18th Legislative Assembly of the Northwest Territories

Standing Committee on Government Operations

Report on the Review of Bill 31: *Northwest Territories 9-1-1 Act*

Chair: Mr. Kieron Testart
MEMBERS OF THE STANDING COMMITTEE ON GOVERNMENT OPERATIONS

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February 26, 2019

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Mr. Speaker:

Your Standing Committee on Government Operations is pleased to provide its Report on the Review of Bill 31 – Northwest Territories 9-1-1 Act and commends it to the House.

Kieron Testart  
Chairperson  
Standing Committee on Government Operations
# STANDING COMMITTEE ON GOVERNMENT OPERATIONS

## REPORT ON THE REVIEW OF BILL 31: NORTHWEST TERRITORIES 9-1-1 ACT

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INTRODUCTION

The Standing Committee on Government Operations ("the Committee") is pleased to report on its review of Bill 31: Northwest Territories 9-1-1 Act.

Bill 31, Northwest Territories 9-1-1 Act, sponsored by the Department of Municipal and Community Affairs (MACA), has been referred to the Standing Committee on Government Operations for review. The bill proposes to:

- Direct the Minister of Municipal and Community Affairs (MACA) to establish a territorial 9-1-1 service;
- Bind the Government of the Northwest Territories (GNWT);
- Establish a 9-1-1 cost-recovery fee, to be paid by local landline and wireless/mobile subscribers and collected by telecommunications carriers;
- Mandate the participation of local authorities, and emergency service providers; and
- Mandate the participation of telecommunications carriers, who will be required to comply with any prescribed registration and reporting requirements, and who will also be required to bill subscribers, collect the fee and remit it to the GNWT.

BACKGROUND

In 2015, the Department of Municipal and Community Affairs commissioned a report by Pomax Consulting, a firm headquartered in Ontario that provides independent emergency service consulting expertise to public governments at all levels and to public safety organizations. That report,¹ which presented

recommendations and an implementation plan for a territory-wide 9-1-1 service, was completed in January 2015. The report found that the Northwest Territories was well positioned to move forward with the implementation of basic 9-1-1 service.

Basic 9-1-1 service requires the caller to verbally identify the location from which they are calling, unlike enhanced 9-1-1 which uses automated number identification technology. With this in mind, basic 9-1-1 service was confirmed by the consultant to be the most cost-effective and timely option available for implementation in the Northwest Territories, provided it was done in partnership with an existing NWT emergency dispatch service provider. The consultant also noted that implementation of a basic 9-1-1 service would avoid the considerable technology, cost and timing challenges associated with enhanced 9-1-1, which was becoming rapidly outdated, and would not preclude the Northwest Territories from moving directly to next-generation fibre-optic 9-1-1 technology in the future.

In May 2015, MACA presented the Pomax report to the 17th Assembly Standing Committee on Economic Development and Infrastructure which, at that time, had responsibility for the oversight of MACA. The Department also committed to working with the City of Yellowknife to validate cost and planning assumptions associated with a proposal to house 9-1-1 with the Yellowknife Fire Department. In September of the same year, Pomax Consulting delivered an addendum\(^2\) to their original report, which updated the cost estimates for the proposed service. For those who are interested, both reports are available online.

Subsequent to the commencement of the 18th Legislative Assembly in November 2015, responsibility for the oversight of MACA was transferred to the Standing Committee on Government Operations. Since the outset, this Standing Committee has taken a keen interest in 9-1-1 and has advocated for its implementation. Members were briefed on the department’s work, including the planning work related to the establishment of a 9-1-1 emergency service in the Northwest Territories.

Members were, therefore, disappointed to note that funding for the implementation of 9-1-1 emergency service was not included in the GNWT’s 2016-2017 Business Plan, which stated only that “Research has been completed

on 9-1-1 and the initiative is under consideration as a future strategic priority of the GNWT.”

At the conclusion of the 2016-2017 Business Plan review, the Committee expressed the view that the value and life-saving potential of a 9-1-1 system in the NWT far outweighs the relatively small investment of costs set out in the Pomax report, which identified one-time start-up costs of $616,100 and ongoing annual operational costs of $869,300. Committee urged the department to move forward with the implementation of 9-1-1 without delay.

On the basis of the costs identified in the Pomax report, Committee also supported implementation of basic 9-1-1 service on a full cost-recovery basis, which would require a monthly user fee estimated at approximately $1.15 per subscriber. Committee took note that this fee, according to Pomax, “is noticeably higher than the rest of Canada” and “likely attributable to the low volume of phone subscribers in the north.” For comparison purposes, the monthly user fee in Newfoundland and Labrador was, at the time, $0.75, the fee in Prince Edward Island was $0.70 and in Saskatchewan $0.62.

It is important to note that the fee estimate is exclusive of any tariff authorized by the Canadian Radio-television and Telecommunications Commission (CRTC). This additional tariff, if approved by the CRTC, may be collected by an incumbent service provider – in this case, NorthwesTel – for costs associated with implementing and maintaining a 9-1-1 network, including trunk lines, selective routing software and lines terminating at the dispatch centre. As yet, these costs are unknown, but were estimated in 2015 to potentially add an additional $0.27 to $0.47 to each subscriber’s monthly user fee for 9-1-1. The potential impact of these additional costs has been factored into Committee’s assessment of the bill.

The Department of Municipal and Community Affairs has continued to be responsive to the Standing Committee’s requests for information related to this initiative. In March 2018, the Honourable Caroline Cochrane, then Minister of Municipal and Community Affairs, and the Honourable Glen Abernethy, Minister of Health and Social Services, met with Committee to update Members on...
decision to co-locate the 9-1-1 dispatch centre with Med-Response – the service currently used by the GNWT for the dispatch of medevac flights for residents in need of urgent medical care – rather than with the Yellowknife Fire Department.

Additionally, Committee was most pleased to note the inclusion of funding in the Department’s 2017-2018 Budget, and in each subsequent budget, for costs associated with the planning and implementation of 9-1-1. The Committee wishes to take this opportunity to thank the previous Minister of Municipal and Community Affairs, the Honourable Caroline Cochrane and the current Minister of Municipal and Community Affairs, the Honourable Alfred Moses, for their willingness to work with Committee on this initiative. Committee also thanks all Members of Cabinet for their responsiveness to the Committee’s requests for funding of this initiative, despite it not having been identified in the government’s mandate.

Bill 31 received Second Reading in the Legislative Assembly on November 1, 2018 and was referred to the Standing Committee on Government Operations for review. It was with great anticipation that the Committee started its review of Bill 31: Northwest Territories 9-1-1 Act, the results of which are reported below.

THE PUBLIC REVIEW OF BILL 31

To commence its review of Bill 31, the Standing Committee on Government Operations sent letters inviting input from an extensive list of stakeholders, including all municipal and Indigenous governments in the Northwest Territories, and a number of non-governmental organizations.

During the week of January 21, 2019, the Committee traveled to and held public meetings in Fort Smith, Inuvik and Fort McPherson, returning to Yellowknife for a final public meeting on January 24, 2019. Committee thanks every individual and organization who attended these meetings in order to share their views on 9-1-1 with the Members.
WHAT WE HEARD

Qualified Support Depending on the Cost

The support that Committee heard for 9-1-1 could best be characterized as “mixed.” The City of Yellowknife commended the GNWT for contemplating Bill 31, noting that the “implementation of a 9-1-1 system quite simply saves lives,” and that it “achieves this by eliminating any doubt or delay regarding the correct number to call in an emergency.” The City of Yellowknife also noted that “as tourism increase[s] the numbers of visitors to our city, it is becoming increasingly important to have a 9-1-1 system that is recognized by travelers worldwide, to ensure that emergencies are reported in a timely manner to avoid adverse consequences.”

Not all comments were as supportive, however. Mr. Bill Buckle, Senior Administrative Officer for Fort McPherson said “I hate to say it, but it’s really more of a Yellowknife problem with a Yellowknife solution.”

Mr. Clarence Wood, current President of the NWT Association of Communities, with twenty years of experience on Inuvik Town Council told the Committee he is concerned about the cost of the service and its efficiency. He posed the question “Why pay for something when we don’t have cell service across the territory?”

In general, Committee heard qualified support for bringing 9-1-1 emergency service to the Northwest Territories. Most people who supported it saw the value in having a universal emergency number across the Northwest Territories, but were not prepared to subsidize the service at any cost.

Mr. Dez Loreen, of Inuvik said he thought it was “cool” that 9-1-1 is coming to the Northwest Territories. He noted that he would be comfortable paying a surcharge, but wondered if the service could be introduced in a staged fashion, so only those who have access would have to pay.

A comment made by Ms. Anna Kikoak, of Fort Smith, resonated with Committee Members. She said, “One of the things that ties us together in the north is that we take responsibility for one-another; I would be willing to pay a little more [for 9-1-1] to help others.”
From the input received, Committee took away the message that people were prepared to pay a user fee for 9-1-1 service, but that costs should be kept as affordable as possible for the end user in these difficult economic times.

**Desire for Better Cellular Coverage**

Committee heard comments about the limitations of the current cellular service in the Northwest Territories. In Fort McPherson, Mr. Richard Nerysoo pointed out that cell service is sporadic around town and that smaller communities won’t benefit from 9-1-1 if they don’t have the infrastructure. Mr. Buckle suggested that maybe it would be better to spend the money on expanding cell service on the highway. The Hamlet of Tulita wondered if the GNWT was preparing to lobby Bell Canada to encourage them to install more cellphone towers along existing highways. In developing its recommendations to government, Committee considered this input in the context of the future growth of the Northwest Territories.

**Need for Training and Support to Communities**

Mr. Buckle, drawing on his experience as the Senior Administrative Officer for Fort McPherson, noted that it will be important for MACA to have an assessment of what infrastructure is in each community before implementing 9-1-1.

Mr. John Itsi, an elder in Fort McPherson, emphasized how important training is, not only for implementing the 9-1-1 system, but for everyone who is involved in emergency response.

Mr. Grant Hood, Senior Administrative Officer with the Town of Inuvik noted that Inuvik currently uses a 24-hour per day external call centre, and wondered if this system would become redundant with 9-1-1.

In a submission received from Tulita, the Hamlet Council noted its understanding that small, remote communities, such as Tulita, may never be fully 9-1-1 compliant, because there may not be a full need for the service. “After all,” the submission observed, “a resident wouldn’t call 9-1-1 and request an ambulance if there isn’t an ambulance in the community.” With that said, the community noted its willingness to take steps to become 9-1-1 compliant by implementing a civic addressing system with standardized street signage and house number, but
noted the need to make “special one-time funding and resources available to the communities in aid of this transition.”

The City of Yellowknife pointed out that it currently operates a dispatch service receiving calls for fire, ambulance and other emergency situations and that the proposed Northwest Territories 9-1-1 Act will bind the participation of the City as a local authority, which will be the case for all local authorities in the Northwest Territories. The City also expressed its concern about any increased cost of living for residents. On this basis, the City made clear its position “that the GNWT must undertake detailed consultation with the City of Yellowknife to ensure successful implementation of 9-1-1 services,” and that “the GNWT must fund any costs incurred by the City of Yellowknife as a result of the transition to a 9-1-1 system, such as incremental costs incurred as a result of any necessary improvements to the Yellowknife fire dispatch…and telephone network costs that are not covered by 9-1-1 fees charged on monthly phone bills.”

When questioned by Committee, representatives from the City of Yellowknife indicated that they would be interested in participating in an implementation working group. They also noted that their last discussion with MACA on the subject was in the spring of 2018, when the City was advised of government’s decision to co-locate 9-1-1 services with MedResponse.

The concerns raised by those representing municipal authorities and those who have experience working for them demonstrates that there is a great need for information about the implementation and operation of the proposed 9-1-1 system on the part of local governments.

**Need for Further Public Information**

Committee heard a number of questions from the public. People were interested in knowing how the system will work. They asked whether the government intends to get rid of the existing emergency numbers. They asked whether there are any communities in the Northwest Territories using 9-1-1 right now.

There was also a recognition of the benefit that 9-1-1 would bring for tourists visiting the NWT and for travelers to other communities. However, Committee was cautioned that information for the public should ensure that people are made aware that 9-1-1 will not work on those parts of the highways where there is no
cellular service. One of the elders in Fort McPherson stressed the importance of uncovering and upgrading the kilometer marker signs on the highways.

Committee is aware that MACA has been developing public information, the release of which will be timed to coincide with the launch of 9-1-1.

WHAT WE DID

9-1-1 System Costs and Affordability

Committee initially supported a full cost recovery approach to funding 9-1-1 based on the basis of the estimates set out in the September 2015 Addendum to the Pomax report. Since that time a number of events have occurred. Significant assumptions in the report have changed, including the decision to co-locate the service with MedResponse. Committee has consulted with the public on the Bill. As well, the department has confirmed that key information related to the budget estimates for the 9-1-1 service are based on proprietary information that has not yet been confirmed. This includes the estimated number of devices the fee estimate is based on and the amount of the additional CRTC-approved charge that may be levied on users by the incumbent telephone company to cover its costs for systems operation and fee collection.

Committee developed a proposal to amend Bill 31 that would see user fees capped at no higher than $1.70 per subscriber per month for the first three years of the operation of the 9-1-1 service. This is figure is significantly higher than the original $1.15 quote and is at the higher end of the range of $1.35 to $1.77 per subscriber per month quoted on the department’s web site.5

The cap will allow for the Department of Municipal and Community Affairs to compile at least two years of actual operational data. This data can then support an informed discussion about whether NWT residents should pay for the full cost of 9-1-1 through user fees, or whether the GNWT should consider subsidizing the service on an ongoing basis to keep user fees in line with fees in other Canadian jurisdictions.

5 9-1-1 Frequently asked questions: https://www.maca.gov.nt.ca/en/services/nwt-911-implementation-project/faqs, Department of Municipal and Community Affairs, GNWT.
The cap is designed to sunset after three years, making it a temporary measure. Should the 19th Legislative Assembly wish to continue to cap the user fee, the legislation would have to be amended. This proposal gives Committee some comfort that they haven’t supported full cost recovery being passed on to end users in the absence of full and substantiated operational program costs.

**Cellular Coverage**

Committee notes that, with the emphasis placed by the GNWT on the development of the Northwest Territories highway infrastructure, through projects such as the Tłı̨chǫ All-season Road, the Mackenzie Valley Highway and the Inuvik-Tuktoyaktuk Highway, the demand for cellular service in the Northwest Territories is only going to grow over time. Committee also notes that increased cellular coverage will be vital to ensuring motorist safety on NWT highways in the future. Accordingly, the Committee makes the following recommendation:

**Recommendation 1**

The Standing Committee on Government Operations recommends that the Department of Municipal and Community Affairs work with the Department of Finance to develop a strategic approach designed to secure support and funding to expand cellular coverage in the Northwest Territories, as part of a national cellular network.

Committee recommends that this strategic approach identify current cellular coverage, along with funding needs and goals for future cellular coverage, and timelines associated with system improvements.

Committee further recommends that this strategic approach consider appropriate ways to involve of the Government of Canada, the Canadian Radio-television and Telecommunications Commission (CRTC) and large cellular service providers such as Telus and Bell Canada in any system-improvement efforts.
Training and Support to Communities

Committee clearly heard that community governments are concerned about the financial and operational impacts of implementing territory-wide 9-1-1. The City of Yellowknife correctly points out the Bill 31 mandates the participation of local authorities in the operation of the 9-1-1 service, yet this appears to be inconsistent with information provided on MACA’s website and reported in the media that participation is optional. It is important that MACA update all of its public information on 9-1-1 to be consistent with the provisions contained in the version of the Act that receives assent.

Committee notes the information contained in the Pomax report indicating that civic addressing is not a requirement for basic 9-1-1. Committee understands that this is one of the reasons the GNWT chose to move forward with basic, rather than enhanced 9-1-1. Nonetheless, the Hamlet of Tulita is of the understanding that civic addressing is a necessary step to becoming 9-1-1 compliant and it is likely that other small communities share this understanding. MACA confirmed for Committee that the Department has planners available to assist communities with street names and addressing, as noted by Tulita in its submission. It is important that MACA ensure that communities are clear in understanding the relationship between the basic 9-1-1 system being implemented and the role of civic addressing.

Committee heard that communities are concerned about their implementation costs, yet the department has been quoted as saying that there will be no costs to communities. It is important for MACA to have a dialogue with communities about the implementation of 9-1-1 to ensure a shared understanding of the costs that will be incurred as a result of implementation, and how those costs will be handled.

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6 Subclause 3(2) of Bill 31 provides that “Telecommunications carriers, every local authority and every emergency service provider shall participate in the establishment and operation of the NWT 9-1-1 service.”

7 As at February 19, 2019, MACA’s website FAQ’s include the question “Would implementation require all communities to participate?” and the answer “As with other provincial 9-1-1 systems, communities would be able to choose the emergency services they offer and how they offer them. However, the 9-1-1 call centre would be available from the onset to everyone.”

8 On May 28, 2015, in an article titled “NWT 911 service possible, says Minister,” CBC News quoted a MACA official as saying that no community would be forced to use 911.

9 Yellowknifer, “Implementing 911 will not have start up costs for the city,” February 1, 2019, p. 14.
The questions that Committee heard, and the apparent inconsistencies in understanding about what 9-1-1 will require, raise concern as to whether the department has done the necessary planning and communication to ensure that their local government partners will have the knowledge required to confidently meet a June 2019 go-live date. When asked by Committee if the City of Yellowknife was prepared for a June go-live date, Mayor Rebecca Alty replied that it remained to be seen. She also indicated that the City would be interested in participating on a working group.

To ensure successful implementation, direct and extensive involvement by MACA of all local governments in the implementation of 9-1-1 will be vital. As anxious as Committee Members may be to see 9-1-1 implemented, they caution the department to take the time needed to launch the service correctly.

Recommendation 2

The Standing Committee on Government Operations recommends that the Department of Municipal and Community Affairs develop a detailed municipal implementation plan that sets out the information and supports needed by each local authority to ensure successful implementation of NWT-wide 9-1-1 service.

The Standing Committee further recommends that this implementation plan identify a realistic timeframe for discussion with local authorities and that the Department be prepared to adjust the go-live date to a later date, if necessary, to accommodate the consultation needs of local authorities.

Public Information

It is important that all residents of the Northwest Territories and all visitors to the Northwest Territories understand how the 9-1-1 system is intended to work, the relevant operational dates and the responsibilities of individual system users.

The Committee recognizes that the department is in the process of developing a communications campaign aimed at developing public awareness. Committee strongly encourages the department to review its currently-available public
information to ensure that it is consistent with the provisions of the Northwest Territories 9-1-1 Act as assented to by this House.

With respect to the provisions in the Bill, clause 7 of Bill 31 makes it an offence for anyone to use an automatic dialer to place a 9-1-1 call. This offence is subject to a fine of up to $500. Committee was concerned that Members of the public might not be familiar with the term “automatic dialer,” and could misunderstand clause 7 as a prohibition against using the speed dial function on one’s phone. An automatic dialer is an electronic device or software that automatically dials telephone numbers, for the purpose of playing a pre-recorded message. Placing these types of calls – a practice referred to as “robo-calling” – is often associated with political and telemarketing phone campaigns, but can also be used for public-service or emergency announcements. Committee proposed an amendment to clause 7 of Bill 31 providing that, for greater certainty, an automatic dialer is not to be confused with the speed dial function on a personal phone or alarm.

Committee also considered the importance of public information being made available by the Department of Municipal and Community Affairs, to allow for a better public understanding of how the 9-1-1 system is working and being used in the Northwest Territories. As a result, Committee proposed an amendment to Bill 31 to require mandatory annual reporting on the 9-1-1 service. The motion sets out the information Committee Members would like to see included in the annual report, including: the total number of 9-1-1 calls received in each Official Language and from each community or region of the Northwest Territories; the total funds collected through imposition of the cost recovery fee; a breakdown of the operational costs of the service; and information regarding the performance of the service.

CLAUSE-BY-CLAUSE REVIEW OF THE BILL

The clause-by-clause review of the Bill was held on February 21, 2018. At this review, the Committee moved the following motions:
Motion 1: That Bill 31 be amended by adding the following after subclause 4(4):

Subclause 4(5) – [Limit on cost recovery fee amount]:

For a period of three years following the coming into force of this section, the cost recovery fee established under subsection (1) shall be no more than $1.70 per month.

Minister Moses concurred with this motion and the motion was carried.

Motion 2: That Bill 31 be amended by adding the following after subclause 7(2):

Subclause 7(3) For greater certainty, subsection (1) does not prohibit a person from programming the number 9-1-1 on any speed dial feature of any communications device.

Minister Moses concurred with this motion and the motion was carried.

Motion 3: That Bill 31 be amended by adding the following after clause 11:

REPORTING

11.1.(1) For the purposes of this section, “Official Language” means a language referred to in section 4 of the Official Languages Act.

(2) The Minister shall, within 90 days following the end of each fiscal year, table a report of the NWT 9-1-1 service in the Legislative Assembly, which includes, for the preceding fiscal year,

(a) the total number of 9-1-1 calls received, including the number of calls received

(i) in each Official Language of the Northwest Territories,

(ii) from each community or region of the Northwest Territories, and

(iii) in each month of the preceding fiscal year;
(b) the total funds collected through imposition of the cost recovery fee;
(c) a breakdown of the operational costs of the service; and
(d) information regarding the performance of the service.

Minister Moses concurred with this motion and the motion was carried.

CONCLUSION

This concludes the Standing Committee on Government Operations’ Review of Bill 31. Committee wishes to thank the Minister for his concurrence with the motions to amend the Bill that were moved during the clause-by-clause review. Committee also thanks Cabinet for its support of and funding for this important initiative.

Recommendation 3

The Standing Committee on Government Operations recommends that the Department of Municipal and Community Affairs provide a response to the recommendations contained in this report within 120 days.

Following the clause-by-clause review, a motion was carried to report Bill 31: Northwest Territories 9-1-1 Act, as amended and reprinted, as ready for consideration in Committee of the Whole.

The Committee thanks the public for their participation in the review process and everyone involved in the review of this Bill for their assistance and input.
APPENDIX 1

SUBMISSIONS
The Standing Committee received the attached written submissions:
Greetings from the Hamlet of Tulita.

As part of the Regular Council Meeting, held on January 14th, Council for the Incorporated Hamlet of Tulita discussed the request for feedback and comments on Bill 31 – 9-1-1 Act. These notes summarize their comments:

Council understands that small remote communities, such as Tulita, may never be fully 9-1-1 compliant because there may not be a full need. After all, a resident wouldn't call 9-1-1 and request an ambulance if there isn't an ambulance in the community.

That being said, there is basic work that a community can do to work toward 9-1-1 Compliance such as:
- a. Proper civic addressing
- b. Proper standardized street signage & house numbering

While there are some existing resources to achieve these basic steps (e.g.: MACA has planners that can assist with street names & addressing) there is little funding or incentive to complete these basic tasks.

Further, there is question about the amount of assistance that would be available from the GNWT regarding the ‘second step’ in the process: How the new civic addressing would be shared with Land Titles, updating Assessment Roles, Drivers’ Licenses, Utility Accounts, Passports, ... updating any place a civic address is important.

Becoming 9-1-1 Compliant would be a positive move, and a demonstration of true support for the 9-1-1 integration process, if the GNWT made special one-time funding and resources available to the communities in aid of this transition.

As an additional side note, is the GNWT preparing to lobby Bell to encourage them to install more cellphone towers along existing highways?

Kindest regards,

Larry Baran
Interim SAO
Hamlet of Tulita
867-588-4351 (Office)
867-588-4908 (FAX)
403-485-3568 (Cell)
Bill 29: An Act to amend the Access to Information and Protection of Privacy Act

This Bill amends the Access to Information and Protection of Privacy Act to provide for the application of the Act to municipalities that are designated in regulations.

Bill 31: Northwest Territories 9-1-1 Act

This Bill creates directs the Minister of Municipal and Community Affairs to establish the NWT 9-1-1 service, a service for receiving and transferring emergency calls within the NWT

PRESENTATION BY
THE CITY OF YELLOWKNIFE

Thursday, January 24, 2019 - 7:00 P.M.
Committee Room “A” - Legislative Assembly Building
Yellowknife, Northwest Territories

Chair Kieron Testart
Deputy Chair R.J. Simpson
Kevin O’Reilly
Daniel McNeely
Michael Nadli
Herb Nakimayak
Good evening, Chairman and Committee Members.

On behalf of the City of Yellowknife, I want to thank you for the opportunity to appear before the Standing Committee today, it is a pleasure and an honour.

PREAMBLE AND POSITIONING:
I am pleased to represent the City of Yellowknife in sharing our perspective on the bills currently before Committee. This is the first opportunity that we have been invited to engage or seen the proposed legislative amendments to ATIPP and the draft bill for 9-1-1. In the spirit of partnership, we always appreciate being meaningfully engaged on issues that affect us, and encourage the GNWT to work with us sooner than later in the preparation of legislative proposals and legislation that impacts community governments. As direct stakeholders, we have a lot of value to add. My remarks will initially focus on the effects of the proposed amendments to the Access to Information and Protection of Privacy Act. I will then address the proposed legislation to establish a territorial-wide 9-1-1 service.

1. BILL 29 – An Act to amend the ACCESS TO INFORMATION AND PROTECTION OF PRIVACY ACT

Openness and transparency are the cornerstones of good government and discussion about the access to public records and protection of personal information are often at the forefront of public debate.
The City of Yellowknife supports and encourages practices, policies and legislation that provide the public with the appropriate tools to hold municipal governments accountable for their decisions. Governance and decision-making at the municipal level is more transparent than at other orders of government as defined in our governing legislation. When determining the framework for access to information and appropriately upholding privacy, the territorial government must give consideration to the size and capacity of municipal governments, as well as the cost relative to the benefits.

(i) Current Status

Although the territorial Access to Information and Protection of Privacy Act has not yet applied to the City or any other municipal government in the NWT, we are governed by federal access and privacy legislation, the Personal Information Protection and Electronic Documents Act (PIPEDA). In practice, we have developed systems and procedures in the interest of increased transparency and accountability, including providing broad access to information, and engaging and informing the public. In addition, we consider every request for information and privacy issue in accordance with PIPEDA and also the purpose and principles outlined in the current territorial privacy legislation.

(ii) Openness and Transparency

The proposed amendment to include municipalities under ATIPP builds on a tradition of openness in municipal government. Municipalities in the Northwest Territories have a long history of governing and making decisions at meetings that are open to the public. The federal and provincial governments have Executive Councils, which meet in private and have significant executive decision-making authority. Municipalities have the most open decision-making process of the three orders of government in Canada. Municipal councils are permitted to hold private meetings, but only in relation to very specific matters that require confidentiality.

As municipal officials, we recognize that the work of municipalities impacts the daily lives of citizens, so it's important to make information readily available to the public. Many of our municipalities are already doing an excellent job of providing access to municipal records, as...
well as providing municipal information online. In recent years, websites have become more prevalent tools of open communication - less expensive to develop and easier to update. This has contributed to the growing amount of municipal information available on municipal websites; however, the workload and competing priorities in some municipal offices continues to be an obstacle to keeping information online current.

(iii) Role of Information and Privacy Commissioner

I’d like to address the proposed amendments regarding the role of the Information and Privacy Commissioner next. Amendments to the Act propose to update the general role of the Information and Privacy Commissioner and expand the ability of the Information and Privacy Commissioner from performing reviews and making recommendations based on a request from the public to initiating reviews related to a privacy breach without receipt of a formal complaint. It is the City’s position that the duties of the Information and Privacy Commissioner should remain at the arm’s length and investigative role until such time as the effect of the application of the Act to municipalities can be assessed, specifically whether the Information and Privacy Commissioner is faced with an increase in volume of complaints.

(iv) Resources

The amendments introduce many changes that affect municipal governance and administration. Imposing the Act on municipalities could represent a significant cost and administrative burden to municipal governments that already suffer from a lack of resources, including underfunding by the GNWT, as per the GNWT’s own methodology.

Frankly, the City of Yellowknife, the largest municipal government in the territory thereby appearing to have the internal expertise needed for administration of the Act, is concerned about the capacity required to address the volume of access requests, especially in light of the proposed amendments to reduce timelines. Records management is an area that many municipalities have not had the capacity to comprehensively and proactively manage. While we are all working to enhance our capacity, support will be needed to enable a systematic approach to ensuring there is municipalities are able to respond to ATIPP requests. The Act will
require the City (section 68.1) to designate a coordinator to receive and process requests, coordinate responses, communicate with applicants and third parties, and track requests and outcomes. The designated staff person will have to make a determination as to what information can be released under the law and what information is protected. Furthermore, requests for information may involve third parties that have to be consulted. This can result in a process that is more time consuming, which must be balanced with other municipal pressures and priorities. We would suggest that fulsome analysis be undertaken by GNWT to identify the process flow differences between PIPEDA and ATIPP as they apply to municipalities to fully comprehend the impacts that we could be facing.

If the Access to Information and Protection of Privacy Act is amended to include municipalities, it is imperative that the territorial government provide appropriate financial, records management and training resources to municipalities.

2. BILL 31: NORTHWEST TERRITORIES 9-1-1 ACT

The City of Yellowknife commends the territorial government for contemplating Bill 31. Implementation of a 9-1-1 system quite simply saves lives. A 9-1-1 system achieves this by eliminating any doubt or delay regarding the correct number to call in an emergency. As tourism increase the number of visitors to our city, it is becoming increasingly important to have a 9-1-1 system that is recognized by travelers worldwide to ensure that emergencies are reported in a timely manner to avoid adverse consequences.

(i) Current Status

The City of Yellowknife currently operates a Dispatch Service that receives emergency calls for fire, ambulance and other emergency situations. The proposed Northwest Territories 9-1-1 Act will bind the participation of the City of Yellowknife as a local authority. It is the City’s position that the GNWT must undertake detailed consultation with the City of Yellowknife to ensure successful implementation of 9-1-1 services.
(ii) Costs

The City of Yellowknife Yellowknife has always expressed an interest in working with the GNWT specifically, Municipal and Community Affairs, towards implementing 9-1-1 services for our residents. However, having recognized that implementation of 9-1-1 service is a high priority, the costs associated with territory-wide coverage are significant and the City has concerns about any increased cost of living for our residents. It is the City’s position that the GNWT must fund any costs incurred by the City of Yellowknife as a result of the transition to a 9-1-1 system such as incremental costs incurred as a result of any necessary improvements to the Yellowknife fire dispatch as a result of implementation of territorial wide 9-1-1 and telephone network costs that are not covered by 9-1-1 fees charged on monthly phone bills.

CONCLUDING REMARKS:

In the updated priorities of the 18th Legislative Assembly, the GNWT commits to building stronger relationships with community governments and stakeholders. By adopting the amendments proposed in Bill 29 and Bill 31, Members must ensure that the community governments which are most affected are consulted meaningfully and included throughout the process in accordance with this clearly stated priority.

Municipal governments have an open and transparent decision-making process, and the City has embraced modern practices and policy directions to build on that tradition. If including municipal governments in ATIPP is deemed necessary, the GNWT must take a staged approach with respect to implementation within municipalities that includes the provision of training and financial resources to effectively implement an ATIPP program prior to designating them as a public body under the Act.

Thank you for this opportunity to meet with the Standing Committee on Government Operations today.