks, and I would be happy to answer any questions or concerns of committee. Mahsi, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member. Do you have any witnesses to bring into the Chamber?

MR. O'REILLY: Yes, I do, Madam Chair.

CHAIRPERSON (Ms. Semmler): Sergeant-at-arms, please escort the witness to the Chamber. Thank you. You're good? Okay. Member for Frame Lake, please introduce your witness.

MR. O'REILLY: Thanks, Madam Chair. I have law clerk Toby Kruger sitting next to me who helped me develop and draft the bill. Thank you very much.

CHAIRPERSON (Ms. Semmler): Welcome. I will now turn to the chair of Standing Committee on Economic Development and Environment, the committee that reviewed the bill, for any opening comments on Bill 29.

MR. JACOBSON: Thank you, Madam Chair. Bill 29, Resource Royalty Information Disclosure Statute Amendment Act received second reading in the Legislative Assembly on June 1st, 2021, and was referred to the Standing Committee on Economic Development and Environment for review. The standing committee held a public hearing with the sponsoring Member on September 15th, 2021. Presentations were provided from the NWT and Nunavut Chamber of Mines, the Mining Association of Canada, and the Department of Industry, Tourism and Investment.

Through the public engagement period, committee also received submissions from the Tlicho Government, Sahtu Secretariat Incorporated, the NWT and Nunavut Chamber of Mines, the Mining Association of Canada, Arctic Canadian Diamond Company, the Explorers and Producers Association of Canada, and Alternatives North. Submissions

on the bill were polarized. Industry was not supportive. Other stakeholders expressed support with the intent of the bill. Members held varying positions. Committee was concerned whether the bill would duplicate information available under the Extractive Sectors Transparency Measures Act but recognized there were differences in the royalty payments reported through ESTMA and the GNWT'S public accounts. There was concern that Bill 29 implicated the mining sector to disclose information not required of other sectors such as quarrying or forestry. The committee recognized that even if Bill 29 was enacted, the Minister would still hold discretion on whether to disclose confidential information. The committee was concerned with the unknown risks regarding potential breaches of confidential information made available through Bill 29. A clause-by-clause review was held on September 15th, 2021, and the committee could not reach agreement on how to proceed with the bill it was recommended to proceed for consideration in Committee of the Whole. Individual Members may have other additional questions and comments. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Nunakput. I will now open the floor to general comments on Bill 29. Member for Great Slave.

MS. NOKLEBY: Thank you, Madam Chair. Madam Chair, I would be remiss if I didn't bring forward more details on exactly what the Chamber of Mines, as well as the Mining Association of Canada, what their concerns were with this bill. Some of this may be a bit duplicative of what's already been said but I think it bears repeating.

So it does propose to make changes to three pieces of legislation which could have far reaching negative effects on our mineral investment competitiveness. Industry members found that the bill was duplicative of other legislation. It proposes unusual sharing of confidential tax information beyond government staff who have the responsibility and assistance to protect business sensitive financial information. Disconcertingly, this confidential and sensitive information would also be available to business competitors, and it is being proposed before the GNWT has completed its study on resource royalties and the tax system. And as well, Madam Chair, this does not support the 19th Legislative Assembly's mandate to, quote, "increase resource exploration and development," and, quote, "restore levels of investment, partnership, employment, and growth in the NWT's economy."

As my colleague mentioned, it is duplicative of the ESTMA legislation, and that is the Extractive Sector Transparency Management Act, where individual mines report what they pay to governments in various taxes, including royalties, which are then posted publicly. This legislation was advanced and supported by the Canadian mining industry, working together with two NGOs, to become law.

In Canada, it is fully consistent with other international financial payment purporting schemes in the United Kingdom and in Europe. These jurisdictions mutually recognize each other's legislation as equivalent. This equivalency recognition allows for a company to report government payments only once and have that report address reporting requirements in multiple jurisdictions, minimizing reporting burden and duplication. ESTMA is fundamentally an anticorruption tool to determine whether payments made by industry to government match with government reporting of payments received. While not an issue in Canada, these anticorruption mechanisms have high relevance in other parts of the world where governance is weak and corruption is high. Quebec is the only other Canadian jurisdiction with similar legislation, and it too recognizes legislation in other jurisdictions as equivalent.

The extra details that are proposed in this Private Member's bill are therefore unnecessary, inconsistent with international norms, and they propose many sensitive competitiveness issues for industry and government that are not in the Northwest Territories' best interest. It is the belief of the Chamber of Mines the disclosures made under ESTMA are sufficient to provide the public with an appreciation for the royalties paid without exposing commercially sensitive aspects of each individual business to competitors or the general public. This is also unusual and inappropriate sharing of sensitive tax information. Mineral resource royalties are essentially a profits tax. They are calculated through a legislative formula that considers various factors that could affect profits positively or negatively and differentially for one mine compared to another. These include sensitive, confidential information such as market price, but in the case of diamonds, also the efficiency of an individual company's customer supply chains to maximize their own market price. It also considers business losses, capital investments, fuel costs, depreciation and amortization, and the various other taxes that companies must also pay.

In the NWT, ice road costs, for example, the cost of self-generating power, and property

taxes, and other costs associated with our acute infrastructure deficit, are also some of the unique additional costs incurred by mine operators that are taken into consideration. Current NWT legislation recognizes and respects the need to protect such potentially sensitive business information. For example, under the current Northwest Territories mining regulations and under the upcoming Mineral Resources Act, through the Access to Information and Protection of Privacy Act. Under current privacy laws, this detailed financial information is limited to the government staff responsible to use it for detailed tax calculations and who are obligated to safeguard it. The current legislation is designed to protect the public interest by requiring companies to follow the law in reporting to government the detailed information required for royalty calculation purposes. If enacted, this bill would unusually allow the release of tax information and sharing of other sensitive information beyond government staff who have the authority and responsibility to audit and assess company confidential information with politicians and Indigenous governments without this responsibility. We say "unusually" as this is not the norm in other jurisdictions in Canada.

This broadening of the distribution of the information to a much larger group of people also substantially increases the likelihood of a breach of confidentiality requirements. As the number of people who have the information increases, the level of confidentiality applied to the information decreases. The type of disclosure proposed under Bill 29 could pose harm to the commercial side of the mineral resource business for companies that mine or may be considering it in the NWT.

Government regularly protects all businesses and industries with confidentiality of their financial information for tax reporting calculations. Bill 29 is unusually intrusive in proposing that detailed, sensitive information be shared more broadly. It begs the question, would government then ask other mining and related businesses to reveal confidential information related to their profitability?

Similarly, our personal tax filings are not available to politicians. We see no added value, and the Chamber does not, and the fact that the added risk in sharing business details beyond those whose jobs and skills and responsibilities are to use this data to calculate royalties and other taxes.

It is also noted in the statement from the Chamber that there's unclear intentions but that the bill is jumping the gun on the GNWT's

royalties study. The intentions behind Bill 29 are unclear. If it's to allow politicians to propose different royalty systems, we'd suggest this is not appropriate. Since we understand the GNWT ITI is currently conducting an in-depth royalty review to look into this issue, that process should be completed to help the standing committees, all MLAs, and the public understand the current system before discussing options to others. And I do recognize that things have advanced since the time that this was shared with us. Again, the Chamber likes to point out that they're not aware of any other Canadian jurisdiction that is requiring such an unusual level of sharing of detailed and frankly sensitive business information as this bill would require. And like I said before, the closest might be Quebec but that only requires a partial reporting of information from the rock quality to the process plant. So in other words, they do not require any information on processes and sales beyond that.

I won't go into any further. I think everybody can understand why this does not support the GNWT mandate -- or sorry, this Assembly's mandate to promote and secure our mining sector. I don't think that it's any surprise that I would come out and -- to not support this bill. I definitely was a member of the committee that was not in agreement with it. For me, all this is doing is giving the Minister just yet another option to say maybe I'll share it with you. It isn't obligating her to do so, so therefore it just seems to be very redundant and not necessary to me. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member. Member for Yellowknife North.

MR. JOHNSON: Yeah, thank you, Madam Chair. I have a little trouble with this bill because I think it's -- well, through committee discussions, the department's opposed to it, and it is a discretionary power to the Minister. So even if it was in place, absolutely nothing would have changed to my knowledge. The Minister's not willing to share that information, and just because she may share it as for the bill, it seems pretty clear that they would not actually share it. So I don't know what it accomplishes.

That being said, I guess I just want to -- we've spent a lot of time trying to understand royalties. There's essentially one number for royalties in the territories so roughly \$20 million in the public accounts. Obviously, that fluctuates on how profitable mines are. And you have to really make a lot of assumptions about that number. First off, you have to know that that is the total amount. Then we give the feds half, and then we give half of our half to Indigenous

governments. You have to know that it includes Norman Wells. We don't really know how much money we get from Norman Wells, but it is -- the federal government owns a third of it, so you can go through their reports and generally try to guess how much money we get from Norman Wells oil. There's no other oil obviously paying us royalties. And then you can assume, really, it's three diamond mines doing the rest. On occasion, there has been another mine in the territory that has paid royalties but historically, we know, you know, you can assume something, like, Snap Lake never paid us any royalties. We don't know how much royalties we got from mines like Con or Giant or Pine Point. We don't have that information. That was federal -- before devolution. But there is a single line in a federal report that tells you that Giant Mine paid less in royalties than it paid in -- its workers paid in income tax. I think about that single line a lot, and I think it would be very helpful that perhaps when one of our diamond mines close, we publish some of these historical royalty numbers that shows how many carats they mined, how profitable they were, how much they paid. I've asked the Minister at times, you know, why did royalties all of a sudden get cut in half. And they can't answer that question publicly. They can't say well, one of the diamond mines had a bad year. That's business information.

How confidential is any of this is a bit debatable. If it's a publicly traded company, you can buy a stock and you can go see all this information. It's quite available. Companies in exploration actually really like to share this information on how their mines are doing because they want to raise capital. And then, as has been mentioned, there is ESTMA. So the mines voluntarily report quite a bit of this. The numbers are not quite the same as ESTMA. So I don't know whether if this passed the Minister would have gave us anything at all in committee in doing our report. Probably not. I'd like to think that if this existed and perhaps a mine had closed, long since closed, the companies stopped to exist, we would then publish some of that historical royalty information because I find it extremely interesting. I know that during our current royalty review, we are adding a lot of -- considering adding a lot more exceptions to royalties. You know, whether they invest capital in the Northwest Territories, whether they have a headquarters in the Northwest Territories.

I think if you do that, there's kind of an obligation to say why did this mine pay zero money in royalties and to be able to somewhat explain confidentially why the royalties were done. You could say, you know, Company X moved their headquarters and invested a lot of capital, that's

why there's zero royalty dollars coming in on that line item. Right now, none of that information is available on a confidential basis. I think there are occasions where it would be warranted, and the Minister might even appreciate -- and the company, in fact. I found a lot of the mines are quite willing to explain their ESTMA and why, you know, perhaps you gave an Indigenous government a bunch of cash one year, and then instead their IBA of required jobs so they didn't get any money the next year. They are actually quite willing to explain how and willing to be transparent. And so I think, you know -- I don't ever see a Minister abusing this, and -- well, I hesitate to see a Minister even using it, but I think there are definitely cases where we will hold this historical data for the decades to come, and we will do research on our royalties where it would be helpful to be able to share it on a confidential basis.

You know, at the end of the day, I will support it because of that. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you. Are there any further comments? Can we proceed to -- oh, sorry. Minister.

HON. CAROLINE WAWZONEK: Thank you, Madam Chair. Madam Chair, I do have some remarks I want to make that I have drafted. I do want to just start by acknowledging the frustration that it has taken a long time and we are still in the process of completing the Mineral Resource Act regulations. And through that process, without the regulations, of course, this is where we wind up in this situation we are in. And there's a very real chance at the end of the drafting of the regulations when the entire process is complete, including royalties, there may well be a process in place by which the kind of disclosure that's made available is even more fulsome than what is contemplated by this bill.

Fundamentally, the remarks I want to make, really though, are focused on the process that we are in in terms of developing that -- in terms of developing those regulations. It's a collaborative process with the Indigenous governments. ITI has been going through the legislative -- this legislative protocol process with Intergovernmental Council. It is -- we were the first department out of the gate to have the opportunity to utilize that process. And it's been time consuming because it's new. And it was new for everyone. It was new for us. It was new for Indigenous governments. And to do it right certainly has taken some time, and the inability to meet in person during COVID certainly did not help in expediting that work as we were trying to get the process moving and to have

these meetings collaborative -- having collaborative meetings, which really did require in-person meetings. So it has taken longer than I would have hoped. And it is frustrating for all involved, and I appreciate it's been frustrating for people who have been waiting for it. And I know the MLA who sponsored this bill was deeply involved in the Mineral Resources Act last Assembly and was -- and had a very keen interest in this work in this Assembly.

I recognize also the comments around, you know, what the schedule, what the plan, what's coming next. Again, there's been some disruption over this summer obviously as to the ability to attend here and put information out. I think the Member only quite recently has seen that we do have a very comprehensive status update coming out -- it will be tabled in this House -- that does give a very good sense of exactly where we are at, all of the work that has been done, and what is coming next. And, indeed, one of the things that is, indeed, coming next is the discussion of royalties, which includes the opportunity for industry to meet with us, for us, first of all, to meet with Indigenous governments through the process to ensure that as the regs are developed that they are developed in a way for royalties that will allow as much transparency as possible. So that's the duplicative nature here to me is really do we wait for a process that has been underway now for some time that is deeply involving the Intergovernmental Council that has now worked out how that Intergovernmental Council work would be done and allow that to run its course or carve out this one issue and have a side piece of legislation. So I am asking people to let us keep doing the work we're doing.

As to the Petroleum Resources Act, just a note, the Mineral Resources Act is the priority. There's not a whole lot happening right now under the Petroleum Resources Act. But ultimately, the process for updating that will also go through the Intergovernmental Council legislative process. So in due course, that will also come to.

But, really, the -- I want to emphasize the concerns that are being raised by -- and that are being sought to be amended or fixed, the departments and the Intergovernmental Council technical working group who are involved, they're well aware of the desire for more information, the desire to see some sort of change and some sort of greater access to information but, again, it's the idea of letting that process work its way through. As I said, there's actually a chance that the disclosure may be more broad than what's actually contemplated in the bill that's before the House right now. I

can't say for sure. What I want to say is, you know -- and even I'll go so far as to say in the discussions that have been had to date with industry, they know there's some change coming. And I don't even know that there's any reluctance to see the change. The desires for that change to happen systemically, for it to happen as part of a total package, for it to happen as part of the process that we've been working through for quite some time now.

Although of note that I will say other jurisdictions that have amended their legislation in this space have taken years as well. So while this is slower than what I would have hoped, it's not necessarily slower than what it might have been anywhere else. And our process is one that will produce, I think, a better piece of legislation and one that the territories can ultimately be proud of. It's going to give us the ability to say that we have something distinct, unique, involving those who are traditional holders of the lands and all levels of government. So that work is important.

And, again, I do -- I'm asking for that time for that work to be continued and to be concluded. We are committed to a process that is thorough and respectful of the legislative process. There's again some disagreement as to whether or not one can go into a discussion of royalties without sharing the individual royalties of an individual mine. I'm not sure that we will ever see eye to eye on this one, the Member and myself, because there's a lot of work that's happening right now that. That is the stage that we're at is to try to be at a place where we can model mines. And in my view it is not necessary to model a mine that was built and developed under an old regime in order to develop whether or not -- or to decide whether or not a new regime is actually better or more appropriate for the circumstances of the North, and therefore having the individual royalties paid ten years ago, or five years ago, or three years ago doesn't necessarily undermine any of the work to be done modeling a theoretical mine that would happen under the new regime of the Northwest Territories or in the current climate or market of the Northwest Territories mineral resource industry.

So, again, is this -- is the information contemplated here, in fact, even necessary? And, again, arguably, I'd suggest it's not to the extent that it's of interest to the sector and of interest to the territory, of interest to legislators, to Indigenous governments, again, the process we are in right now is seeking to find a path for greater transparency and information.

A side example, if you will, we are looking at a process by which Indigenous governments are

going to be notified when people are looking to have mineral resource claims on their traditional territories or on their modern treaty land holds. So that is something that we're already doing in the Northwest Territories that is different from elsewhere. That sort of process of what that will look like, the timing, how long we might need to be able to respond, that has been worked through with the IGC. Disclosure of royalties information should go through that same process. What kinds of information will be beneficial, what kinds of information will add meaningfully to the conversation, and what should be protected so that we have a sector that feels that this is still a place to invest and that is respectful of their business decisions.

So I know I'm running low on time, Madam Chair. It's taking me longer than I expected. I suppose my last comment here is really I want to just note -- I want to thank the Member for raising the issue repeatedly. I do -- I do think it's important when governments and when government officials hear something enough, it does not go away. It doesn't get lost. It's very difficult in my view to walk away from an issue that gets this kind of attention. Even if the current bill does not pass, it would be very difficult to pretend that the issue wasn't made deeply clear, deeply abundant, and obviously some Members may vote for it and some Members may vote against, but there's clearly been enough interest in this that I would think any future government would be remiss to not take that under consideration as they develop the final regulations that are yet to come and that I hope will be coming soon. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you. Member for Thebacha.

MS. MARTSELOS: Thank you, Madam Chair. I will not be supporting the bill because I'm very pro-business. And I know that there has to be processes in place, and I know that the Indigenous government should be part of that process. I very much -- I have a lot of people who are employed at the mine. We have a large apprenticeship sector in Fort Smith. And I know there has to be more transparency and hopefully after the next election, we will get through some of these other outstanding issues, but I'm very much about making sure that we are open for business and always have been. I -- I'm happy that our colleague has named some of these things in his bill, but I just want to make sure that I've always been -- you've always known where I stand. And I'm very -- I can't change what I believe in because business has been part of my life, and I know that some of the information -- I don't think we're going to share all the information

that was given by one of my colleagues that gave the submission but I know all we wanted to know is, I guess, just how -- you know, we -- a lot goes out of the territory. It's concerning sometimes, especially to Indigenous groups, and not shared enough with all people in the territories and mostly anything that's given, it's usually just if they're given donations or anything, it's always seems to be the capital. That's usual. And Peter always reminds me, my husband, that it is the capital, he says. You know, so he's on everybody's side here. But I have to share that with you because we have this little argument every now and then. But I'm very pro-business, and I would not have anybody go -- I wouldn't want everybody to go through my financial stuff. And at some point, you know, it's a big investment. When they come up here to open a mine and the employment that comes with it and the benefits to the community and we don't -- where we don't get IBAs in Fort Smith just because of where we are. But a lot of our people work there because we have the college, because we have the headquarters of the college. Got to remind that to the Minister of education. And I just want to make sure that I will not be supporting this bill. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Thebacha. Member for Nunakput.

MR. JACOBSON: Thank you, Madam Chair. No, just in regards to I respect the Member who brought this forward. I won't support this in regard to everything. You know, I -- like, Ms. Martselos, I am pro-business. I am open for business. You know it as well as we do, the Minister said it herself, traditional lands, and then right now this is for the mines. And, you know, once I hope our moratorium's lifted and we're able to start doing our stuff, oil and gas, and providing jobs and that for our people and getting healthy again, like, not in a situation where we're at, I think that we need the federal government, I guess, to lift that moratorium. It's the only time I could really say this because the Minister said it, we're the holders of the traditional lands as Inuvialuit, and that land claim was signed in '84, and we have nothing. The whole territory in regards to our jobs, we've got no jobs. We're tourism outfitters now. We're resource rich and cash poor because of that federal government.

And, but at the end of the day I can't support this because it's just going to -- it's one thing going to lead into another and then the next thing you know, this is going to hold up the process if something's able to go, you know, with for offshore. But we're going to do it right. And I know the Member has a passion for this and holding people accountable, and he does

his job thoroughly and I'll respect him for that. But I won't be supporting this just because it -- yeah, it's going to roll into everything else in regards to it. And, like, Frieda said, you know, no business wants people poking into their books and what they're making and bottom line, and at the end of the day I won't be supporting this. Thank you.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Nunakput. Member for Monfwi.

MS. WEYALLON ARMSTRONG: Thank you, Madam Chair. Yes, we have to think about 30 years ago, you know, like, prior to -- prior to 1994, there wasn't too many jobs. Maybe there was a lot of jobs in Delta but in Tlicho region, we didn't have a lot of jobs until the mining company came. That's where -- right now we have a lot of our people that are employed, or since the mine opened, we have a lot of our people are working there. They have employed. And currently, there's a lot of young people working, and I know there's a lot of people that retire, and it really did help a lot of our members. Not just from my community, from my regions. It's also helped the Sahtu region. It also helped the South Slave regions and other parts of Canada as well too. You know, so. And I don't -- so with this bill, I think we're making the mining company to jump through all kinds of hoops just so that they can -- so we can get more information from them. I have to think about my people. I have to think about the struggles that we are still going through in my regions, that we need more jobs. Young people need more jobs. Young people are looking for jobs.

And a lot of them are going into trades, trades like welding. There's all kind of trades that the mining company supports. And so because of that I don't think I am going to -- I'm not going to support this bill that's coming -- that's ahead of us. So I have to think about my people. I have to think about the regions. It's not just our regions. There's other regions that rely on the mining companies, especially in this area, you know, so there's three mining companies. So with that in mind, I will not support this. Thank you.

CHAIRPERSON (Ms. Semmler): Thank you, Member. Are there any further general comments? Member for Hay River South.

MR. ROCKY SIMPSON: Thank you, Madam Chair. Madam Chair, when I look at this bill, it -- you know, it doesn't really require the -- or it doesn't require the Minister to share any information because it says that the Minister may disclose it, and there's no definitive requirement.

For me, the economy is very important in the Northwest Territories even more so now that we -- you know, with what we've been going through in these last few years. We need jobs. We need training. You know, we need -- you know, we need opportunities for -- you know, for NGOs to, you know, to provide support as well to the economy through, you know, maybe upgrading students and that type of thing as well. But, you know -- so with this bill, I don't really see -- like I say, I don't see any teeth in it, and I don't see it really doing anything. And except, you know, it'll sit there on the books, like a lot of the legislation that we actually have and doesn't really make a difference.

We have a process. Like the Minister said, we do have a process that's in place right now that we're going through, and I'd like to let that kind of roll out on -- you know, and see what comes of, and the future Assembly, you know, the Members hopefully will have a say in what happens there and as well as hopefully, you know, with Indigenous governments as well because they've got -- you know, their participation is paramount in anything we do. So, yeah, I can't support this bill either just being, you know, on the side of, you know, economic development at this point and, you know -- and the stages that we're in in the Northwest Territories. Thank you.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Hay River South. Are there any further general comments? Seeing none. Committee, can we proceed -- oh sorry, Member for Tu Nedhe-Willideh.

MR. EDJERICON: Thank you, Madam Chair. Speaking to the bill, I also too won't be supporting the bill. You know, as it is already we have a regulatory process that we all have to go through when the mining industry comes up here. I know for sure in my community, N'dilo and the community of Lutselk'e and Fort Resolution, we do benefit from the mining industry from employment to IBAs. Some of these IBAs were just paid out to help put out from this evacuation that just happened and, you know, it's a concern that we're -- that we're doing that but at the end of the day, there's got to be a different way to do this, and right now as it is, I know -- back in the early days, like my colleague has said, that back in 1991 we had no -- we had high unemployment in our community. We went from, what, 85 percent in Dettah, N'dilo to when BHP first got here, and we maximized the benefits of the mining industry, and it created a lot of jobs for us, apprenticeship training, etcetera. And all four communities throughout the NWT that maximized the benefits in mining but now to have mining industry to go through hurdles, and

we're just going to chase away mining industry now and for what reason? You know, I think it's important that we really take a look at this whole thing again. But for today, I can't support this bill. I mean, I -- right now, the mining companies like BMP, Diavik, De Beers, they're all on the downturn now. They're going to look at reclaiming etcetera. And we need jobs. The young people need jobs, you know, and by putting more barriers in place by this government, it's just going to chase these guys away, you know, and we don't want to do that. So I think that we should really take a look at this and for now, Madam Chair, I won't be supporting this bill. Thank you.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Tu Nedhe-Willideh. Are there any further general comments? Seeing none, does committee wish to proceed to a clause by clause review of the bill? Can I see a show of hands, because I need a majority. All right. All those in favour of going to a clause-by-clause, raise your hand, show of hands for me. Opposed to going to clause-by-clause, show of hands for me. All right. So committee does not agree to a clause-by-clause review of the bill. Does committee agree that it has concluded consideration of Bill 29?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Thank you, committee. We have concluded consideration of Bill 29. Thank you to the sponsor of the bill and to the witness. Sergeant-at-arms, please escort the witness from the Chamber.

Committee, we will now continue with Bill 77. Committee, we've agreed to consider Bill 77, Nursing Profession Act. I will ask the Minister of Health and Social Services to introduce the bill.

HON. JULIE GREEN: Thank you, Madam Chair. I am pleased to be here today to discuss Bill 77, the Nursing Profession Act. The development of this bill has been the result of significant time and effort by the Department of Health and Social Services and would not have been possible without input and contributions from the Registered Nurses Association of the Northwest Territories and Nunavut.

I would like to take this opportunity to thank Members of the Standing Committee on Social Development for the time they have taken to ensure this bill received comprehensive review. I also wish to acknowledge the time and effort members of the public took to develop submissions.

Madam Chair, the primary purpose of Bill 77 is to repeal the current Nursing Profession Act and replace it with a new act that will establish

a single regulatory framework for all nurses in the Northwest Territories. The bill proposes to repeal the Licensed Practical Nurses Act and transfer authority to regulate licensed practical nurses from the Department of Health and Social Services to the Registered Nurses Association of the Northwest Territories and Nunavut. The new bill will establish new nursing designations, scopes of practice, and registers, as well as associated requirements for licensed practical nurses as registered nurse authorized prescribers, registered psychiatric nurses, and registered psychiatric nurse authorized prescribers, registered nurses and nurse practitioners will all continue to be regulated under this Act. The bill further proposes a modernized process for the review of conduct of members. I would be pleased to answer any questions the Members here may have.

CHAIRPERSON (Ms. Semmler): Thank you, Minister. Would you like to bring witnesses into the Chamber?

HON. JULIE GREEN: Yes, please, Madam Chair.

CHAIRPERSON (Ms. Semmler): Sergeant-at-arms, please escort the witnesses into the Chamber. Minister, would you please introduce your witnesses.

HON. JULIE GREEN: Thank you, Madam Chair. On my left is Jessica Maguire, the assistant director of policy legislation and intergovernmental relations. And on my right is Ian Rennie from the legislative division of the Department of Justice.

CHAIRPERSON (Ms. Semmler): Welcome. I will now turn to the chair of the Standing Committee on Social Development, the committee that reviewed the bill, for any opening comments on Bill 77. Member for Kam Lake.

MS. CLEVELAND: Thank you, Madam Chair. Thank you, Madam Chair. Madam Chair, Bill 77, Nursing Profession Act, received second reading in the Legislative Assembly on March 28th, 2023, and was referred to the Standing Committee on Social Development for review. The standing committee held a public hearing with the Minister of Health and Social Services in Yellowknife on May 10th, 2023.

Through public engagement, stakeholder submissions were received from the Registered Nurses Association of the Northwest Territories and Nunavut, the Canadian Nurses Protective Society, and a practicing NWT registered nurse. Committee expressed concern to the department about the need for continual training to ensure culturally safe care.

Committee also raised further issues for consideration. Committee was concerned about the complaint process, that nurses should be provided notice of the right to receive a copy of the full complaint made against them and also the appeal mechanism for respondents ordered to pay costs specifically where the board of inquiry dismisses the complaint, and committee provided clarity and language on the topic of insurance and protection. These concerns and a French translation correction were addressed through six motions at the clause-by-clause review held on May 31st, 2023. The Minister concurred with all motions.

I would like to thank the public for their time to meet with committee and for committee's work on the review of this bill. Individual Members may have additional comments or questions. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you. I will now open the floor to general comments on Bill 77. Does committee agree that there's no general comments on Bill 77?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Can we proceed to a clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Committee, we will defer the bill number and title until after consideration of the clauses. Please turn to page 16 of the bill.

Clauses 1 through 10, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 11 through 20, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 21 to 30, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 31 to 40, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 41 to 50, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 51 to 55, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clause 56? Minister Green.

HON. JULIE GREEN: Thank you, Madam Chair. Madam Chair, I would like to make a motion to change --

CHAIRPERSON (Ms. Semmler): -- sorry, Minister. In order to make the motion, you're going to have to return to your seat.

HON. JULIE GREEN: Madam Chair, I'm just -- I'll just wait for the motion to be distributed.

CHAIRPERSON (Ms. Semmler): Minister Green.

COMMITTEE MOTION 468-19(2):
BILL 77, NURSING PROFESSION ACT,
AMEND SUBCLAUSE 56(1),
CARRIED

HON. JULIE GREEN: Thank you. I move that the French version of Bill 77 be amended by striking out "par écrit" in subclause 56(1) and substituting "en conformité avec les règlements administratifs." Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): The motion is in order. To the motion?

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Abstentions? The motion is carried. Clause 56 is amended. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Thank you.

---Carried.

CHAIRPERSON (Ms. Semmler): Clause 57 to 60, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clause 61 to 70, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clause 71 to 80, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clause 81 to 90, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clause 91 to 100, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clause 101 to 110, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clause 110 to 121, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clause 121 to 125, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Committee, to a bill as a whole, does committee agree that Bill 77, Nursing Profession Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Thank you, committee. Does committee agree that this conclude our consideration of Bill 77, the Nursing Profession Act?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Thank you. And thank you, Minister, and thank you to your witnesses. Sergeant-at-arms, please escort the witnesses from the Chamber.

Committee has agreed to consider Bill 82, Legal Professions Act. I will ask the Minister of Justice to introduce the bill.

HON. R.J. SIMPSON: Madam Chair, thank you. I am pleased to be here today to present Bill 82, Legal Profession Act.

Bill 82 proposes a repeal and replacement of the current Legal Profession Act, which was passed in 1976 and establishes the Law Society of the Northwest Territories as the body which regulates lawyers in the Northwest Territories. The department has worked in collaboration with the law society to bring forward these amendments and appreciates the time and effort contributed by law society membership both with their initial review of the existing act and with reviewing an engagement draft of the bill. This helped to ensure we were able to bring forward a fulsome new Act that will effectively regulate lawyers in the Northwest Territories.

In 2018, a revision committee was established by the executive of the Law Society of the Northwest Territories to consult on the

recommended changes to the Act which had not been extensively reviewed since it was first enacted. The Act as currently written is prescriptive with many issues governed by the Act rather than the rules of the law society. Similar legislation in comparable jurisdictions is often less prescriptive allowing for greater flexibility in the rules and policies of their law societies. The proposed new Act would address contemporary developments in the legal profession in a manner similar to other Canadian jurisdictions.

In addition to addressing errors in consistencies and improving the overall clarity of the Act, proposed changes to the Act generally address the following areas: The purpose and administration of the society, membership, and enrolment; the definition of practice of law; discipline; the assurance fund; trust accounts and custodianship; and, other relevant matters.

This concludes my opening remarks. I'd be pleased to answer questions that Members may have. Thank you.

CHAIRPERSON (Ms. Semmler): Thank you, Minister. Would you like to bring witnesses into the Chamber?

HON. R.J. SIMPSON: I would.

CHAIRPERSON (Ms. Semmler): Thank you. Sergeant-at-arms, please escort the witnesses into the Chamber. Minister, would you please introduce your witnesses.

HON. R.J. SIMPSON: Thank you. To my right, I have Mr. Ian Rennie, legislative counsel with the Department of Justice, and on my left is Mr. Brad Patzer, assistant deputy minister Solicitor General.

CHAIRPERSON (Ms. Semmler): I will now turn the floor -- or to the chair of the -- sorry, I will now turn to the chair of social development, the committee that reviewed the bill, for any opening comments on Bill 82. Member for Kam Lake.

MS. CLEVELAND: Thank you, Madam Chair. Madam Chair, Bill 82, Legal Profession Act, received second reading in the Legislative Assembly on March 30th, 2023, and was referred to the Standing Committee on Social Development for review. The standing committee held a public hearing with the Minister of Justice in Yellowknife on May 10th, 2023. Through public engagement committee received submissions from the Law Society of the Northwest Territories, a private resident, the NWT Metis Nation, and Deline Gotine Government.

Committee was concerned around the topics of: Access to justice, cultural safety training, public access to legal materials, regulating paralegals, and pro bono legal services. Committee was ultimately satisfied, however, that the submissions provided from stakeholders adequately addressed these concerns. As such, committee did not forward any motions to amend the bill.

Standing committee held the clause-by-clause review of Bill 82 on May 31st, 2023. I would like to thank the public for their time to meet with committee and for committee's work on the review of this bill.

Individual Members may have additional comments or questions. Thank you, Madam Chair.

CHAIRPERSON (Ms. Semmler): Thank you, Member for Kam Lake. I will now open the floor to general comments on Bill 82. Are there any general comments? Seeing none, does committee agree that there are no general comments?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Can we proceed to a clause-by-clause review of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Committee, we will defer the bill number and title until after consideration of the clauses. We will consider the clauses in groups. Please turn to page 1 of the bill.

Clauses 1 through 10, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 11 through 20, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 21 to 30, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 31 to 40, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 41 to 50, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 51 to 60, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 61 to 70, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Clauses 71 to 77, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Committee, to the bill as a whole, does committee agree that Bill 82, Legal Profession Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Thank you, committee. Committee has agreed that Bill 82, Legal Profession Act, is now ready for third reading. Does committee agree that this concludes our consideration of Bill 82, Legal Profession Act?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Ms. Semmler): Thank you, Minister, and thank you to your witnesses. Sergeant-at-arms, please escort the witnesses from the Chamber.

Member for Frame Lake.

MR. O'REILLY: Merci, Madam la Presidente. I move that the chair rise and report progress.

CHAIRPERSON (Ms. Semmler): There's a motion on the floor to report progress. The motion is in order and non-debatable. All those in favour? All those opposed? The motion is carried. I will now rise and report progress.

---Carried

MR. SPEAKER: May I please have the report of Committee of the Whole. Member for Inuvik Twin Lakes.

Report of Committee of the Whole

MS. SEMMLER: Mr. Speaker, your committee has been considering Bill 29, Bill 77, and Bill 82, and I would like to report progress with one motion carried that Bill 29 is concluded and that Bill 82 is ready for third reading and that Bill 77 is ready for third reading as amended. And, Mr. Speaker, I move that the report of the Committee of the Whole be concurred with.

MR. SPEAKER: Thank you, Member for Inuvik Twin Lakes. Do we have a seconder? Member for Yellowknife Centre. All those in favour? All those opposed? The motion is carried.

---Carried

Third reading of bills. Mr. Clerk, orders of the day.

Orders of the Day

CLERK OF THE HOUSE (Mr. Glen Rutland):

Thank you, Mr. Speaker. Orders of the day for Thursday, September 28th, 1:30 p.m.

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
 - Oral Question 1548-19(2), Indian Day Schools
 - Oral Question 1578-19(2), Fire Management Policy Effect on Indigenous Culture
5. Recognition of Visitors in the Gallery
6. Acknowledgements
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to the Commissioner's Address
11. Petitions
12. Reports of Committees on the Review of Bills
13. Reports of Standing and Special Committees
14. Tabling of Documents
15. Notices of Motion
16. Motions
17. Notices of Motion for First Reading of Bills
18. First Reading of Bills
19. Second Reading of Bills
 - Bill 64, An Act to Amend the Legislative Assembly and Executive Council Act, No. 3
20. Consideration in Committee of the Whole of Bills and Other Matters
 - Bill 23, An Act to Amend the Public Utilities Act

- Committee Report 52-19(2), Standing Committee on Rules and Procedures Report on the Review of the Rules of the Northwest Territories Legislative Assembly
- Committee Report 53-19(2), Standing Committee on Economic Development and Environment Report on Supporting Northern Businesses
- Minister's Statement 264-19(2), Response to the NWT Chief Coroner's Report on Suicide
- Tabled Document 681-19(2), Government of the Northwest Territories Response to Committee Report 26-19(2): Report on the Child and Family Services Act – Lifting Children, Youth and Families: An All of Territory Approach to Keeping Families Together
- Tabled Document 973-19(2), 2024-2025 Capital Estimates
- Tabled Document 974-19(2), Supplementary Estimates Operations Expenditures, No. 3, 2023-2024

21. Report of Committee of the Whole

22. Third Reading of Bills

- Bill 77, Nursing Profession Act
- Bill 82, Legal Profession Act

23. Orders of the Day

Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Clerk. This House stands adjourned until Thursday, September 28th, 2023, at 1:30 p.m.

---ADJOURNMENT

The House adjourned at 7:45 p.m.

