



NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY

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The Honourable Tony Whitford, Speaker

Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES

Monday, March 11, 2002

Members Present

Honourable Roger Allen, Honourable Jim Antoine, Mr. Bell, Mr. Braden, Mr. Delorey, Mr. Dent, Mrs. Groenewegen, Honourable Joe Handley, Honourable Stephen Kakfwi, Mr. Krutko, Mr. Lafferty, Ms. Lee, Mr. McLeod, Honourable Michael Miltenberger, Mr. Nitah, Honourable Jake Ootes, Mr. Roland, Honourable Vince Steen, Honourable Tony Whitford.

ITEM 1: PRAYER

-- Prayer

SPEAKER (Hon. Tony Whitford): Thank you. Mr. Bell. Please be seated. Good afternoon.

As the Speaker, and on behalf of all Members, I am pleased to recognize today March 11, 2002, as Commonwealth Day, which has as its theme this year Celebrating Diversity. In a moment, I will read a message from Her Majesty the Queen commemorating this important occasion, but first I would like to take this opportunity to recognize a number of other important anniversaries that came to pass over this past weekend.

Yesterday marked the 27th anniversary of the first fully-elected Assembly of the Northwest Territories.

-- Applause

Prior to the election held on March 10th, 1975, the Northwest Territories was under the direction of the then Commissioner, Mr. Stuart M. Hodgson, with the council consisting of 10 elected Members representing the whole Northwest Territories, three appointed Members and the Deputy Commissioner, Mr. Parker.

The first session of the first fully-elected Legislative Assembly was held on May 4th of that same year and saw the election of the first Speaker of the Assembly, Mr. David H. Searle, the only Member representing Yellowknife. Mr. Searle was the first of my predecessors to take the reins from then Commissioner, Stuart Hodgson, and assume the chair as Speaker of the Legislative Assembly.

In passing the torch to the 15 newly-elected Members, Mr. Hodgson stated the following:

I am sure none of us are under any illusions that this is going to be clear sailing from here on for the rest of the journey. We have a long way to go with a new ship and like any similar situation a lot of it is trial and error. It will take some time to get used to it, but if all those involved dedicate themselves to the principle and make it work and give full support to the new council structure, then I believe that territorial residents will be assured that this is indeed a forward step along the path to responsible government.

I think Mr. Hodgson's words are as fitting today as they were some 27 years ago as we move our Territory forward into uncharted waters.

In addition to the first fully-elected Assembly being held on March 10th, 1975, March 10th, 1983, also marks the first day of

Mr. David Hamilton's distinguished 19-year career as Clerk of the Legislative Assembly.

-- Applause

Congratulations, Mr. Hamilton, for your continued dedication to sound parliamentary procedure and doing your part in keeping our ship sailing smoothly.

I would also like to note that the Commonwealth Parliamentary Association is once again organizing an event for youth in London today. I am happy to announce that the NWT's representative to this year's Commonwealth Day event is Mr. Stephen Dunbar. Mr. Dunbar, as you know, is no stranger to this Assembly as he worked here as a constituency assistant last summer. He is currently studying at a university in England. Today, Mr. Dunbar will attend discussions on the Commonwealth, attend an observance at Westminster Abbey attended by Her Majesty the Queen and tour the United Kingdom Houses of Parliament. I know that Mr. Dunbar will represent our Territory well and will learn a great deal today.

And now, a message from Her Majesty the Queen entitled, Celebrating Diversity.

Over the last 50 years the Commonwealth has undergone a remarkable transformation from an association defined by its history into the modern, multicultural organization we know today. Across those years, it has been the privilege of many of us to witness that evolution; to see at first hand the contributions made by the Commonwealth's leaders, as evident in Australia last week; and to share in the enthusiasm and warmth of its peoples.

Today the Commonwealth is a meeting place for north and south, east and west. It is built on diversity, which is why this year's theme, Celebrating Diversity, goes to the heart of the association.

Politically, the Commonwealth sees its diversity as a strength. That was certainly true of its invaluable contribution to the ending of apartheid in South Africa. The practical assistance it was able to offer in such a crucial area reflects the kaleidoscope of its membership and its expertise. As a result, the Commonwealth was able to work with all the different communities of what is now proudly called, the rainbow nation. Bridging social and political divides has also been a feature of the Commonwealth's continuing work in seeking to encourage democracy, good governance, the rule of law and respect for human rights.

In all this, we recognize that promoting diversity is not just tolerating difference. Living together as

neighbours needs more than that. The true celebration of diversity involves reaching out, recognizing and embracing difference, and in so doing enriching our lives. It requires respect for others and a readiness to learn from them; recognizing that we have duties as well as rights; and seeking to leave the world a better place than the one we inherited.

As each of the last 50 years has passed, so too has our appreciation of the contribution made by the Commonwealth, an association of peoples as much as it is of governments, bound together by ideals as well as interests. If the Commonwealth is to remain a force for good, we must ensure that those ideals are carried forward by the millions of young people across the world who are its future, so that they too can celebrate and build on the diversity of this unique organization.

That is signed by Elizabeth R. March 11th, 2002.

-- Applause

Item 2, Ministers' statements. The honourable Minister responsible for Municipal and Community Affairs, Mr. Steen.

ITEM 2: MINISTERS' STATEMENTS

Minister's Statement 33-14(5): Update on Drinking Water Issues

HON. VINCE STEEN: Thank you, Mr. Speaker. Mr. Speaker, access to safe and clean drinking water is an important issue for all residents of the Northwest Territories. I know it is also an issue that my fellow Members are interested in. Today I would like to update the House on some of the work that the Government of the Northwest Territories is doing in this area.

As Members are aware, responsibility for water is shared among many partners. The GNWT, community governments, water boards and the federal government all play a role in providing good quality water. In the GNWT, the responsibility is shared among three departments.

- The Department of Municipal and Community Affairs funds training for water treatment plant operators and provides funding for new water and sewer infrastructure. It also works with community governments to identify needs for water and sewer infrastructure.
- Public Works and Services provides project management services and technical support to MACA and community governments. In some communities, Public Works and Services operates the water system.
- Health and Social Services regulates and monitors water quality under the Public Health Act.

These three departments work together to address many water-related issues that may come up. The departments recently completed a review of the roles and responsibilities of all agencies to ensure we have a coordinated response to water issues.

One area the GNWT is working on is training for water treatment plant operators. MACA is working with Public Works

and Services and community governments to identify training needs in communities. The Northern Territories Water and Waste Association will provide the necessary training. MACA provides community governments with funding to participate in the training, which is done to national standards.

MACA is also proposing to regulate the certification of water treatment plant operators. This may be done through changes to the public water supplies regulations under the Public Health Act. Community governments will be consulted before any changes are made.

Public Works and Services is conducting an operational review of community water treatment facilities. Some reviews have already been completed. The results and recommendations of those reviews are being shared with the communities and their MLAs. Public Works and Services expects to have the reviews completed by the end of 2002-2003.

It will be important to address any deficiencies identified by these reviews. MACA has identified capital funding in its 2002-2005 business plan for necessary upgrades. Funding will also be available through the Canada-NWT Infrastructure Agreement. This agreement will provide cost-shared funding for water and sewer projects to upgrade community infrastructure.

Mr. Speaker, helping NWT residents protect and improve their health is a key part of the GNWT's agenda. Work that we are doing to improve water system operation and train operators will help us reach that goal. Investing in new and upgraded infrastructure will also help us make sure that northern residents continue to have access to good water now and in the future. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Steen. Item 2, Ministers' statements. The honourable Minister responsible for Finance, Mr. Handley.

Minister's Statement 34-14(5): High Gasoline and Propane Prices in Yellowknife

HON. JOE HANDLEY: Thank you, Mr. Speaker. Earlier this session questions were raised in the Legislative Assembly regarding gasoline and propane prices in Yellowknife. There is no question that Yellowknife consumers are paying considerably more for their gasoline and propane purchases than consumers in the south.

The Department of Finance conducts a quarterly survey of gasoline and propane prices in Yellowknife, Hay River and Inuvik. The latest survey was conducted on February 28th, 2002, and found that the price of regular gasoline in Yellowknife ranged from a low of 74.9 cents a litre to a high of 82.4 cents a litre. Some retailers also offer additional discounts or promotions which further lower the price. These prices are considerably higher than the 51.0 to 58.5 cents per litre Edmontonians were paying on March 5th.

I would like to assure Members, Mr. Speaker, that Northwest Territories fuel tax rates are not the cause of this difference. At 10.7 cents per litre, the NWT tax rate is only 1.7 cents higher than Alberta's and is considerably lower than Saskatchewan's tax rate of 15 cents per litre, Ontario's rate of 14.7 cents per litre and Quebec's rate of 18.3 cents per litre, which includes

retail sales taxes. The NWT rate has remained unchanged since 1997.

The territorial tax rate comprises only a small fraction of the total price of gasoline. The retail price of gasoline in Yellowknife is composed of the federal excise tax, the goods and services tax, the NWT fuel tax, the Edmonton rack price and retailer's margins. The two principal determinants of the pump price of gas in Yellowknife are the Edmonton rack price and the retailer's margin, neither of which are subject to government control. On February 26th the Edmonton rack price was 26.1 cents per litre. Given a retail price of 82.4 cents per litre, this would make the retailer's margin 30.2 cents. However, the retailer's margin must cover the cost of transporting the gasoline from Edmonton to Yellowknife.

An Edmonton retailer pays the same rack price as Yellowknife retailers, and charging 56.8 cents per litre receives a margin of 8.7 cents per litre. Edmonton retailers can survive on a margin of this size because they sell much larger volumes of gas than Yellowknife retailers. On average, urban stations sell from three to six million litres of gasoline per year, which is approximately 400 to 800 litres of gasoline an hour. This allows them to cover their operating costs with lower margins. In addition, many southern retail outlets make the majority of their profit from their convenience stores, coffee shops and car washes, rather than on low-margin gas. The key determinant of the price at the pump is not taxes, but rather the volume of gasoline sold. Because Yellowknife retailers sell much smaller volumes of gas, they must charge more to cover their fixed and operating costs.

In order to determine whether the retailer's margin at 30.2 cents a litre on a pump price of 82.4 cents is excessively high, one would have to analyze the local retailers' fixed and operating costs and compare their costs to the industry standard. However, we do not have this information. Based on a survey from March 2000, we have some indication that retail margins are higher than they were a year ago. On the other hand, retailers have to cope with increasing wage rates, transportation charges and other costs.

With respect to propane, prices in Yellowknife have dropped from their March 2001 historical high of 63.9 cents a litre. As of March 5th, 2002, the price for auto propane in Yellowknife was 56.8 cents a litre. This is considerably higher than the auto propane price of 29.9 cents a litre Edmonton consumers currently enjoy. The discrepancy in price between Yellowknife and Edmonton is not due to fuel taxes, as this government does not levy fuel tax on propane. The difference is strictly the result of retailer margins, including transportation costs which are not subject to government control.

Mr. Speaker, I share Members' concerns about the high gasoline and propane prices in the NWT. However, I do not believe that the tax rate is the cause, nor will lowering taxes make a substantial difference in prices. In the long term, we must work towards lowering the cost of living in the North by reducing transportation costs and ensuring a competitive retail environment. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Handley. Item 2, Ministers' statements. The honourable Minister responsible for Education, Culture and Employment, Mr. Ootes.

Minister's Statement 35-14(5): Interchange on Canadian Studies/Echange sur les etudes canadiennes

HON. JAKE OOTES: Thank you, Mr. Speaker. Mr. Speaker, in April the Northwest Territories will welcome 300 delegates and chaperones from across Canada to the Interchange on Canadian Studies/Echange sur les etudes canadiennes conference. The interchange is an annual conference that gives high school students a chance to meet, listen to prominent speakers and share ideas and experiences significant to Canada and Canadians.

The delegates are grade 11 students who will be learning about our homes, the NWT, and how our lives and our lands are changed by major events like industrial development and the evolution of aboriginal self-government. Changing Land Changing Peoples/Monde en changement is the theme of the conference.

Mr. Speaker, the conference is being hosted by the Department of Education, Culture and Employment and Nunavut's Department of Education, with support from the Dogrib Community Services Board, Yellowknife Education District No. 1 and Yellowknife Catholic schools.

Students from outside Yellowknife will be billeted with local families. This particular interchange is unique because some Yellowknife families will be hosting both a northern and a southern student. The students who stay together share in the week-long academic and social activities. Next summer the student who hosted a Yellowknife visitor will complete the exchange by travelling to the visitor's home for a one-week stay.

Mr. Speaker, the list of speakers confirmed for the interchange conference is impressive. Dr. David Suzuki will deliver the keynote address to open the conference. Dr. Suzuki and speakers from northern and southern Canada will work with workshop leaders to help delegates understand and learn to question some of the big picture issues we deal with daily. Issues up for discussion include promoting and protecting language and culture, the importance of the environment, strengthening the economy, globalization and upholding the rights of indigenous people.

Our Premier, Stephen Kakfwi, will join Nunavut Premier Paul Okalik in the conference's closing address.

Mr. Speaker, the interchange is a unique opportunity for students from the North to connect with their peers from southern Canada and promote an understanding of and appreciation for the regions and people of Canada. I am certain delegates will leave the NWT with a deeper understanding and greater appreciation of the NWT and Canada. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Minister. Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Frame Lake, Mr. Dent.

ITEM 3: MEMBERS' STATEMENTS**Member's Statement on Kids Help Phone Bowlathon**

MR. DENT: Thank you, Mr. Speaker. Mr. Speaker, this past weekend, thousands of Canadians across Canada participated in the Kids Help Phone Bowlathon. This marked the 11th such annual event and it was, as always, a tremendous success. More than \$52,000 was raised towards the phone service in Yellowknife. This figure includes a generous donation of \$15,000 from the Yellowknife Elk's Lodge No. 314.

Mr. Speaker, the Kids Help Phone is a 1-800 national anonymous service available to children all across Canada. It gives them a chance to call toll-free anytime and talk with specially trained counsellors. It is estimated that one out of every eight Canadian children suffers from some form of abuse, whether physical, sexual or emotional. The Kids Help Phone offers them a safe way to get help without the pressure of face-to-face meetings.

Each day, Mr. Speaker, more than 1,200 calls are answered from children between the ages of five and 19. It costs the callers nothing and it should not. A happy childhood should be free to all children.

However, Mr. Speaker, keeping up with the demand for service is an extremely difficult task, and that is why, each year, Canadians are asked to step forward to help. I would like to thank my colleagues who did just that. Mr. Handley and Mr. Bell, MLA for Yellowknife South, bowled with me on the Yellowknife MLA team. I would also like to thank my colleagues in this House, many of whom donated very generously. In fact, most of whom donated very generously.

Mr. Speaker, our team raised the most money at the three o'clock time slot on Saturday. I know that senior staff were under an awful lot of pressure over the last couple of weeks as Minister Handley single-handedly raised more than \$600 towards the cause, tying with one other person for the top amount pledged.

-- Applause

Mr. Speaker, we did well at raising money. However, I have to tell you that our bowling prowess left much to be desired. We were definitely not in the running for any awards for our bowling. In fact, there were some who said the safest place to stand in the bowling alley was among the pins when we were bowling.

Mr. Speaker, I would also like to congratulate the Northwest Territories 5 Pin Bowlers Association. Both the Yellowknife zone of the 5 Pin Association and the adult league, as well as the Youth Bowling Council rallied more than 130 bowlers. There were also 200 individuals who came out or offered their time and raised money for the Help Phone.

In particular, I would like to congratulate Lynell Broadbent and the volunteers who coordinated this much needed and very successful event. A job well done.

Mr. Speaker, the Kids Help Phone number is 1-800-668-6868. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Dent. You may not have been the best bowlers, but you had fun. Item 3, Members' statements. The honourable Member for Tu Nedhe, Mr. Nitah.

Member's Statement on Treaty 8 Federal Court Decision on Taxes

MR. NITAH: Thank you, Mr. Speaker. Mr. Speaker, on Thursday afternoon there was a monumental decision by the federal court on Treaty 8, where the Treaty 8 members are exempt from paying federal income tax, at the very least. It is a federal decision, so it has implications for Treaty 8 members living anywhere in Canada, including the Northwest Territories, Mr. Speaker.

Mr. Speaker, that decision is positive in a lot of ways, and most importantly it is positive for the people of the Northwest Territories in the sense that it reaffirms the position that Treaty 8 elders and chiefs have been stating for years, that Treaty 8 in the Northwest Territories and in Canada was a peace and friendship treaty, that we did not give up our lands and resources. We agreed to live in co-existence. When the judge made that decision, he reaffirmed that position.

It is good for the people of the Northwest Territories who are Treaty 8, but, Mr. Speaker, I caution that we should take a wait-and-see approach on this issue. There is room for dissension amongst the members, especially within the Akaitcho territory.

The Akaitcho chiefs are in negotiations with the federal government and this government on implementing the treaty of 1900 signed in Fort Resolution. This may cause dissension because members who are in financial trouble today may want to take advantage of this decision right now, because it is law today. The federal government more than likely will appeal. I urge them not to. Decisions at this level in the courts have been made in favour of the aboriginal people and their positions on a consistent basis. It is unfair that the Canadian tax payer should be footing the bill for appeals that may not be beneficial. I urge them to talk with their chiefs and councils on the approach that should be taken in response to this decision. The Akaitcho chiefs will be having some meetings on this. I met with them on Friday. They are taking a cautionary approach to it. However, they see this as a very beneficial decision that reconfirms their position.

MR. SPEAKER: The time for your Member's statement is over, Mr. Nitah. Mr. Nitah.

MR. NITAH: Mr. Speaker, I seek unanimous consent to conclude my statement.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to conclude his statement. Are there any nays? There are no nays. You may conclude, Mr. Nitah.

MR. NITAH: Thank you, Mr. Speaker. Mr. Speaker, this decision is garnering national attention, and not all of it is positive. I read in the Edmonton Journal some columnists' opinions that are very negative, very stereotypical. Unfortunately, how the federal government spends their money in the Territories when it comes to aboriginal people, it is clear that they put that aside. They used numbers like \$15,000 per aboriginal person for social issues. Mr. Speaker, that is \$15,000 for any Canadian citizen that needs social assistance.

Those kinds of issues are not raised. When people feel they have been let down by the court system, they should take the time to get an understanding of treaties and the history of treaties and aboriginal and government relations in the Territories. You know, it was not until 1960 that aboriginal peoples were allowed to vote in this country. There is a lot of history here and Treaty 8 is just a part of it.

Again, Mr. Speaker, it is a great decision. It reaffirms the position that the Akaitcho chiefs and elders have taken for the last 100 years on this issue. Again I caution, let us take a wait-and-see approach. For those Treaty 8 members out there, talk to your chiefs and councillors and find out what they want to do with this decision. Mahsi cho, Mr. Speaker.

-- Applause

MR. SPEAKER: Mahsi. Item 3, Members' statements. The honourable Member for Mackenzie Delta, Mr. Krutko.

Member's Statement on Housing Shortages in Small Communities in the NWT

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, my statement today is regarding the housing problems that we see in the Northwest Territories, especially in our small communities. Mr. Speaker, in this day and age we have overcrowding and people living in poor social conditions, lacking clean drinking water. Mr. Speaker, regarding social requirements in our communities, there was a year 2000 housing study done, a needs survey. It found that in the community of Aklavik, 33 percent of all households were in core need. In the case of Fort McPherson, it was 36 percent.

The most remarkable statistic was from the community of Tsiigehtchic, which has 62 percent of its households described as being in core need. Mr. Speaker, 62 percent is alarming. I think as a government, we have a responsibility, especially in the NWT Housing Corporation, to provide social housing in our communities.

Mr. Speaker, with 62 percent and the problems that have come out of Tsiigehtchic, the band council has made this an issue. It has raised the issue with the department. It has identified the problem because it has affected the ability of the community to provide housing to its residents. The band has gone out of its way to purchase two trailers to try to deal with some of this problem, but the problem is not going to go away.

I think this government has to take a better look at where we are going. This government seems to be striving for something else with harmonization and other areas. I think we should concentrate on the problems at hand without generating more problems that we are not sure of.

I think that as a government, we have a responsibility for small communities such as Tsiigehtchic, to ensure the health and well-being of the community is looked at when it comes to overcrowding and the lack of houses in our communities. Mr. Speaker, I will have questions for the Minister responsible for the Housing Corporation on this matter later. Thank you.

-- Applause

MR. SPEAKER: Thank you, Mr. Krutko. Item 3, Members' statements. The honourable Member for Great Slave, Mr. Braden.

Member's Statement on Comments on the Consensus System of Governance

MR. BRADEN: Mr. Speaker, as you indicated in your remarks at the beginning of today's session, 27 years ago, this House, this Assembly assumed full elected responsibility for the business of the NWT. I would like to remark on an aspect of that, and that is confidence in our affairs and in our business. Confidence, Mr. Speaker, in the consensus system of government that we are fortunate to have, I believe, and one that so many other parts of Canada and I think the Commonwealth are fascinated by.

Mr. Speaker, as we go about our business from day to day, issue by issue, the decisions we make I think are, in small or large part, a gauge of the confidence level that we have in ourselves as MLAs and in our consensus system.

Once in a while, we are also inclined, Mr. Speaker, to challenge individuals on their capacities, especially on leadership. Challenges of this nature should not be dismissed. They should not be taken lightly. Mr. Speaker, neither should the singular opinion, or even that of a small group here in the Legislative Assembly be elevated or interpreted as any more than that.

I am a defender and I think we all are defenders of the right of each of us to speak our minds as, when and how we wish. That is democracy and it is part of our consensus system.

However, I believe it is also one of the weaknesses of our system, that we can so easily be diverted and distracted from the bigger issues of the day and of our times by this singular and very powerful individual ability that we have to speak our minds.

However, it is also a strength of the consensus system that we do not have to deal with the complications and the rancour or the filters that are imposed as we go about our business if we had a partisan system of government, Mr. Speaker.

I am an advocate of a consensus system, but we all have to work at it, Mr. Speaker, to avoid the threats to our unity, our effectiveness and the promises that we made as an Assembly at our start just over two years ago. Mr. Speaker, I request unanimous consent to conclude my statement.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to conclude his statement. Are there any nays? There are no nays. You may conclude your statement, Mr. Braden.

MR. BRADEN: Thank you, Mr. Speaker. As we go about our business, we do have to work at maintaining the integrity of this consensus system, as fragile as it is in some places and as strong as it is. I want to state that I have confidence in our system and, for the record, I want to state that I have confidence in the Cabinet and in the Premier that I helped to elect just over two years ago here in this House. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Braden. Item 3, Members' statements. The honourable Member for North Slave, Mr. Lafferty.

Member's Statement on Access to Traditional Dogrib Land

MR. LAFFERTY: Thank you, Mr. Speaker. Mr. Speaker, my statement today is on who controls what. Over the weekend, I was able to get out on the land along with a group of people. However, I was not given the chance to enjoy the nature that is on Dogrib land. This area I am speaking of is where we get our hydro power, near Snare hydro, west of Rae-Edzo.

Upon getting a few kilometres into the area, we were met by an employee of the Northwest Territories Power Corporation. This employee told us we had to turn back and we should have called ahead to get authorization to be there. Mr. Speaker, this government is restricting aboriginal people from the traditional activities on their own land. I will have questions on this, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Lafferty. Item 3, Members' statements. The honourable Member for Hay River North, Mr. Delorey.

Member's Statement on 60th Wedding Anniversary of Red and Bertha McBryan

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, this past weekend two of my constituents and very well-known Hay Riverites and Northerners, celebrated their 60th wedding anniversary.

-- Applause

Mr. Speaker, Red and Bertha McBryan of Hay River have been married for 60 years this weekend. It gave me great pleasure to have the opportunity to present them with a combination of plaques, certificates and flowers. Mr. Speaker, they received certificates from the Prime Minister of Canada, Jean Chretien; Governor General Adrienne Clarkson; Member of Parliament, Ethel Blondin-Andrew; as well as our Premier, Stephen Kakfwi, and myself. Red and Bertha wanted me to pass on their thanks and appreciation to our Premier for recognizing this great event.

Red and Bertha are no strangers to the North, Mr. Speaker. Red came to the North from Edmonton in 1937. He made his home in Aklavik at that time and worked in a number of jobs. He worked on the Hudson Bay supply ships, actually, in the late 30's and early 40's.

Bertha is from Bell Rock. She is the daughter of Claude Watt and Mary Deschamps, very well-known pioneers in the North, Mr. Speaker. They have raised five children, Mary, Joe, Darlene, Pauline, Ronnie, and Matthew and Michael, now deceased. All of their children still live and work in the North, Mr. Speaker, and they have an extended family that is far too numerous to mention here.

They were married in 1942 and have lived in numerous communities across the North from Great Bear Lake to Great Slave Lake. They made their home in 1950 and have lived there ever since.

In his 65 years in the North, Red has worked for the Hudson Bay Company on the supply ships and some 30 years with Highways. As foreman of Highways in 1963, Red was charged with moving 23 buffalo from Fort Smith to Fort Providence. That

is the foundation of the herd that is there now. Red takes great pride in that accomplishment.

Red also developed and operates his own farm in the Northwest Territories, some 200 acres that has varied from raising cattle to crops for feed. Red also served some 48 years down in Hay River on council, both as mayor and as councillor. Red's accomplishments in Hay River are far too great to mention here, but he has done everything from flood watching to mayor.

MR. SPEAKER: Your time for your Member's statement is over, Mr. Delorey.

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I seek unanimous consent to conclude my statement.

MR. SPEAKER: Thank you. The honourable Member is seeking unanimous consent to conclude his statement. Are there any nays? There are no nays, Mr. Delorey, you may conclude.

MR. DELOREY: Thank you, Mr. Speaker, colleagues. Mr. Speaker, 60 years of marriage is a great accomplishment in anybody's book. I would like the Members to join me in congratulating Red and Bertha for this fantastic milestone. I wish them all the best for years to come. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Delorey. Indeed, congratulations do go out to the McBryans. Item 3, Members' statements. The honourable Member for Hay River South, Mrs. Groenewegen.

Member's Statement on GNWT Human Resource Management Challenges

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, this government commissioned a report called the Grant Thornton report on human resource practices. I am interested in what progress has been made to date in responding to the recommendations in this report. This is an area of government policy and activity that is of significant interest to many of the constituents in my riding. Whether you are a candidate for employment seeking to secure a position in the GNWT public service or you are currently an employee looking for opportunities to advance your skills, training and career, the impact of the direction undertaken by this government needs to be carefully considered because it has many implications.

The public and the public service are looking for a very clear signal from this government as to their philosophy and goals and what principles of fair practice are going to be the underpinning of the potential transition from affirmative action to employment equity.

I am also concerned about the present degree of uniformity amongst government departments and agencies in practice at this time. It appears that some departments are already at the implementation stage of a new direction, as indicated by the Justice Minister's recent announcement of a departmental human resource management policy.

The newspaper is full of career opportunities in the North and many of these are for government departments and agencies. Our ability to recruit and retain qualified staff will be affected by the outcome of our deliberations around human resource management. Labour markets rationally and internationally, for many reasons, seem to be a dirth of qualified candidates in many occupations.

While our ultimate goal is to prepare Northerners to meet our labour market demands, in the interim, our human resource management policy will play a large part in our ability to staff our public service. I have attempted to raise this issue earlier in the session, but have not received a satisfactory level of response. It is important that whatever direction is taken, that the input of Regular Members of this Assembly will be fully considered. Later in question period, I will ask questions of the Minister responsible for the public service as to the status of work in this important area. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mrs. Groenewegen. Item 3, Members' statements. The honourable Member for Deh Cho, Mr. McLeod.

Member's Statement on Fire at Fort Providence Truck Stop

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, as Members are aware, on Monday, January 21st at 5:00 a.m., a popular truck stop located five kilometres from Fort Providence was accidentally set on fire during an attempt to thaw the water lines.

Mr. Speaker, the Big River Service Centre is a well-known restaurant and service station that primarily serves the trucking and tourism industry and is located only minutes from the ferry crossing, where one can buy gas, have a bite to eat or rent a room. Although the fire destroyed the restaurant, the craft shop and the convenience store, the older section of the building is still operational and allowing some services to resume.

Today, I want to thank the local fire brigade who are credited for a speedy response and early containment of the blaze. As a result, currently available are re-fuelling services, lodging and a soup kitchen. I also want to thank the Evergreen Forestry fire fighters who were available to relieve the tired fire brigade members who worked a long, 12-hour shift.

Mr. Speaker, the fire was in the immediate proximity of very hazardous products. The gas pumps and propane storage was only a few hundred feet away from the fire, and this fire occurred during a very cold period of the winter. It goes without saying, Mr. Speaker, that these fire fighters had to work under extreme conditions.

As in most small communities in the North when incidents like this occur, community residents band together to help out. Don Plante and Cheryl Pztenue, owners of the Big River Service Centre, were certainly overwhelmed with appreciation from the response of the community of Fort Providence and others who helped out.

Mr. Speaker, plans are to rebuild. Clean up has already taken place and the new modular buildings will arrive by April 1st. They will house a restaurant, a craft shop and a convenience store. All construction was slated to be done by April 10th, with

hopes of having full services restored by April 13th. This is welcoming news for all the customers that rely on the service station and the locals that frequent this business.

Mr. Speaker, I want to thank all of the volunteers who helped out, especially the Fort Providence fire department. I also want to wish the owners of the Big River Service Centre the best of luck. I certainly want to commend Don and Cheryl on their decision to stay in Fort Providence and rebuild, and by doing so, demonstrate that the North is a good place to do business. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. McLeod. Item 3, Members' statements. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Member's Statement on Addressing Fetal Alcohol Syndrome and Effects

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, I had the opportunity this weekend to travel back to my constituency, catch up at home with my own family and take in some activities. Mr. Speaker, it is interesting how our own families can look at situations and provide some input as to what we do in this House.

For example, Mr. Speaker, at our supper table on Saturday evening, for some reason the discussion got turned into what happens in this Assembly and the issues we deal with. This topic, Mr. Speaker, was around the issue of FAS/FAE. It was interesting to hear the young people's perspective on what is happening out there. I think it is even more reason why we need to address the seriousness of what it is and the impacts it has on the individuals and families affected.

Mr. Speaker, when talking to my children they not only asked questions of what it really is, but how it happens. Discussion on what happens to a baby that is still in the womb and is affected by the alcohol consumption and also the discussions that go on in the public amongst these young people in this area.

I must say that I am somewhat disappointed to hear that in some circles the discussion is more, again, about young people and how they would categorize each other or call upon each other with certain names. I do not believe they do it to harm individuals, but it is something that gets picked up in the school yard, discussion goes around, jokes get made and then name calling happens. I do not know if these individuals know the real extent of the damage that is done to an individual.

I think that is why it is that much more important for us as a government to take a strong stand on what happens to the unborn child. I will have questions for the Minister during question period on this issue. Thank you.

-- Applause

MR. SPEAKER: Thank you, Mr. Roland. Item 3, Members' statements. The honourable Member for Range Lake, Ms. Lee.

Member's Statement on Reflections on a Stable and Capable Government

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, over the weekend I had a chance to be around town, out and about,

talking to people in the city. I took the time to think about what transpired in this House last week. Mr. Speaker, more than once in my time here I have been unhappy with one or more Cabinet Ministers and the answers or responses they have given to me. There were times when I wanted to express my displeasure in no uncertain terms and Members here are aware that I can do that quite well.

As I have said many times in this House, I believe we ought to have very good, sound, public policy basis when we feel compelled to expel a Cabinet Minister, the entire Cabinet, or the Premier. In effect, change the government. This is really serious business.

Mr. Speaker, I believe our government operates in a very tightly woven, intricate, interdependent world. We have to and have built relationships with partners of all sorts. What goes on here matters to every resident in the Territories and the stability of this government has implications far away and beyond our territorial and jurisdictional borders.

Mr. Speaker, when I was travelling through the Sahtu before Christmas and the Premier happened to be with us, I witnessed first hand how much power and credibility this Premier has with the people from industry. I was surprised to learn that four pipeline industry executives flew, one from Texas, all the way to Norman Wells, from plus 40 degrees to minus 40 degrees to have dinner with the Premier to convince him of their position.

I thought about this. When he has to answer to his position as the Premier or to the confidence in his leadership every three months or so, what do these partners think about when they look at us? For example, the Department of Indian and Northern Affairs and the federal government who are in negotiation with the GNWT and aboriginal governments on the important issues of resource revenue sharing and devolution. What about De Beers negotiation with the GNWT on impact agreements? Mr. Speaker, I seek unanimous consent to conclude my statement.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Member is seeking unanimous consent to conclude her statement. Are there any nays? There are no nays. You may conclude your statement, Ms. Lee.

MS. LEE: Thank you, Mr. Speaker and thank you, colleagues. Mr. Speaker, what about De Beers who is playing hardball with the territorial government and the aboriginal governments about what they are prepared to do or not do in their businesses in the North? What about our mega pipeline project that is hanging on the balance, especially in light of the discussions and legislative amendments happening in Alaska?

If we are not speaking with a united voice and we keep undermining the power and credibility of the Premier, I do not think we are doing good for any of the people in the North. Mr. Speaker, I am a strong advocate of the power and privilege of Members in this House, of every Member to speak. I do believe that what we do here matters a great deal and that we ought to think about implications and weigh the balance about what we are saying and the results of what is happening. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. Item 3, Members' statements. The honourable Member for Inuvik Twin Lakes, Mr. Allen.

Member's Statement on Acknowledgement of Inuvik Elders in Stanton Hospital

HON. ROGER ALLEN: Thank you, Mr. Speaker. Today I want to acknowledge two very dear friends who are currently in the Stanton Hospital for medical reasons. Mr. Speaker, I want to recognize our elders who play such an essential role in our lives. To most of the people out there, you will not know much about who I am speaking of, but they are people back home. They have character and play an important role in the daily lives of their community.

Mr. Speaker, I want to wish both Martha Arey and Leyland Kayotuk a very quick recovery and I hope you are enjoying watching our Legislative Assembly from your hospital beds. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Thank you, Mr. Allen. That ought to help in their recovery. Item 3, Members' statements. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery.

ITEM 5: RECOGNITION OF VISITORS IN THE GALLERY

MR. SPEAKER: Colleagues, it is my great pleasure to introduce in the gallery visiting us Mr. Victor Chin, he is the director general of Taipei Economic and Cultural Office.

-- Applause

As well, his assistant Mr. Edward Tao.

-- Applause

Also, accompanying them is our own protocol officer, Ms. Carmen Moore. Please welcome them to our gallery.

-- Applause

Item 5, recognition of visitors in the gallery. The honourable Member for Yellowknife Centre, Mr. Ootes.

HON. JAKE OOTES: Thank you, Mr. Speaker. I would like to recognize Mr. David Murphy. Mr. Murphy is president of the Northwest Territories Teachers' Association. It is great to see him here in the gallery. Thank you, Mr. Speaker.

-- Applause

MR. SPEAKER: Item 5, recognition of visitors in the gallery. The honourable Member for Weledeh, Mr. Handley.

HON. JOE HANDLEY: Mr. Speaker, I would like to recognize Gerry Cheezie, the manager of the Yellowknives Dene Housing Association.

-- Applause

MR. SPEAKER: Thank you. Item 5, recognition of visitors in the gallery. I would like to say welcome to those of you who have come to see this Legislative Assembly today. Item 6, oral questions. The honourable Member for Great Slave, Mr. Braden.

ITEM 6: ORAL QUESTIONS**Question 181-14(5): New Cost of Living Tax Credit**

MR. BRADEN: Thank you, Mr. Speaker. My question this afternoon is for Mr. Ootes, the Minister responsible for [Education, Culture and Employment](#). In the Budget Address, the Minister of Finance indicated that it was the government's intention to bring in a new tax measure to the benefit of Northerners, a minimum cost of living tax credit for low-income residents.

My question for the Minister of [Education, Culture and Employment](#) is, is this new tax provision something that may be clawed back from income support recipients? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Braden. The honourable Minister responsible for [Education, Culture and Employment](#), Mr. Ootes.

Return to Question 181-14(5): New Cost of Living Tax Credit

HON. JAKE OOTES: Thank you, Mr. Speaker. Mr. Speaker, the program was designed to not be a guaranteed lifestyle program. It is based on the productive choice program, Mr. Speaker, a system of last resort to provide temporary assistance to clients.

There are many areas that we look at when we consider what makes up the cost of living for an individual. We provide free housing, Mr. Speaker, we provide the cost of utilities for the individual, we provide food support and clothing support as well as support for furniture.

Mr. Speaker, when we took this into consideration we were looking at reinvesting approximately half a million dollars into the food allowance, which consists of a number of other areas of support, personal items and so forth, when we do that consideration. In keeping it consistent with the philosophy of the program, the cost of living tax credit will be deducted from the amount provided to individuals. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Braden.

Supplementary to Question 181-14(5): New Cost of Living Tax Credit

MR. BRADEN: Mr. Speaker, I think, along with the income support recipients across the NWT, I find that news disappointing. I would like to ask the Minister, what about the concept of the approach of universality and fairness to all Northerners when it comes to our income tax system and being able to retain the benefits from it? Thank you.

MR. SPEAKER: Thank you, Mr. Braden. The honourable Minister responsible for Education, Culture and Employment, Mr. Ootes.

Further Return to Question 181-14(5): New Cost of Living Tax Credit

HON. JAKE OOTES: Thank you, Mr. Speaker. As I have stated, we have to consider the philosophy of the program, Mr. Speaker, in terms of the amount of support that we can provide

to individuals. A balance has to be maintained between an income support earner and a low wage earner and it is reaching the point where there is and can substantially be a difference in balance, Mr. Speaker. What happens then is that it is no longer possible to be a low income earner and instead revert to the system of income support.

By way of example, Mr. Speaker, the possibility is there for a family of four to be in the range of \$29,900 a year on income support, which translates into, for an individual, approximately \$18 an hour. If we do not take into consideration all of the areas that individuals can get support from then there is no longer an incentive, Mr. Speaker, to have the productive choice system in place. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Braden.

Supplementary to Question 181-14(5): New Cost of Living Tax Credit

MR. BRADEN: Mr. Speaker, the Minister makes a good point and I too am a supporter of the productive choice concept behind the income support program. However, I am also aware that in the new provisions of the program I think there is a provision in it for a monthly income of up to \$200 for an individual and \$400 for a family. I was wondering if this kind of thing could be incorporated in that to be allowed as some income that income support recipients could rely on to help them get ahead in our high cost of living area? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Braden. The honourable Minister responsible for Education, Culture and Employment, Mr. Ootes.

Further Return to Question 181-14(5): New Cost of Living Tax Credit

HON. JAKE OOTES: Thank you, Mr. Speaker. Mr. Speaker, there is a possibility for a family to earn \$400 a month or \$200 as an individual. That would be considered as earned income. How the definition of this tax would be interpreted is subject to interpretation, of course, and that is something I would have to check out to see whether it would fall under a reimbursement for dollars earned or whether it would be considered unearned income. I cannot answer that question here, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Your final supplementary, Mr. Braden.

Supplementary to Question 181-14(5): New Cost of Living Tax Credit

MR. BRADEN: Thank you, Mr. Speaker. We keep going back and forth on some of these ideas about income support and I know that the question of impact benefit payments to some people in the Northwest Territories is still a question. When, Mr. Speaker, can the Minister come back and advise us on the status of the minimum cost of living tax credit for income support recipients? Thank you.

MR. SPEAKER: Thank you, Mr. Braden. The honourable Minister responsible for Education, Culture and Employment, Mr. Ootes.

Further Return to Question 181-14(5): New Cost of Living Tax Credit

HON. JAKE OOTES: Thank you, Mr. Speaker. Yes; when, when, when? Mr. Speaker, this will take a bit of work to iron out as you can appreciate. It is a tax situation; how is that interpreted, how does it get into the individual's hand, what did the individual earn throughout the year? There are some complications in order to ensure that this does receive an appropriate decision and appropriate interpretation. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Hay River South, Mrs. Groenewegen.

Question 182-14(5): GNWT Human Resource Management Planning

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, my questions are for the Minister responsible for the public service. In a previous Member's statement in this session, Mr. Speaker, I said if there is no Public Service Commission, then what? I know that the government has been working on human resource management issues, and I would like to know what the status of that work is at this time. Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister responsible for the public service, Mr. Handley.

Return to Question 182-14(5): GNWT Human Resource Management Planning

HON. JOE HANDLEY: Thank you, Mr. Speaker. Both our compensation and labour relations sections of the Financial Management Board Secretariat and the corporate human resources section of the Executive are working together on a number of initiatives to improve our GNWT human resource management activities. I could go on for some time describing what is happening, but we have been focusing on a number of areas.

One is creating a framework and some strategies for human resource plans; improving the skills of our people in human resource management, that is the skills of people both in the regions and at the headquarters level; looking for organizational efficiencies on how we do things; clarifying roles and responsibilities between departments and individuals within departments; and, looking at pension reform. That is essential because of the opting out by the federal government, and also in making a shift from just simply being an affirmative action program to what will be called an employment equity program.

Those will be some of the main activities that are underway right now, Mr. Speaker. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mrs. Groenewegen.

Supplementary to Question 182-14(5): GNWT Human Resource Management Planning

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, that does sound like a fairly comprehensive review

and comprehensive undertaking. Inasmuch as we are anxious to hear the outcome of these activities, we would also like the Minister's assurances that there is going to be an opportunity for meaningful input from Members on this side of this House. Could the Minister outline for us what he has planned in that regard? Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister responsible for the public service, Mr. Handley.

Further Return to Question 182-14(5): GNWT Human Resource Management Planning

HON. JOE HANDLEY: Thank you, Mr. Speaker. Today we provided the AOC with an overview of some of these activities on everything right from all of the ones I outlined as well as staffing appeals and some options we may want to look at there. I will commit to meeting whenever AOC wants in order to review some of these and also to consult with AOC on any steps we are taking before we finalize those decisions. I am open as often as AOC has time to sit down to have an in-depth discussion on any one or all of them. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mrs. Groenewegen.

Supplementary to Question 182-14(5): GNWT Human Resource Management Planning

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Is the transition then from affirmative action to employment equity, is that a direction that has already been decided on and is being moved on? Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister responsible for the public service, Mr. Handley.

Further Return to Question 182-14(5): GNWT Human Resource Management Planning

HON. JOE HANDLEY: Mr. Speaker, we are moving in that direction. I want to clarify as well that it is not as if we take the affirmative action policy and throw it in the garbage can and then start with an employment equity program. I see employment equity as being something that is broader and incorporates a lot of the pieces of affirmative action that we have had for a number of years. Those will stay in place. We will continue to have the same intention of having human resources in our government that is representative of the population.

Employment equity is broader though than just affirmative action. It takes in a lot of other pieces that sometimes get in the way of people being able to get jobs in government. We are looking, as I mentioned, at the skill levels of our people to be able to ensure that people have fair access and the processes we use for hiring people. People do not have to go through oral interviews if there are other ways of doing them. We want to look at that. We want to look at our pension reform. A whole host of things that ensure that all people in the North have equal opportunity to have jobs in the public service. It does not replace affirmative action, but it is much broader than affirmative action. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Your final supplementary, Mrs. Groenewegen.

Supplementary to Question 182-14(5): GNWT Human Resource Management Planning

MRS. GROENEWEGEN: Thank you, Mr. Speaker, and I would like to thank the Minister as well. Does the Minister see an opportunity to communicate any of these directions and goals he has outlined here today, even on an interim basis, to members of the public service? Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister responsible for the public service, Mr. Handley.

Further Return to Question 182-14(5): GNWT Human Resource Management Planning

HON. JOE HANDLEY: Mr. Speaker, we do table and make available to the public regular reports on various public service issues, so those certainly we would want to make sure our people in the government understand them, have access to them and so on. We also often put out pieces of information, often as payroll stuffers, that go to employees to explain to them any changes we are making of compensation services or levels, or whatever it may be.

Any suggestions Members have about how we can improve getting this information out to our employees I would appreciate hearing and certainly take it into consideration. We want a knowledgeable staff. We also want, Mr. Speaker, to make sure that people who are not in the public service also have access to information on how they might get into the public service and what it has to offer to them, so it goes beyond just our own employees. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Question 183-14(5): Prevention of FAS/FAE

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, earlier in this session, I had asked questions to the Minister of Health and Social Services around the subject of FAS/FAE in the form of legislation. This time, I would like to know what his department does in the area of prevention and talking to the young people in the Northwest Territories who are in schools and, at some point in the future, could be looking at being parents. What do they do with the youth in the Northwest Territories? Thank you.

MR. SPEAKER: Thank you. The honourable Minister responsible for Health and Social Services, Mr. Miltenberger.

Return to Question 183-14(5): Prevention of FAS/FAE

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, our focus tends to be mainly with practitioners through the health care system with social services. I know there is also work done with Education, Culture and Employment in terms of healthy choices and active living which includes, of course, not smoking or drinking. We have posters. We have very aggressive campaigns out there in terms of trying to make sure that pregnant mothers, teen mothers as well, do not drink during pregnancy.

We do a number of things. On this particular issue, we do not work in isolation. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Roland.

Supplementary to Question 183-14(5): Prevention of FAS/FAE

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, can the Minister inform us if there is more than posters out there? How do these visits happen? How do they inform pregnant teens out there as to the potential hazards there? Thank you.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Minister responsible for the Department of Health and Social Services, Mr. Miltenberger.

Further Return to Question 183-14(5): Prevention of FAS/FAE

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, there are a number of things that we are doing. There is work done through public health when teens are pregnant. We are also, through a lot of our training and with the family visitors, trying to identify families, young pregnant mothers at risk who could benefit from support to ensure that the child is born healthy. We are trying to take a fairly broad approach here dealing with this specific issue. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Roland.

Supplementary to Question 183-14(5): Prevention of FAS/FAE

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, posters, fridge magnets and diaper bags all sound good and it is hard to argue against "some action taking place," but we need some more specific and concrete examples of what the department is doing.

The Minister just talked about family visitors. I would like to know from him, it sounds like a good idea, but who is the family visitor? Is it set up and is it ready to go? Thank you.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Minister responsible for the Department of Health and Social Services, Mr. Miltenberger.

Further Return to Question 183-14(5): Prevention of FAS/FAE

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, the Family Visitor Program is part of the early childhood development initiative, and that is going to combine some of the early childhood money with the continuing care money. We are looking at expanding the skills of people doing home visits. We are going to incorporate a lot of the work done through the Hawaiian model, which brings together services at the community level, so you have the social workers, the family visitors, the public health people and the educators working as a unit to identify families at risk, mothers at risk with their unborn children and work with them to provide the support they need in a concrete and hands-on way, to ensure that fundamentally, first and foremost, that the child is born healthy. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mr. Roland.

Supplementary to Question 183-14(5): Prevention of FAS/FAE

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, so a family visitor is now a new name for what we used to call a home care worker? Is that the case? Are we actually getting more people out there or are we just changing the name and making it sound good? Thank you.

MR. SPEAKER: Thank you, Mr. Roland. Two questions there. The honourable Minister responsible for the Department of Health and Social Services, Mr. Miltenberger.

Further Return to Question 183-14(5): Prevention of FAS/FAE

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, my colleague and I tend to have coffee in the mornings to discuss issues. It is always good to have these issues reflected in our questions in the House. This issue of, will there be new resources? Will there be new people on the ground? In some cases, there will. We are also going to train existing workers, to give them added skills as they go out and work with families. What we want to do is link the early childhood money with what we are obtaining and accessing through the continuing care funding, so that this funding will in fact extend past the three-year life of the early childhood development program. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for North Slave, Mr. Lafferty.

Question 184-14(5): Access to Traditional Dogrib Lands

MR. LAFFERTY: Thank you, Mr. Speaker. My question is for the Honourable Joe Handley, Minister responsible for the NWT Power Corporation. Over the weekend, when we were turned back from using the Dogrib lands, I would like to know the reasons for turning back people on this road in the Snare hydro area? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Power Corporation, Mr. Handley.

Return to Question 184-14(5): Access to Traditional Dogrib Lands

HON. JOE HANDLEY: Thank you, Mr. Speaker. The practice and, I suppose, unwritten policy of the Power Corporation and all of these sites is to be open and accommodating to travellers who happen to come along. I do not know the circumstances of the individual that Mr. Lafferty met up with, but I will look into it. I assume he just ran into some cranky, old employee or unknowledgeable new employee who did not understand how we operate here. I assure Mr. Lafferty that we will look into it.

The only restriction that we have, as far as I am concerned, is on safety and security. The safety of travellers who come through and security for themselves and for equipment, but I do not think that was the case in this situation. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Lafferty.

Supplementary to Question 184-14(5): Access to Traditional Dogrib Lands

MR. LAFFERTY: Thank you, Mr. Speaker. Mr. Speaker, yes, I used my own experience, but on more than one occasion in the past few years people have been turned back. When they have cranky old men there, they should talk to them. If they have new guys there, they should train them. They have to recognize that the people who own the land should be able to use the land. I would like to ask if the Minister would do that. Thank you.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Power Corporation, Mr. Handley.

Further Return to Question 184-14(5): Access to Traditional Dogrib Lands

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker, yes, I will certainly do that. The Power Corporation has a good working relationship with the Dogrib people. We recognize people's rights and we want our employees to show the same respect as the corporation does itself. I will follow up on this one. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Lafferty.

Supplementary to Question 184-14(5): Access to Traditional Dogrib Lands

MR. LAFFERTY: Thank you, Mr. Speaker. Mr. Speaker, I would like to ask the Minister to look at what would have been the consequences if we would have disobeyed this employee, if there were any? I know that at this time of the year, everybody is out there trying to fill their freezers for the summer. They do not like to be restricted as to where they can hunt, because the animal is not restricted. Why should they be? Thank you.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Power Corporation, Mr. Handley.

Further Return to Question 184-14(5): Access to Traditional Dogrib Lands

HON. JOE HANDLEY: Mr. Speaker, unless there were issues of safety and security, then I do not know what the consequences would be. Our people out here are not armed. They are not going to wrestle somebody to the ground. I do not know what they would have done if the people had just ignored whoever this person was. I assure you I will check into it. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mr. Lafferty.

Supplementary to Question 184-14(5): Access to Traditional Dogrib Lands

MR. LAFFERTY: Thank you, Mr. Speaker. Mr. Speaker, I know the Dogribs are negotiating with the Northwest Territories

Power Corporation as part of the land claim. I am wondering if this negotiation has anything to do with the use of this area? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Lafferty. The honourable Minister responsible for the NWT Power Corporation, Mr. Handley.

Further Return to Question 184-14(5): Access to Traditional Dogrib Lands

HON. JOE HANDLEY: Mr. Speaker, I do not know of anything in those negotiations that would have caused this incident to arise. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Deh Cho, Mr. McLeod.

Question 185-14(5): Harmonization of Social Housing and Income Support

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, today I want to raise an issue that I raised several times last week and I would like to ask questions regarding the harmonization strategy. The Minister had indicated to us that he would be providing us with some information last Thursday and as of yet we have not seen anything. We only have a few days left of session, so I would like to ask the Minister if he could give us a status report as to what is happening with the harmonization strategy. Is he going to table anything? Is he planning to announce a deferral? Is he going to scrap it? Can he tell us what is going on, please?

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Minister responsible for Housing, Mr. Allen.

Return to Question 185-14(5): Harmonization of Social Housing and Income Support

HON. ROGER ALLEN: Thank you, Mr. Speaker. Just to update the Member, we still are on schedule to take the document back to Cabinet for final approval, after which we will promptly release it to the Members. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. McLeod.

Supplementary to Question 185-14(5): Harmonization of Social Housing and Income Support

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, that was the same answer that the Minister gave us last week. He had indicated to us he would be taking the document to Cabinet. I would like to ask the Minister, can he tell us what he is taking to Cabinet? Is he taking a request to scrap the strategy or is he going ahead with a request to ask for a deferral? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 185-14(5): Harmonization of Social Housing and Income Support

HON. ROGER ALLEN: Thank you, Mr. Speaker. Again, just to reconfirm, we are taking the document back to Cabinet with the intent to defer the implementation date to October 1st, 2002.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. McLeod.

Supplementary to Question 185-14(5): Harmonization of Social Housing and Income Support

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, I raised in this House a request that the Minister continue scrapping this project. It was brought to me by many people across the North that this is not a very good strategy for us.

I would like to ask the Minister, has he heard my request? Has he given it any consideration? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 185-14(5): Harmonization of Social Housing and Income Support

HON. ROGER ALLEN: Thank you, Mr. Speaker. I am going to respond precisely in the context that this is a government-wide initiative. If I can extrapolate from the document, the foundation for the initiative lies in the GNWT business plan which established as the Territory's vision a healthy population served by a stable, effective and efficient government that is consistent with Canadian democratic traditions, and is respectful of the needs, potential and aspirations of all residents.

Mr. Speaker, the principle of this initiative is to, in terms of the communication plan, support a larger part of the social agenda message of decreased dependency and increased personal responsibility. What we see, Mr. Speaker, is the majority of people who remain on income support will see a decrease in rents and an increase in other support services.

Those few, approximately 14 to 16 percent affected, we will look at other options to accommodate those individuals who require that. I wanted to inform the Member that we are constantly working on several changes to make sure that this works for all the people. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mr. McLeod.

Supplementary to Question 185-14(5): Harmonization of Social Housing and Income Support

MR. MCLEOD: Thank you, Mr. Speaker. Mr. Speaker, the Minister wanted to read out the terms of the document. He should table it so that everyone could read it. I want to know if I am wasting my time here. I have asked on several occasions if there will be any consideration to scrap this strategy. I do not want to waste my Member's statements and my time in oral questions repeating this if there is no intention to do so. I would like the Minister to tell us if there is any intention, any consideration, to scrap the harmonization strategy. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. McLeod. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 185-14(5): Harmonization of Social Housing and Income Support

HON. ROGER ALLEN: Thank you, Mr. Speaker. Prior to my answer, I am going to say that the document has been submitted. It has gone through the process and no, at this point, because this is a government-wide initiative, I am not prepared to scrap it. I am prepared to support the deferral. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Mackenzie Delta, Mr. Krutko.

Question 186-14(5): Critical Housing Needs in Small Communities

MR. KRUTKO: Thank you, Mr. Speaker. Another area of housing I think we, as a government, should be focusing on instead of worrying about subject matters such as harmonization is the lack of houses in our communities and the implication on the people in our communities.

Mr. Speaker, I mentioned in my Member's statement the community of Tsiigehtchic has 62 percent of the households which are in core need. Sixty-two percent, Mr. Speaker. Yet, we as a government are not doing anything in that area.

I would like to ask the Minister responsible for the Housing Corporation, what is he doing and what action is being taken for communities such as Tsiigehtchic where you have 62 percent of households being described as being in core need. What is this government doing in that case?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for Housing, Mr. Allen.

Return to Question 186-14(5): Critical Housing Needs in Small Communities

HON. ROGER ALLEN: Thank you, Mr. Speaker. Obviously we are obligated to look at all of the changes required. First of all, we want to continue to monitor the impacts. We also want to target the number of housing resources presently in the communities.

Finally, Mr. Speaker, it is important that we help the communities make informed decisions on how they want to address those in core need. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Krutko.

Supplementary to Question 186-14(5): Critical Housing Needs in Small Communities

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, in my Member's statement I made reference to the band council of Tsiigehtchic who are bringing in two trailers to try to deal with the problem of overcrowding and the lack of adequate housing in the community of Tsiigehtchic. The band council has recognized that it is an important enough issue that they are bringing in trailers to try and accommodate the problem.

I hope the Minister is not stating from his comments that we are going to continue to study, study, study and not do anything. What are you going to do to deal with this problem?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 186-14(5): Critical Housing Needs in Small Communities

HON. ROGER ALLEN: Thank you, Mr. Speaker. Mr. Speaker, first of all I would like to inform the Member that each year we allocate every community across the Northwest Territories a certain amount of money to address their housing needs. The point here is we want to allow the communities to determine what their needs are. We continue to assess on an interim basis, methodologies where we can assist them to address their housing shortages.

From our knowledge, Tsiigehtchic is not in the same need as other communities, so we have assured our district offices that there is a meeting there tomorrow to talk about some of those current needs. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Krutko.

Supplementary to Question 186-14(5): Critical Housing Needs in Small Communities

MR. KRUTKO: Thank you, Mr. Speaker. I am not too sure where the Minister is getting his information from. When you hear 62 percent of the households in the community are in core need, that should set off the alarm bells. Yet, the Minister says from his department that it does not classify Tsiigehtchic as one of the communities that has a housing problem.

Mr. Speaker, there are five families in the community of Tsiigehtchic right now who are having to either stay with their parents or stay with other family members. For me, that is not only a housing problem, that is a social problem with regard to the health and well-being of those families and those people.

I would like to ask the Minister again, when a community or a band council has to go out of its way to take money out of its core funding to buy trailers for its membership, does that mean that this government is not living up to its obligation to deliver house care or houses in communities, for which they are responsible for under the Housing Corporation?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 186-14(5): Critical Housing Needs in Small Communities

HON. ROGER ALLEN: Thank you, Mr. Speaker. I expressly stated previously that we have been working closely with the regions as well as the communities to share that. Again, in the context of our fiscal problems from time to time we still see that we have met the majority of the problems but I understand there will be some problems in the area of suitable housing.

Overall, I think our statistics indicate that we are on target to meet those demands. Also, we are finding other methodologies to incorporate into new programs. I feel we are doing the best we can and will continue to do so. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mr. Krutko.

Supplementary to Question 186-14(5): Critical Housing Needs in Small Communities

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, I find it pretty hard to respond to the comment made by the Minister. It sounds like we do not have any problems in housing in the Northwest Territories. Everything is rosy out there. I am not too sure, Mr. Speaker, exactly what world we are living in, but in our communities, where you have a situation where 65 percent of the houses in those communities are in core need, that means there is definitely a problem with the infrastructure in our communities.

I would like to ask the Minister, can he tell me exactly how much money is going to be spent with regard to the communities that are in core need, and exactly how much money are we spending regarding the harmonization program, which should be going into housing instead of wasting public funds through that process.

MR. SPEAKER: Thank you, Mr. Krutko. Two parts to that. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 186-14(5): Critical Housing Needs in Small Communities

HON. ROGER ALLEN: Thank you, Mr. Speaker. I will speak strictly to the issue of housing. Again, I will reiterate; each year, we allocate a certain percentage of dollars to each community. What we have developed is a process under the universal partnership agreement, or the project authority agreement, which allows a community to determine what their needs are. We will provide sufficient funding to those communities so that they may build or construct new housing, or renovate existing housing so that it meets those in core need. Again, in the definition of core need, it is defined as suitability, adequacy and affordability.

Mr. Speaker, we are constantly working with the communities to redefine some of the methods we can introduce to help assist those communities who are in the greatest need. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Range Lake, Ms. Lee.

Question 187-14(5): Lack of Legal Aid Services

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, my question today goes to the Minister of Justice, regarding lack of legal services being provided for those who are on the waiting list for legal aid.

Mr. Speaker, I understand that there is a huge backlog in the legal aid program and that there are as many as 100 people who are in need of legal aid on the waiting list. While legal aid deals mostly with criminal and family, because of the jeopardy in question criminal files get more attention and earlier than family files. It is mothers and children who are often left without legal service in order to get custody and child support. Is the Minister aware of this situation? If so, has he done anything about it, Mr. Speaker? Thank you.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Justice, Mr. Allen. Two parts to the question.

Return to Question 187-14(5): Lack of Legal Aid Services

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, we are aware of it. Not only ourselves, but the department and the Legal Services Board are cooperating with the federal government on a national research program on civil and criminal legal aid. Hopefully, this project will be completed by the fall of 2002.

We recognize, Mr. Speaker, that there is constant demand for more dollars to be put into the services and we will consider that. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Ms. Lee.

Supplementary to Question 187-14(5): Lack of Legal Aid Services

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, it is quite interesting how a lot of his answers are that he is studying the issue, whether it is housing or justice or whatever. Mr. Speaker, my question is very specific. Has he discussed this with department officials? What specific actions has he taken, other than reviewing the issue or getting involved in federal research programs? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Justice, Mr. Allen.

Further Return to Question 187-14(5): Lack of Legal Aid Services

HON. ROGER ALLEN: Thank you, Mr. Speaker. I apologize if I need to say there is further research required, but again, when it is a co-funded program, often you are debating with the funders of these programs. Recognizing that, we are constantly trying to find ways to improve the level of funding to support the Legal Services Board and the program across the Territories. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Ms. Lee.

Supplementary to Question 187-14(5): Lack of Legal Aid Services

MS. LEE: I will accept that then, if he needs to talk to his federal counterparts for funding. Has he had any meetings with his counterparts? Is there any plan to have a meeting with his counterparts? If he does, will the issue of legal aid funding be on the agenda? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Justice, Mr. Allen, a multi-question there.

Further Return to Question 187-14(5): Lack of Legal Aid Services

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, it is an ongoing discussion between our territorial and federal officials. Again, it is not only our jurisdiction, but it is other jurisdictions across the country. They are continuing to communicate with one another to see if they can advocate a funding application to secure more funding for this ongoing program. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Ms. Lee.

-- Interjection

MR. SPEAKER: It appears we have a technical problem. We will just take a short recess until the problem is corrected. No, it is corrected. Here we go. Our recess is over. Final supplementary, Ms. Lee.

Supplementary to Question 187-14(5): Lack of Legal Aid Services

MS. LEE: Thank you, Mr. Speaker. Mr. Speaker, I would like to try a specific question again. Will the Minister advise the House as to whether or not he has any meetings planned, a teleconference, or any specific discussion he is going to have with his counterpart about legal aid funding? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Ms. Lee. The honourable Minister responsible for the Department of Justice, Mr. Allen.

Further Return to Question 187-14(5): Lack of Legal Aid Services

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, we will have ongoing communication at the federal level. I am not sure when the next federal/territorial/provincial meeting is scheduled, but in the interim, I will seek the required information and report back to the Member. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Tu Nedhe, Mr. Nitah.

Question 188-14(5): Mandate of the NWT Housing Corporation

MR. NITAH: Mahsi cho, Mr. Speaker. Mr. Speaker, my question is for the Minister responsible for the Housing Corporation. Mr. Speaker, without discussing this issue with my colleagues, Mr. Krutko and Mr. McLeod, who also raised issues with the Minister, maybe this seems like a theme day from the small communities, but it just goes to show you the importance of housing and the questions and concerns that are raised to us as Members by our constituents on this issue.

Mr. Speaker, housing and education are two of the major themes that contribute to society and how well society does. Therefore, I would like to ask, in the important work of the Housing Corporation, what is the mandate of the Housing Corporation in the Northwest Territories? Thank you.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen, very briefly.

Return to Question 188-14(5): Mandate of the NWT Housing Corporation

HON. ROGER ALLEN: Thank you, Mr. Speaker. Yes, the mandate of the NWT Housing Corporation is to provide suitable, affordable and adequate housing to the residents of the Northwest Territories through a number of programs and program deliveries. That is the essence of the mandate. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Nitah.

Supplementary to Question 188-14(5): Mandate of the NWT Housing Corporation

MR. NITAH: Thank you, Mr. Speaker. Mr. Speaker, the words suitable, affordable, and sufficient come up quite often when questions are asked of the Minister in this House. I would like to get the Minister's understanding of the definition of those words. What is the definition of suitable, affordable or sufficient housing in the Northwest Territories? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 188-14(5): Mandate of the NWT Housing Corporation

HON. ROGER ALLEN: Thank you, Mr. Speaker. Mr. Speaker, I am going to read from the national standard. Suitability refers to the problem of overcrowding, of whether a household has enough bedrooms appropriate for the number of people. Adequacy refers to the physical condition of a dwelling or whether a household has basic facilities to provide a safe and healthy environment. Affordability problems exist when the household pays an excessive amount for shelter. The household has an affordability problem if more than 30 percent of a household's income is paid to shelter costs. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Nitah.

Supplementary to Question 188-14(5): Mandate of the NWT Housing Corporation

MR. NITAH: Thank you, Mr. Speaker. Mr. Speaker, that is a pretty good answer. I like that answer, Mr. Speaker. Mr. Speaker, what takes precedence, local housing authority policy or the mandate of the corporation? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 188-14(5): Mandate of the NWT Housing Corporation

HON. ROGER ALLEN: Thank you, Mr. Speaker. The local housing authority or organization is an agent of the NWT Housing Corporation, so the Housing Corporation sets out the policy reflective of the government-wide vision. We in turn interpret that and work with the local housing organizations to ensure that those three contributing factors are met. That is the importance of our role in support of the housing programs. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Your final supplementary, Mr. Nitah.

Supplementary to Question 188-14(5): Mandate of the NWT Housing Corporation

MR. NITAH: Thank you, Mr. Speaker. Mr. Speaker, much like the conflict in the Middle East, in the Northwest Territories there

is a catch-22 situation that happens with the local housing authority's policy and the issue of adequacy in housing conditions. A lot of people in the Northwest Territories in public housing complain about the adequacy of the houses and therefore are not paying the rents that are required of them when they are in public housing. Now at the local level there are policies in place that say that if you do not pay your bills we will not provide you with suitable housing in terms of the number of people in houses.

What is the Minister going to do in those situations where there is a conflict, a catch-22 situation where people say, "We will not pay you rent because the house is not adequate," and the local housing authority says, "We are not going to provide you with a four-bedroom unit when you need four bedrooms and you are in a two-bedroom unit now because you are not paying the rent." What wins out, the mandate or the local housing authority policy? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Nitah. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 188-14(5): Mandate of the NWT Housing Corporation

HON. ROGER ALLEN: Thank you, Mr. Speaker. It is certainly incumbent upon the NWT Housing Corporation to insist that LHOs understand the policy of this government and to ensure that all residents are treated equally. Yes, there will be situations where some people are under-housed and some people are over-housed, but we must recognize that we try to minimize our interventions at the community level.

That is one of the principles that we have managed to change in terms of our support of the local housing problems. It is under what we call the universal partnership agreement where the communities begin in the context of aboriginal self-government or community self-government and the communities to start taking responsibility in identifying and finding solutions to those problems. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Hay River North, Mr. Delorey.

Question 189-14(5): Feed Purchased for Bison Herd

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, as I mentioned in my Member's statement today a constituent of mine has a farm of some 200 acres that he operates within the Northwest Territories. He grows feed crop there. Mr. Speaker, he has been trying for a number of years now to get a contract with the government to supply some feed for the buffalo herd in Fort Resolution. My question is for the Minister of Resources, Wildlife and Economic Development. Could he tell me how much feed is purchased each year for that herd in Fort Resolution? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for Resources, Wildlife and Economic Development. Mr. Antoine.

Return to Question 189-14(5): Feed Purchased for Bison Herd

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, in Fort Resolution there is the Hook Lake wood bison recovery project. As we all know, just to establish a captive, disease-free herd of wood bison from the wild herds, the local First Nations, the Deninu Ku'e, the Fort Resolution Aboriginal Wildlife Harvesters Committee, along with the GNWT, are responsible for this project. Last year the amount of feed they got, I believe, was about 1,052 round bales or 644 tonnes of hay for a year. That is the information I have. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Delorey.

Supplementary to Question 189-14(5): Feed Purchased for Bison Herd

MR. DELOREY: Thank you, Mr. Speaker. Could the Minister inform me as to how much money the Department of Resources, Wildlife and Economic Development gives to Fort Resolution for buying feed for the herd? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for RWED, Mr. Antoine.

Further Return to Question 189-14(5): Feed Purchased for Bison Herd

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, the department itself does not purchase this feed. As I indicated, there is the Fort Resolution Aboriginal Wildlife Harvesters Committee that has a contribution agreement with RWED. They are the ones that purchase the feed for the bison, and we as the Government of the Northwest Territories, like any other contribution agreements we sign on with different companies or organizations, we provide the funds and they run the operations from those funds. They are responsible for purchasing this feed. I do not have the exact figures that the honourable Member is asking for, but I will get that information as soon as I can and provide it. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Delorey.

Supplementary to Question 189-14(5): Feed Purchased for Bison Herd

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, I am not aware of the exact figure, but I am given to understand that it could be in the hundred thousand dollar range. Does the department have any input as to how that money is spent as far as where the feed is purchased from, seeing that the money comes from the department? Thank you.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for RWED, Mr. Antoine.

Further Return to Question 189-14(5): Feed Purchased for Bison Herd

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, earlier on in the project RWED was quite directly involved, and as the project evolved I understand that the Aboriginal Wildlife Harvesters Committee made up of the people in Fort

Resolution is the one that is more or less running this project. There are RWED personnel involved in an advisory capacity, but the overall operation of this project is run by this committee. I think that we as a government and our representatives are not directly involved at this point in the day-to-day operations of making negotiated contracts for feed, supplies or whatever. I will have to check on that to be clear on that, but that is my understanding of the operation. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Your final supplementary, Mr. Delorey.

Supplementary to Question 189-14(5): Feed Purchased for Bison Herd

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, could the Minister commit to reviewing this situation and if there is a supply of feed that is grown in the Northwest Territories and available, at least a portion of the feed that is necessary for that herd, would the Minister look at the possibility of giving some business to our northern business that can supply that feed? Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Delorey. The honourable Minister responsible for RWED, Mr. Antoine.

Further Return to Question 189-14(5): Feed Purchased for Bison Herd

HON. JIM ANTOINE: Thank you, Mr. Speaker. Mr. Speaker, certainly I would encourage that. I would like to review this. I understand that the regional superintendent of RWED in the South Slave region had advised a representative of Mr. McBryan to contact and to provide a proposal, including the quantity, quality and price for hay to this Aboriginal Wildlife Harvesters Committee in Fort Resolution early in the fiscal year. As we know, we are at the end of this fiscal year and the contract that the committee made with a northern Alberta firm was the for beginning of May. If it is a yearly contact, then Mr. McBryan has an opportunity here to contact this committee. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Inuvik Boot Lake, Mr. Roland.

Question 190-14(5): Prevention of FAS/FAE

MR. ROLAND: Thank you, Mr. Speaker. Mr. Speaker, my question is again for the Minister of Health and Social Services. Following on his response to my last question I would like to know, are there going to be new positions established for these family visitors or is this just a re-titling of home care workers and adding more responsibility to those? Thank you.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Minister responsible for Health and Social Services, Mr. Miltenberger.

Return to Question 190-14(5): Prevention of FAS/FAE

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, yes there will be. There will be an assessment done of the community capabilities and where it is not possible to tie into the home care providers we will be looking at supplementing those with resources. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Roland.

Supplementary to Question 190-14(5): Prevention of FAS/FAE

MR. ROLAND: Thank you, Mr. Speaker. The Minister said they would be doing an evaluation of communities. If there are already home care workers in a community, does that mean that they will just have added responsibilities and where there are not, they will add a position? Thank you.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Minister responsible for Health and Social Services, Mr. Miltenberger.

Further Return to Question 190-14(5): Prevention of FAS/FAE

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, if my colleague will indulge me I will just give him some numbers I have in terms of the caseload.

The caseload is expected to be a maximum of 10 families per worker. However, this is for families with a new baby only that are identified as at risk and who voluntarily agree to participate in the program. Not every family with a newborn will require the services of a family visitor. For example, the average birthrate in Inuvik is approximately 76 births per year. Not every family in Inuvik will be at risk, so assuming that one-quarter to one-third are at risk and agree to participate in the program it would be approximately 23 families. With a maximum caseload of 10 families, Inuvik will require 2.5 workers.

Small communities such as Sachs Harbour which only has four new babies per year would only require one worker probably working half-time as a family visitor. By 2004 we anticipate there will be at least one family visitor in every community in the Northwest Territories. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Roland.

Supplementary to Question 190-14(5): Prevention of FAS/FAE

MR. ROLAND: Thank you, Mr. Speaker. When can we see this begin? As soon as this budget goes through will we start seeing the establishment of new positions in this area? Thank you.

MR. SPEAKER: Thank you, Mr. Roland. The honourable Minister responsible for Health and Social Services, Mr. Miltenberger.

Further Return to Question 190-14(5): Prevention of FAS/FAE

HON. MICHAEL MILTENBERGER: Thank you, Mr. Speaker. Mr. Speaker, work is underway in this particular initiative as we speak and part of the FAS conference on here this weekend will in fact bring in the folks who pioneered the Hawaii model which is where we are taking the concept of the family visitor from. They are working in the communities identifying the needs, looking at the kinds of training. We are looking at this as we speak. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Hay River South, Mrs. Groenewegen.

Question 191-14(5): Open Custody Young Offender Facilities

MRS. GROENEWEGEN: Thank you, Mr. Speaker. My question is for the Minister responsible for Justice. In the last couple issues of News/North there has been a request for proposals for open custody alternative home and camp operators. It indicates that the call for proposals is for the Beaufort-Delta, Sahtu, Deh Cho, South Slave and North Slave.

The Minister has recently announced the establishment of a new young offender facility in Hay River and I was not aware that there was an alternative program for young offenders being sought. I wondered if this was going to have any impact on this new young offenders' facility for Hay River. Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister responsible for Justice, Mr. Allen.

Return to Question 191-14(5): Open Custody Young Offender Facilities

HON. ROGER ALLEN: Thank you, Mr. Speaker. No, our early assessments are they will have no impact on any existing facilities across the Northwest Territories. This just enhances the young offenders programs and because of the statistics it is more geared towards those young adults who want to participate in on the land programs. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mrs. Groenewegen.

Supplementary to Question 191-14(5): Open Custody Young Offender Facilities

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, it indicates alternative home/camp operators. I assume these are two different alternatives for accommodating open custody young offenders. If that is not correct the Minister can correct me, but I was wondering, how many positions or placements is this call for proposals intended to secure? Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister responsible for Justice, Mr. Allen.

Further Return to Question 191-14(5): Open Custody Young Offender Facilities

HON. ROGER ALLEN: Thank you, Mr. Speaker. I do not have the specific numbers, but I understand the intent is to catalogue all of the potential camp operators and those who are willing to provide that level of service to the department. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mrs. Groenewegen.

Supplementary to Question 191-14(5): Open Custody Young Offender Facilities

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Mr. Speaker, are there any open custody young offender camp operations in existence right now? Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister responsible for Justice, Mr. Allen.

Further Return to Question 191-14(5): Open Custody Young Offender Facilities

HON. ROGER ALLEN: Thank you, Mr. Speaker. To my knowledge there are 11 currently in operation. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mrs. Groenewegen.

Supplementary to Question 191-14(5): Open Custody Young Offender Facilities

MRS. GROENEWEGEN: Thank you, Mr. Speaker. Just for clarification then, there is no difference between an alternative home camp operator -- that is all the same thing? Those are on the land camps? He is not looking for homes to accommodate open custody young offenders then. Thank you.

MR. SPEAKER: Thank you, Mrs. Groenewegen. The honourable Minister responsible for Justice, Mr. Allen.

Further Return to Question 191-14(5): Open Custody Young Offender Facilities

HON. ROGER ALLEN: Thank you, Mr. Speaker. If I may go back to the original question and just correct myself, I apologize to Mrs. Groenewegen, but there are seven young offender alternative open custody home operators who are also under contract to the department to provide both levels of service. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Mackenzie Delta, Mr. Krutko.

Question 192-14(5): Northwest Territories Housing Policies

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, presently we have an act within this Legislature which is the Northwest Territories Housing Corporation Act. In regard to the responsibilities that they are supposed to be carrying out, Mr. Speaker, some of those responsibilities are to provide, deliver, maintain and manage housing programs for seniors, families and individuals receiving social allowances and social assistance, individuals requiring nursing care and it goes on.

Mr. Speaker, nowhere in here do I see anything that states that a community such as Tsiigehtchic will receive less status or less service knowing that through a study that was done by the Housing Corporation, it recognizes that the community of Tsiigehtchic had 62 percent of households in core need.

I would like to ask the Minister, are there two different policies in the Housing Corporation for small communities and large communities? Is there a difference in treatment between small and large communities? Is there a specific policy there?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for Housing, Mr. Allen.

Return to Question 192-14(5): Northwest Territories Housing Policies

HON. ROGER ALLEN: Thank you, Mr. Speaker. No there is not. We do not discriminate against the small communities versus the large. They all have, under a formula, access to a level of funding. Sometimes that level of funding is enhanced where we leverage other land claimant dollars or private funding through a number of different entities to develop more affordable home ownership.

In other instances, we use what we call the rental market. There are a number of methodologies we employ to deliver home ownership and rental housing. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Krutko.

Supplementary to Question 192-14(5): Northwest Territories Housing Policies

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, the Minister states it is based on a needs study, but because communities have a small population versus say a larger community, is that a measurement that is used which disqualifies the smaller communities from receiving houses on the basis of need?

In the case of Tsiigehtchic with 150 people and later on you find out you have 200 people, you have a 50 percent increase in their population. Does that tell you that you have a 40 percent increase in the population in the community so the needs should go up by 40 percent?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 192-14(5): Northwest Territories Housing Policies

HON. ROGER ALLEN: Thank you, Mr. Speaker. As I indicated earlier in my responses, we constantly monitor the housing needs. Perhaps the undertaking here is that we are trying to target those who are in greatest need. As I said earlier in the session, that if a community is in greater demand than another within the region, we take the money from that community that has a surplus and reprofile it to the community that is in greater need. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. Supplementary, Mr. Krutko.

Supplementary to Question 192-14(5): Northwest Territories Housing Policies

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, getting back to my original point. It is the Housing Corporation Needs Survey which was done in the year 2000 that identified 62 percent of households as being in core need in the community of Tsiigehtchic. For me, that means something has to be done.

Again, I would like to ask the Minister regarding this needs study, what are you doing and what has been implemented to ensure you have dealt with that problem?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for Housing, Mr. Allen.

Further Return to Question 192-14(5): Northwest Territories Housing Policies

HON. ROGER ALLEN: Thank you, Mr. Speaker. The needs study was done to determine the feasibility, the adequacy and the affordability of the households. There are two other contributing factors, Mr. Speaker, that have to be taken into consideration. One is the core need income threshold and the other is housing core need. We are constantly monitoring each community. The ideas for the Housing Corporation to take a look at this very closely and work in a model where those communities can really meet the demands of those clients. If we are talking about suitability, then we have to assess whether the house is overcrowded, or one family may be over-housed, or a municipality under-housed.

You look at those factors and you can monitor that very closely, in terms of the set policy. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Final supplementary, Mr. Krutko.

Supplementary to Question 192-14(5): NWT Housing Policies

MR. KRUTKO: Thank you, Mr. Speaker. Mr. Speaker, what I see happening here is the government seems to have a policy that if you live in small communities, you will be penalized. You are better off to remove yourself from those communities and go to the regional centres where they have more adequate housing. That is basically the way they are dealing with the problem.

I would like to ask the Minister, what are you doing to ensure that the people who do want to live and stay in the small communities have the knowledge that there is going to be adequate housing? You will not have a problem with over-housing. What is the government doing to ensure we protect the uniqueness of the small communities, so that people who go back to their homes know there will be houses available, that you do not have to leave your communities to find housing elsewhere?

MR. SPEAKER: Thank you, Mr. Krutko. The honourable Minister responsible for the NWT Housing Corporation, Mr. Allen.

Further Return to Question 192-14(5): NWT Housing Policies

HON. ROGER ALLEN: Thank you, Mr. Speaker. We have introduced, under our home ownership programs, a few new initiatives that would help curtail the high demand for housing. We have also been entertaining the idea of trying to leverage more private financing, either through the local land corporations or local land claimant groups, to see if we could put more affordable and suitable housing into those communities.

We are also looking at a number of new initiatives that we want to introduce to the Members of this Assembly. Unfortunately, it is taking longer than anticipated, so we will be responding back to the House as soon as we can. Thank you.

MR. SPEAKER: Thank you, Mr. Minister. The time for question period is over. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to opening address. Item 10,

petitions. Item 11, reports of standing and special committees. Item 12, reports of committees on the review of bills. Item 13, tabling of documents. The honourable Minister responsible for Finance, Mr. Handley.

ITEM 13: TABLING OF DOCUMENTS

Tabled Document 16-14(5): Aurora Fund (1996) Financial Statements

HON. JOE HANDLEY: Thank you, Mr. Speaker. I have three documents to table today. Mr. Speaker, I wish to table the following document entitled Canada's Northwest Territories Government Aurora Fund (1996) Financial Statements for the Year Ended June 30, 2001.

Tabled Document 17-14(5): Aurora Fund II Financial Statements

Second, Mr. Speaker, I wish to table the following document entitled Canada's Northwest Territories Government Aurora Fund II, Financial Statements for the Year Ended June 30, 2001.

Tabled Document 18-14(5): Transportation of Dangerous Goods 2001 Report

Third, Mr. Speaker, I wish to table the following document entitled Minister of Transportation's Report to the Legislative Assembly for 2001, Transportation of Dangerous Goods Act (1990). Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. Item 13, tabling of documents. The honourable Premier, Mr. Kakfwi.

Tabled Document 19-14(5): Ministerial Administrative Procedures Manual Revisions

HON. STEPHEN KAKFWI: Thank you, Mr. Speaker. Mr. Speaker, further to questions posed by Mr. Roland and Mr. Dent, I wish to table the following document, Revisions to the Ministerial Administrative Procedures Manual, Section 12: Non-Portfolio Ministerial Travel and Section 30: Telephone Protocol. Thank you.

MR. SPEAKER: Thank you, Mr. Premier. Item 13, tabling of documents. The honourable Member for Frame Lake, Mr. Dent.

Tabled Document 20-14(5): Judgment of Prince Edward Island Supreme Court Appeal Division Re: Wrongful Dismissal Damages

MR. DENT: Thank you, Mr. Speaker. I would like to table a judgment from the Supreme Court Appeals Division of the Province of Prince Edward Island. Thank you.

MR. SPEAKER: Thank you, Mr. Dent. Item 13, tabling of documents. Item 14, notices of motion. Item 15, notices of motion for first reading of bills. Item 16, motions. Item 17, first reading of bills. Item 18, second reading of bills. The honourable Minister responsible for Finance, Mr. Handley.

ITEM 18: SECOND READING OF BILLS

Bill 11: An Act to Amend the Liquor Act

HON. JOE HANDLEY: Thank you, Mr. Speaker. Mr. Speaker,

I MOVE, seconded by the honourable Member for Thebacha, that Bill 11, An Act to Amend the Liquor Act, be read for the second time.

Mr. Speaker, this bill will allow raffle tickets to be sold or drawn on licensed premises. It will also allow raffle tickets to be sold or drawn and Nevada tickets to be sold on licensed premises if the licence holder has a lottery license to do so. Thank you, Mr. Speaker.

MR. SPEAKER: Thank you, Mr. Minister. We have a motion on the floor. The motion is in order. To the principle of the bill. Question has been called. All those in favour? Thank you. All those opposed? The motion is carried. Bill 11 has had second reading. Accordingly, the bill stands referred to a committee. Item 18, second reading of bills. Item 19, consideration in committee of the whole of bills and other matters; Bill 2, Bill 4, Bill 9, Committee Report 1-14(5), Committee Report 2-14(5), Committee Report 3-14(5), with Mr. Delorey in the chair.

ITEM 19: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS AND OTHER MATTERS

CHAIRMAN (Mr. Delorey): I would like to call committee of the whole to order. We have a number of items to go over. What is the wish of the committee? Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Mr. Chairman, I would like to recommend we resume consideration of Bill 9, Supplementary Appropriation, and then after that, move into consideration of Bill 2 and Committee Report 3-14(5), to consider the budget of the Department of Education, Culture and Employment.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Does the committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): The Chair will call a short break and we will come back and consider Bill 9. Thank you.

-- Break

CHAIRMAN (Mr. Delorey): I will call the committee of the whole back to order. We are doing Bill 9. Before we begin, the Law Clerk is going to render a ruling on the information that was asked for yesterday in the House. Ms. Peterson.

LAW CLERK (Ms. Peterson): Thank you, Mr. Chairman. The opinion is a bit lengthy, so I will ask Members to bear with me in it.

RE: Interpretation of Section 16 of the Public Service Act and Section 23 of the Interpretation Act

Members in committee of the whole March 8, 2002 requested a legal opinion regarding the interpretation of two statutory provisions.

Background

The facts surrounding the issue relate to Supplementary Appropriation, No. 3 and in particular the appropriation requested under the Department of the Executive. These issues relate to a special warrant undertaken, among other things, to effect termination payouts of officials of that department, namely the chief of staff, principal secretary and

two secretaries as well as other transition and legal costs. The discussion of the committee of the whole on March 8, 2002 concerned both the initial negotiation of the employment contracts for the chief of staff and principal secretary and the negotiation of terminations of those positions. Finance Minister Handley, who was appearing before committee of the whole respecting the supplementary appropriation bill, is also the Minister responsible for the public service.

With respect to the initial negotiation of these contracts, the Minister was asked who had the authority on the part of the Executive to agree to or negotiate the initial employment contracts. I refer to unedited Hansard at page 1131:

MR. BELL: Thank you. Can the Minister please tell me who had the authority on the part of the Executive to agree to these terms, or in fact negotiate them in the first place?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, the employment contract for the chief of staff was entered into pursuant to the general employment provision of the Public Service Act. In the case of the principal secretary, it would be the same arrangement. Thank you.

When questioned as to whether Cabinet approved these contracts in detail and whether that detail was negotiated by the Premier, the honourable Mr. Handley responded at page 1131 of the unedited Hansard:

HON. JOE HANDLEY: Thank you, Mr. Chairman. Mr. Chairman, the general contract, the boilerplate contract, would have been approved by Cabinet. The negotiations of the contract would be done by the secretary to Cabinet and approved by the Premier in this case.

When asked by Mr. Dent whether these contracts in fact fell under the provisions of the Public Service Act, the honourable Minister responded at page 1135 of the unedited Hansard:

HON. JOE HANDLEY: Thank you, Mr. Chairman. Mr. Chairman, yes. I would still take that position. She was in the public service. She had an at pleasure contract. She was not a restricted employee. I would still hold the same position.

As to the negotiation of the details of termination of these positions, the honourable Minister stated at page 1138 of the unedited Hansard:

HON. JOE HANDLEY: Mr. Chairman, normally what happens is that the secretary to Cabinet would be the person responsible, and in doing that that individual would consult with FMBS because of their labour relations responsibilities and potentially the Department of Justice if there are legal issues to be considered. There is no reason to believe that these were not done in the standard way that this would be handled in any case. Thank you.

The discussion further established that Mr. Handley, as Minister responsible for the public service, has withdrawn

himself from matters concerning the termination of these positions. At page 1141 of the unedited Hansard:

MR. BELL: Thank you. I would like to ask this Minister something he is very familiar about and that is as Minister responsible for the public service I believe that he withdrew himself from these matters because he felt he was in a conflict having been a member of the conflict committee. I would like to ask the Minister when specifically he withdrew himself as Minister responsible for the public service?

HON. JOE HANDLEY: Mr. Chairman, I withdrew myself from any Cabinet discussion on anything to do with the conflict process and related matters very early. I do not remember the exact month, but it was certainly at the time probably before the conflict committee was set up. It may have been earlier because of my involvement on the Board of Management, but I withdrew myself from all matters on this very early in the process. Thank you.

The issue then arose due to the wording of the Public Service Act and Interpretation Act whether the authority of the Minister responsible for the public service could be assumed by another Member of the Executive. It had been confirmed by the honourable Minister that no formal process had been adopted for this delegation of authority.

Statutes in Question

The two statutes in question are:

Public Service Act, R.S.N.W.T. 1988, c. P-16, as amended, section 16, 17 and 18 which state as follows:

16. Subject to subsections 16.1(1) and 17(2) and (3), the Minister has the exclusive right and authority to appoint persons to positions in the public service. R.S.N.W.T. 1988, c. 124(Supp.), s.9.

16.1(1) The Commissioner in Executive Council, on the recommendation of the Premier, has the exclusive right and authority to appoint persons to the position of deputy minister in the public service.

(2) Sections 17, 18 and 20 do not apply to a person appointed under subsection (1).

(3) In sections 21, 29 and 29.1, "employee" does not include a deputy minister. R.S.N.W.T. 1988, c.124(Supp.). s.9; S.N.W.T. 1994, c.30,s.3.

17(1) The Minister may make appointments by competition to positions in the public service.

(2) Pursuant to the regulations, the staffing appeals committee may hear an appeal of an appointment by competition under subsection (1).

(3) Where the staffing appeals committee grants an appeal the appointment made under subsection (1) shall be revoked by the Minister. R.S.N.W.T. 1988.

18. Where, in the opinion of the Minister, it is necessary, the Minister may, in the recommendation of the Executive Council,

make appointments without competition to positions within the public service.

19. (1) The Minister may, in relation to a position, establish the qualifications that, in the opinion of the Minister, are necessary or desirable having regard to the nature of the duties to be performed.

(3) The termination of appointment of a person to an office on a specified day takes effect:

- (a) on the expiration of that day, where the day is specified in the appointment; or
- (b) on the commencement of that day, where the day is specified in a revocation of the appointment.

(4) Where a revocation of the appointment of a person to an office specifies a day on which the revocation takes effect, the specified day must not be more than 60 days before the day on which the revocation is made. S.N.W.T. 1997,c.8,s.16(2).

The Interpretation Act, R.S.N.W.T. 1988, c.I-18, as amended.

23(1) A power or duty given by an enactment to a particular Minister may be exercised or performed by any member of the Executive Council acting as or for the Minister.

(2) Where a power is conferred or a duty imposed on a Minister, the power may be exercised or the duty performed by the Commissioner.

Also of significance are sections 20 and 21 of the Interpretation Act which state as follows:

20(1) Every public officer appointed before or after the commencement of this Act by or under the authority of an enactment or otherwise, holds office during pleasure only, unless it is otherwise expressed in the enactment or in his or her commission or appointment.

(2) Subject to subsection (2.1), the appointment of a person to an office

- (a) may be expressed to be effective on or after the day on which the person commenced the performance of the duties of the office; and
- (b) takes effect on the commencement of the day specified in the appointment.

(2.1) Where an appointment of a person to an office specifies a day on which the appointment takes effect, the specified day must not be more than 60 days before the day on which the appointment is made.

21. Words in an enactment authorizing the appointment of a public officer include the power of:

- (a) fixing the term of office of the public officer;
- (b) terminating the appointment of the public officer or removing or suspending the public officer;
- (c) reappointing or reinstating the public officer;
- (d) fixing the remuneration of the public officer and varying or terminating it;

(e) appointing another in the stead or to act in the stead of the public officer whether or not the office is vacant; and

(f) appointing a person as the deputy of the public officer to perform and exercise some or all of the duties and powers of the public officer in the manner and under the circumstances specified in the instrument appointing him or her.

Opinion

From the provisions of both statutes, it is clear that the Minister responsible for the public service has the authority to:

- Appoint persons to the public service, and assuming that the chief of staff position and principal secretary position are positions in the public service, to make those appointments;
- If the Minister for the public service is of the view that the appointments should be made without competition and the Executive Council so recommends, he may make direct appointments to these positions;
- If a general interpretation of the Public Service Act is adopted such that it is understood to be an enactment authorizing the appointment of these positions although the positions themselves are not specified in this or any other enactment, the Minister responsible for the public service may establish the responsibilities of those positions, the term of the positions, the remuneration, the termination or removal of the persons in those positions.

The question then is whether the authority to effect termination of these individuals, by virtue of section 23 of the Interpretation Act, can be assumed by another member of the Executive Council acting as or for the Minister.

In my opinion the words "... the Minister has the exclusive right and authority to appoint persons to positions in the public service." refer to the office or position of the Minister responsible for the public service and not the particular individual occupying that office. This is to distinguish it from authority that may be exercised under this legislation by other than a Minister, such as a deputy head (section 29 in suspension and demotion) or authorities that relate to a collective bargaining unit.

Thus, the authority to make appointments must be exercised by the position of Minister, but is not restricted to the particular Minister with the original portfolio. The authority may be exercised by another member of Executive Council pursuant to section 23 of the Interpretation Act.

Were this to be read to mean that the authority may only be exercised by the person who actually holds that portfolio, in every instance where that person was away or unable to act, a ministerial appointment would have to be made to fulfill the responsibilities under the act.

This interpretation on the interaction of these two provisions is reinforced by the wording of section 23 of the Interpretation Act, which states "A power or duty given by an enactment to a particular Minister." This is consistent with the view the

authority given particularly to the Minister responsible for the public service may be exercised by another member of the Executive Council.

It also appears from the wording of both the Interpretation Act and the provisions of the Legislative Assembly and Executive Council Act that no particular process is required regarding the delegation of ministerial authority. In an earlier version of the Legislative Assembly and Executive Council Act the then section 62 stated:

S.62(1) A Minister who is or expects to be temporarily absent, incapacitated or unable to act may request the Government Leader to designate another Minister to act in the Minister's stead.

(2) Where a Minister has requested the Government Leader to designate another Minister to act in the Minister's stead or where a Minister is unable to make such a request but is temporarily absent, incapacitated or unable to act, the Government Leader may designate another Minister to act during the temporary absence, incapacity or inability of that Minister.

These sections are no longer present in the current and governing version of this legislation and there are no sections which speak specifically to the assumption of ministerial responsibility by another member of the Executive Council in this Act. There is therefore no process specified in present legislation that outlines the procedure required for transfer, delegation or assumption of ministerial authority by another member of the Executive Council.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Peterson. Mr. Minister, would you like to bring in witnesses? Minister Handley.

HON. JOE HANDLEY: Yes, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Does the committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRMAN (Mr. Delorey): Sergeant-at-Arms, escort the witnesses in, please. Mr. Minister, please introduce your witnesses for the record.

HON. JOE HANDLEY: Thank you, Mr. Chairman. With me are Liz Snider, secretary to Cabinet, and Lew Voytilla, secretary to the Financial Management Board. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. We are on page 6, Executive, operations expenditures, special warrants, Cabinet Secretariat, \$776,000. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. My question to the Minister is, how do you calculate remuneration based on years? Is there a formula? If you are looking through the Public Service Act I believe the maximum you can get is 24 months and you receive one month for every year served. I am wondering, on the basis of that, an individual who may have served 16 or 17 years should receive a remuneration of 16 or 17 months. Is that a steadfast way of measuring the compensation of public service employees in the government?

What I do not like about the whole idea is, there is a reason for the 24 months because there is that maximum. I think we have

people in our public service who have served over 20 years, going onto 25, in some cases 30 years of service. The most they are going to receive is 24 months. I find it kind of unfair that someone can waltz in and sure, I believe people should be compensated for time served, but I do not think you should be receiving extra remuneration based on goodwill. The whole idea of serving time is that you have earned it. If you have earned it you should be compensated.

To get an extension over and above other people in the public service who have worked for many years and at the end of it all know that the most they will get when they leave is 24 months, but they have had to serve 24 years.

I would like to ask the Minister, what is the means of measuring? Is there a policy that states it is actually based on one month per year? Is that the process by which you measure the remuneration based on the Public Service Act?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I think we dealt with this on Friday. This is not included in the Public Service Act. There is no formal policy. In the case of all at pleasure contracts, including deputy ministers contracts, there is a provision that a severance payment of one month per year of service, with a minimum of 12 months to a maximum of 24 months is provided in the contract. It is only with the at pleasure contracts. It is not a provision in the Public Service Act or anywhere else.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. With compensation, should it not be based on time served? If you serve a year, you are compensated for a year. If you serve two years, you get compensated for two. If you serve six years, you get compensated for six. You don't just unilaterally work one year, you get 12 years built in.

The whole principle of accumulating time is that you serve time. In this case, I would like to know, you said one year served is one month, but after that you can go up to 12 months, then after that it is up to 24 months. What is the measuring stick that you use to ensure that as a government we have some rules in place that people are not automatically given a golden handshake after they serve a year and a half and then find out they have 24 months of payout? There has to be a measuring stick there, or something laid down in black and white that says it only applies under these circumstances and those circumstances are listed as items.

Is there anything that is written down that we can either table here or write out the names of those individuals and see exactly what it states in the policy or what it states in the contractual arrangements you have right now? Is there such a means test to ensure these things are accountable and we are ensuring that the public purse is being taken care of and we are not finding a mechanism where if people want to get a payout they can find some excuse to get fired and will make more money than they would have in one year of salary by being run off from this government?

The whole notion of that alone comes down to accountability. I would like to ask the Minister, do you have that policy and can we get a copy of it to see how it is spelt out in black and white?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Handley.

HON. JOE HANDLEY: Thank you, Mr. Chairman. As I said, there is an industry norm that we work with. If we are going to hire senior management people who have to, in order to take a job with us, put their previous career on hold and make a commitment to us, then we have to pay a minimum if we were to terminate them for no cause.

In our situation, the norm is a minimum of 12 months for the at pleasure contracts. Even if the person only works for us for a year and a half, and for no cause, is terminated, they are eligible for 12 months. We would not be able to attract people into the senior positions, qualified, experienced people into these positions if we did not have that kind of a minimum. They would not come to us or to any other employer at that level.

In terms of where is this written? In the case of people who are covered by a collective agreement then there is a provision in the collective agreement that clearly outlines the termination provisions. In the case of excluded employees who are not part of the union and are excluded then it would be in the Excluded Employees Handbook. With managers there is also a handbook that spells that out.

In this case, we are dealing with at pleasure contracts. It is an industry norm that we use and I believe it is fairly standard across the country that you would have to provide a minimum of 12 months for anybody to take that kind of job. In our situation, there is a maximum of 24 months that someone would be paid out in the case of no cause. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Can the Minister tell us if there have been any special circumstances where people have been paid out over and above the 24 months?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, speaking generally in terms of senior management at pleasure appointments, then if it is a no cause termination we look at these conditions here. There are always a lot of factors that have to be taken into consideration, the primary one would be the possibility of a legal liability if you were to let an individual go.

Mr. Chairman, in general, yes, that could be looked at. As a government, we would have to weigh all of these factors.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. In the case of an individual resigning, on their own merit they decide to resign from the government and they find work elsewhere, is that treated any differently than these contracts that you mentioned? You keep talking about contracts in the context of compensation, but if a person resigns on their own terms and says publicly, I am going to resign on my own personal feelings

that it is time to move on, in that scenario are those people treated differently in the contract they may have where there is an opting out clause where you can actually opt out of the contract, notify the government that sorry this is not the game for me, I want to do something else, I am not happy here or whatever? Is there anything in place either through the collective agreement or through a contract that ensures that people will be able to opt out on their own terms and they can just get up and say, "I am resigning from a position in the government," make a public statement and then walk away?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, where it is a totally voluntary resignation, where someone just decides that they do not want to work with us any more and they are moving on to something else, then there is a provision either in the collective agreement, the excluded employees' handbook and so on for what pay out they would get. In the case of at pleasure contracts, it would be essentially one month for each year of service to a maximum of 12 months I believe. That is if the resignation is completely voluntary.

If it is deemed to be a forced resignation, then there is really no difference in that and a no cause termination. If we force someone to resign, force them out, then that, in effect, is termination and then the termination clauses kick in. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. The Chair will recognize Mr. Bell.

MR. BELL: Thank you, Mr. Chairman. I have a couple of questions around the contracts and I believe we heard from the Premier last week that it was Ms. Snider who is, in fact, most able to answer those questions so she is here today and hopefully she can help with this. I am wondering if Ms. Snider might be able to tell us who negotiated the termination contract with our former principal secretary.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Bell, the question should be addressed to the Minister. Mr. Bell.

MR. BELL: Thank you. I would like to ask the Minister, who negotiated the termination contact with our former principal secretary?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Minister.

HON. JOE HANDLEY: Mr. Chairman, I will refer this question to Ms. Snider since I was not involved in that process. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Snider.

MS. SNIDER: Thank you. I was the one who negotiated the termination agreement. I went through a process that I follow in similar cases in coming to a determination on what to recommend.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. Can the Minister tell me who the signatories to that contract are?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: I will leave that to Ms. Snider as well.

CHAIRMAN (Mr. Delorey): Thank you, Minister Handley. Ms. Snider.

MS. SNIDER: I signed the contract. Mr. Bayly and myself.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: In that contract, is there a confidentiality clause?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Yes there is, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. At this point I am a little confused about who is the Minister responsible for the Public Service Act, but my understanding was that it was the Premier who was acting as the Minister responsible for the Public Service Act at that time. Is that correct?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Yes for these individuals, the Premier was acting as Minister responsible for the Public Service Act. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. Can the Minister tell me who negotiated the termination contract with the former chief of staff?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. I negotiated the contract with the former chief of staff.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. I am wondering who the signatories to that contract are.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: The signatories are the Premier and Ms. Sorensen.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you, and just for confirmation, was the Premier acting as the Minister responsible for the public service at this time?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Yes he was.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. In this contract is there a waiver essentially relinquishing the right for the former chief of staff to take further action against the GNWT for damages?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Thank you. I think, as we have indicated before, we really cannot discuss the details of that contract. The third party would have to have the ability to have a say in whether any of the terms of that contract were disclosed.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: I believe on Friday Mr. Handley disclosed that there was an amount paid within this contract, and there was another amount essentially paid to waive the right to go after damages, so I am assuming that would mean that there is a waiver in this contract. I guess I am just looking for a yes or no. I do not want the details of the money or any of these kinds of things, just was there a waiver?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I will check with Hansard, but I do not believe that I had said anything to that effect with regard to the chief of staff's contract specifically. I was talking generally about these contracts and I answered, I believe, in much the same way I did to an earlier question on this matter. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. Generally in these at pleasure contracts, can the Minister tell me if there is typically a waiver relinquishing the right of the former employee to take action against the GNWT for damages?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, yes typically in these termination agreements there would be such a clause. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. I am curious. When I asked the question as to whether or not there was a confidentiality clause, the answer was yes. When I asked the question as to whether or not there was a waiver clause the answer is, "We cannot disclose that without third party approval." I am wondering, why the inconsistency?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: I am sorry, I am not sure what the inconsistency was, but there is, I think, a fairly standard provision in these kinds of contracts. I do not know if I said something that was inconsistent with that.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. When I asked about confidentiality clauses in the principal secretary's contract I was told, "Yes, there is a confidentiality clause." When I asked in the chief of staff's contract about a waiver clause I was told, "We cannot tell you the details of that essentially," and I am paraphrasing here, "because we would need third party approval." I do not understand the reasoning for third party approval when it comes to waivers versus knowing about another clause such as confidentiality.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, maybe I will let Ms. Snider explain what she said.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. What I was indicating was that there was a confidentiality clause to say that we could not talk about the details of the agreement itself, to indicate that that was the case with that contract as well.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. I am not asking, Mr. Chairman, for the details of that waiver clause. I am just asking simply if one exists and I have been told they do exist typically in these contracts, but I am just asking if one exists in the former chief of staff's contract.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, as I said earlier this is standard in these kinds of contracts, but I cannot comment on the chief of staff's contract, or any of the contracts specifically. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. When asked about the signatories of the two contracts, first of all, I believe I was told that the Premier was acting as the Minister for the public service in both instances. In one instance, the former principal secretary contract, the Premier was not required to be a signatory. In the other instance, in the former chief of staff contract, it was the Premier who was the signatory, not Ms. Snider. I am wondering, why the difference?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. The reason for that was that one was within the delegated authority that I had to sign and the other was not.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: When you say that one was outside your delegated authority for you to be able to sign, are you indicating that you had no authority to negotiate terms of a settlement that were not expressly contained in a contract?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: I think we are again getting into detail that I cannot discuss.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Maybe the Minister could run down the delegated authority of the secretary to Cabinet as opposed to the Premier's authority in these matters, so we can see where the difference would arise in their ability to sign off on these respective contracts.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I think what has happened in this situation is first of all, generally, the Premier would have signed the contracts of the individuals who report

directly to him. In signing those contracts, he would also sign the termination contract, if there was one. If it was simply an administrative matter where there were not any issues, then it could be signed off by the secretary to Cabinet. I think that is the explanation of the inconsistency between the two. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. This might be a question for the Premier. I am going by Friday's unedited Hansard, page 1140. I am quoting the Premier:

Nobody is denying the Members information. They simply should have asked and attended the sessions where the questions were asked yesterday. I know that Ms. Snider is prepared to answer the questions because she arrived at the contracts with the people involved and she, along with the support staff, negotiated the severance packages, if that is what you call them, and brought them to me in both instances for signature.

I just heard Ms. Snider tell me that in fact, she signed the former principal secretary's termination contract but that the Premier signed the former chief of staff's contract. I do not believe that is what the Premier had said on Friday when he said "They were brought to me in both instances for signature." Maybe the Premier could clarify that, if he was in fact talking about the same thing that we are talking about here.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, maybe I will turn that over to Ms. Snider first, since she is the one who was involved in this directly. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. In both instances, I negotiated the contracts. I negotiated them on the basis of reviewing the facts and the circumstances, on the basis of advice that I received from labour relations, on the basis of reviewing the contracts of both individuals, on the basis of advice I received from other jurisdictions to kind of settle on what should be done and what would be an appropriate settlement in those circumstances. In both instances, I brought the proposed settlement agreements to the Premier as a recommendation, and I got his agreement to the terms of the settlement agreements.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. The Chair recognizes Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. Mr. Chairman, I also have a question following up from Friday's discussion. On page 1137 of unedited Hansard, Minister Handley says that the chief of staff position was done away with, terminated. So this was a termination because the job no longer existed.

I am just wondering if we can get a bit of an outline of the time table. I was not aware before he said this that Cabinet had approved the elimination of the position before the resignation. Is that in fact what had happened? What was the time table?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, it was on October 29th that the decision was made to eliminate the chief of staff position. On November 1st, it was announced that the incumbent was resigning. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. I will not say anything more on that, but I would point out that the chief of staff position is still on the staff phone list that came out today. If in fact the position has been eliminated, we should update the phone list.

On page 1136 of unedited Hansard from Friday, Minister Handley said, "There was an amount negotiated because of the particular circumstances, in order to avoid legal liability." We have heard from Mr. Voytilla that negotiating some extra amounts are quite normal. Ms. Snider has said that in the course of negotiating the two contracts, that she did consult with labour relations. I would like to ask the Minister about the expertise that is contained within labour relations. Do we have people who are well-versed in current labour law in Canada and who follow the current state of the art, as it were, in labour law?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I think Mr. Voytilla is most familiar with his staff and their expertise, so I will turn it over to him.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Voytilla.

MR. VOYTILLA: Thank you, Mr. Chairman. I would be involved in providing advice on matters of this nature. I have been in charge of this area for close to 10 years. I have an excellent core of staff that have many, many years of experience. They have the appropriate credentials with respect to formal education as well as years of experience. In addition, at the time and quite frequently, we have legal staff on strength, who are either on secondment to us from the Department of Justice or are available to us from the Department of Justice, that work exclusively on labour relations matters. All of those resources are available to provide advice in situations like this.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Voytilla. Mr. Dent.

MR. DENT: Thank you, Mr. Chairman. We know that we have been told that senior, or at pleasure, employees' contracts typically have termination benefits stipulated in them, whether for cause or without cause or on resignation. There are typically termination provisions. The Minister today has talked about the need for that to get senior staff. I do not disagree, I think that in order to have people who are going to take jobs from which they could be dismissed at a moment's notice, you are going to have to be prepared to compensate them. I think that is fairly standard in our Canadian situation. I think that it is fairly standard in government service when you have senior positions.

We know that the termination contract probably said that if a person resigned and gave notice that they would be given their monthly salary multiplied by their completed years of service up to a maximum of 12 months. So they would qualify if they resigned for a maximum payment of 12 months salary.

If they were terminated without cause, they would get a payment of somewhere between 12 to 24 months. So we have the formula. The formula is clearly set out. We were told by the Premier that this was consistent with senior, at pleasure employee contracts.

I am a little concerned though that we may have been setting a bit of a precedent if in fact, as Mr. Handley said on Friday, there was an amount negotiated because of particular circumstances in order to avoid legal liability. Perhaps we are not as aware as we should be of the current state of Canadian labour law. The ruling that I tabled earlier today involved a similar situation in which an employee did have a termination clause set out in the contract which allowed for the employer to terminate, wrongfully or rightfully, for any reason at all and the courts found that particularly in positions where there was little job security, much like these two, where they are political appointments that the amount was set out in the contract was exactly the amount that should be paid.

As the judge said, as Canadian law presently stands there is no implied contractual term that an employee will not be dismissed in a bad faith manner. The judge, on appeal at the Supreme Court, found that what the contract itself said in a bad faith dismissal was the amount that had to be paid. There was no reason for any extra payment. Although the lower courts had found in favour of the employee and awarded damages, on appeal it was reversed.

When people go into these things, when they negotiate in good faith and I would typically say that someone going into a senior government position, whether it is a deputy minister position or whatever else, they are typically fairly experienced in the work world. I would expect that they would understand that the day could come that a change in political will might be the end of their jobs. They would be responsible for negotiating in their contracts what the terms of their dismissal would look like. That is exactly what the courts have been finding.

I just find it difficult to understand how we would have had to, in these contracts, negotiate anything extra in order to avoid the legal liability. We had it set out in the contract. Why did we not just say, "Well, if you are going to sue us we will see you in court, because here is what it says."

I do not disagree, by the way, that there may have been reason for payment. I am just saying that the payment may not have been calculated right if there was an extra amount negotiated. I think that we may be setting a precedent here which I have some trouble with. Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Dent. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, we are familiar with the case that the Member is referring to. It is a case that is somewhat different than the situations that we are talking about here. I suppose the first thing that you would want to look at would be how far you would want to push these kinds of things. I am not sure what the Supreme Court of Prince Edward Island, which this one is from, not the Supreme Court of Canada, what that would have cost the employer before this thing was finally settled.

So in any situation where letting a senior staff at pleasure appointee go without cause then it has the potential of costing a tremendous pile of money. This one may have cost a lot of

money to get this particular ruling from that provincial Supreme Court. Those are always judgment decisions, which have to be made on which is the most expedient? Which is the most cost effective way of arriving at a settlement? Do we really want to go to court on all of these and what is it going to cost us if we do that? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. The Chair recognizes Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. An interesting line of questioning and the discussion of precedent being established and we know that when a court makes a ruling everybody uses that ruling, especially when it is in their favour to affect decisions being made.

One of the concerns, Mr. Chairman, is in the process of where we find ourselves today, in this particular area of a special warrant for the amount identified. I guess I would like to know what process is used when terminating employees of this government, especially those at pleasure?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, the normal process would be dealing with, first of all, deputy ministers who are, by far, the majority of people who are in at pleasure contracts. The normal process would be the same as the one that was followed here that Ms. Snider just talked about. She, as secretary to Cabinet, would have the responsibility to arrive at a negotiated settlement. I think that is fairly standard practice. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Who would then sign off on that?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman it would either be the Cabinet secretary or the Premier. As we have said earlier, all of the deputy minister positions are contracts with the Premier. The other at pleasure contracts are, at least in our situation, mostly with the Premier. It would either be him or the Cabinet secretary who would sign these off. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. I believe earlier, and I would have to look at Hansard tomorrow, in one case it was for at pleasure is that the Premier and he would hire and fire, in that sense, deputy ministers. Now again, the process for at pleasure and for the public out there, let us say, what is an at pleasure contract? Who would hold an at pleasure contract in the Government of the Northwest Territories?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I will refer that to Mr. Voytilla.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Voytilla.

MR. VOYTILLA: Thank you, Mr. Chairman. At pleasure contracts would be the exception rather than the norm for civil servants. They would almost always be a senior level appointment and they would generally be an appointment that is done for a specific task or job. So deputy ministers certainly are at pleasure, as we term it, and there are a handful of other positions in the government that also fall into that category. It is not a widely used mechanism but at times for senior staff, in particular circumstances, it is deemed appropriate.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Voytilla. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. How many at pleasure contracts are there now within this government?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, counting deputy ministers, I do not know the exact number, but probably up to 20.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Are executive assistants classified as at pleasure?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, there is a variety of arrangements. Some of them are term, some are indeterminate, some are secondments from departments. There is a variety of arrangements for executive assistants.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. The Minister did not answer my question. Are executive assistants considered at pleasure?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: No, Mr. Chairman, technically speaking, they are not at pleasure. There is a whole variety of arrangements for them. They could be term. They could be indeterminate. They could be secondments. They are not technically considered to be at pleasure. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Technically then, can you tell me when an executive assistant is removed or resigns or is terminated, what is the process in that proceeding?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. If an executive assistant resigns or is released from employment, I would be dealing with it.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Would that include final termination documents, signing of the removal and so on, right to the end? Is that where the process ends? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. Yes, it would be. Some of that has been delegated to my administrative staff, but it is my office that looks after it.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. So all executive assistants of the Government of the Northwest Territories would fall under your monitoring and dealing with when it comes to dismissals?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. As Mr. Handley indicated, there are different arrangements with executive assistants. Some of them are on a secondment. So the arrangement may be that they go back to their department. In that case, we would not be handling the administrative arrangements, other than to change the secondment agreement so that they return to the department.

The senior political staff do not report directly to me. They report directly to the Premier.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. I guess that is where my line of questioning is going, because the Premier in this House on a number of occasions has categorically stated that the chief of staff position is an executive assistant position. I quote from November 14, 2000, Hansard, page 877, Further Return to Question 270-14(3), Information on Chief of Staff Contract, the Honourable Stephen Kakfwi. If you go through the first paragraph right to the second-last sentence, "The contract says that it is an executive assistant position. This position, because it is tied to the Premier's office, is re-titled chief of staff."

I am having some difficulty here. In the House, we have had the Premier standing up on numerous occasions, and I can quote chapter and verse from Hansard in the sense of the amount of times the Premier has stated that this is an executive assistant position re-titled. In fact, in this case, it seems to be a different reporting mechanism that falls into place. Now, what is it?

I have tried to get information on this to find out if in fact this is a deputy minister position that would deem to be reporting directly to the Premier because that is where deputy ministers report, and are excluded or are the at pleasure positions.

Mr. Chairman, I would like to get some clarification. As far as I am concerned right now, I have not received any. If we go to November 16, 2000, Hansard, page 952, the Premier states:

The contract says she is chief of staff and that she is an executive assistant to the Premier and that is the function. Where there is reference to deputy minister, it should read chief of staff instead of deputy minister, regarding conflict of interest requirements.

Once again, Mr. Chairman, the terminology seems to be getting mixed around here. I think that it is time for the government to get it straight and classify this as what it is. Maybe then it will fall into the category it was initially set up of. I would like to know. Has any other executive assistant position had this type of contract in place? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I think it is a little bit moot, because first of all, the position no longer exists. It was an executive assistant position, but was somewhat unique in that it was a senior political position as well. I suppose there was some uncertainty about exactly what the status was, but on October 29th, the position was done away with. It no longer exists. We do not have any other executive assistant position like that to my knowledge. There are no other ones. It just does not exist anymore. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. The Chair will recognize Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, my question will start with the Minister. I gather from the information that we have been receiving in the House yesterday and today that this separation package, or termination package, followed a normal process, and that there was confidentiality involved in this contract, in that any release of the information of that contract may be subject to the Privacy Act provisions and so forth.

Also, I think we can establish from the facts, reading the Hansard and discussions, that it is the Minister's position that any release of that information requires notice to the third parties. First of all, I would just like to establish whether or not that is what the Minister has been saying. If he does not agree with those findings of fact.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Yes, Mr. Chairman, I think that is essentially right. We could not make the information in the contracts public without the agreement by the third party, or I suppose the other way it could happen would be if it followed all the way through and ended up being ordered in court, but beyond that, no, we cannot. I think what Ms. Lee has said is accurate.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Lee.

MS. LEE: What appears to be a normal separation package, I am just wondering, I have been around the block for a long time, I do not remember another situation where senior officials left the government and entered into a termination contract where it became the subject of debate in the House. Is the Minister aware of any cases like this? Or perhaps Mr. Voytilla,

in his 10 years of experience, could tell us whether or not putting this sort of thing in a supplementary appropriation is a normal practice that is usually followed? Thank you, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I think whenever there is a situation of what I will call a no cause termination, then most likely there is this same sort of situation. We have in government, I would not want to estimate how many, but this is not unusual at all to have this kind of clause in a no cause termination agreement. There are many of those in government. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I think the Minister might have misunderstood my question. My question is whether or not it is the normal practice to add separation benefits and compensation in the supplementary appropriation.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I am sorry, I did misunderstand the question. Yes it would be normal to add this into a supplementary appropriation. If the money was not in the appropriation of that department, we would have to. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Lee.

MS. LEE: Could the Minister provide us with an example of a case where such a separation agreement, or any separation packages for senior officials, went through a similar supplementary process? Thank you

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, we would have to check and get back to the Member on that one. I do not recall any off-hand. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman, I would appreciate that information as soon as possible. My next question. The Minister has indicated that he had released information to the committee in confidence. When he decided to do that, was he aware of his obligations under the separation agreements with these parties, the confidentiality portion of that contract?

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Yes, Mr. Chairman, I am very aware of what the terms are in that separation agreement. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Lee.

MS. LEE: Thank you. So if he was aware of those provisions, and he is also aware and he has stated that it was probably likely that those provisions were subject to the privacy act and required third party notice, did he give notice to those third parties when he decided to release the information to the committee?

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, my interpretation of that clause is in reference to releasing that information publicly. In sharing it with the standing committee on a confidential basis, we are only conducting good government business. The standing committee needs that information in order to understand the supp request, so I am not of the view that there was any violation there. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I appreciate the need for legislators to have information when it is necessary, but I also understand from listening to the Minister that this government and he as the Minister responsible for the public service is a party to a contract, and he had agreed to certain provisions. While I am not imputing any motive or any wrong-doing on the part of the Minister, the fact is that the information he released has now gone into the hands of the public. In fact, yesterday Northbeat reported exact amounts, and I want to know if the Minister does not feel that he has actually breached the obligation under that contract as the Minister?

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I cannot speak to where Northbeat gets their information, but no I am absolutely certain that I have not breached any provision in that agreement. We have, Mr. Chairman, provided similar information on other individuals who had very similar, if not the same, confidentiality agreements when they were separated from the government. What we provided to the standing committee is not at all unusual and it is not a violation of the confidentiality agreement, in my view. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. Mr. Chairman, I am privy to exactly the same information that all the other Members get and the information we were given entailed quite a lot of detail of the contract. As the Minister responsible for the public service and Member of this government in Cabinet, is he not concerned that senior officials in the government may have lost confidence in him as Minister responsible for the public service in that details of any agreements that they sign, and it could be Mr. Voytilla or Ms. Snider sitting right next to him, that if they engage in separation agreements all that information may become public?

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, as I said, in order to conduct our business in our consensus form of government I have to share, on a confidential basis, a lot of information with the committees and that is typically information that committees would never see in a party system, but in our form of government that has to be shared in order to have good open government. I have no concern at all that because I am sharing information confidentially with the standing committee that the public service or someone is going to lose confidence in me. I have absolutely no concern about that at all. I do not make it public when I do that, and I suppose if other individuals start to make it public there may be a loss of confidence but I trust that everybody will respect that confidentiality. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Lee.

MS. LEE: Thank you, Mr. Chairman. I appreciate that it was not the Minister who provided the information to the public, but the fact is that he is well aware that there are a lot of people in that room. When he provides the information to the Members' offices it goes through the hands of many staff. I understand that we need that information. I am not saying that we do not need that information. As the Minister responsible for the public service who entered into a termination contract that deals with very sensitive issues such as termination and severance and he played a part in making that information available to the public, is that not grounds for people and senior officials of the government to lose confidence in the Minister?

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, we gave that information to the committee in confidence. In fact, they wrote a separate letter reinforcing that. Mr. Chairman, I trust and have confidence in my staff that they are going to respect that and I expect that the standing committee does the same with their staff. Either we are going to have to start dealing with all this stuff in camera and do all the work ourselves from the smallest administrative detail or else we are going to have to trust our staff. I trust my staff. I give it to the committee, I trust the committee. I trust their staff. I do not think there is any breach of any confidentiality there whatsoever. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. The Chair recognizes Mr. Braden.

MR. BRADEN: Thank you, Mr. Chairman. We have spent some time now probing a number of aspects of the special warrant. Something that I place a high priority on in our decision making and the steps that we take is to try to ensure that in contentious areas or issues that we have done our very best as people in the Legislative Assembly and as staff to follow due process and to use whatever tools we already have established as policy, precedence or good practice and apply those to our decision making. This is the area that I especially followed questions of my colleagues and the answers on, and it is very useful this afternoon to have Ms. Snider here as perhaps the key official in terms of managing this kind of process.

A number of the questions I had have already been addressed, but there is one that I would like to ask the Minister, and this is with regard to the manner in which the recommendations – we have heard there were recommendations that Ms. Snider made to the Premier in his capacity as Minister responsible for the public service. The question I would like to ask is, did the Premier accept fully, completely and without change the recommendations made by Ms. Snider on the termination agreements?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Braden. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. The answer to that is yes, but we did have a discussion on it. He wanted to know the reasons why I had come to my conclusions in my recommendations. The answer is yes.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Braden.

MR. BRADEN: So there was no attempt then by the Premier, as we have already been told and I accept that the Premier is not involved in the negotiation or the determination of the terms of the agreement. This is important for me that he did not make an attempt to amend or alter or interfere with the recommendations that Ms. Snider brought forward. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Braden. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. The recommendations that I came to were based on the review of the circumstances and facts that I had. They were based on the assessment that I made about those facts and the contracts at hand. As I said, I actually phoned other jurisdictions to see what they would do in similar circumstances. There was no interference in the process of negotiations with either one of those individuals and the recommendations were mine and mine alone.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Braden.

MR. BRADEN: Mr. Chairman, that satisfies my questions.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Braden. Mr. Bell.

MR. BELL: Thank you. Along that same line of questioning that Mr. Braden was on, I am curious to know, I guess, about the discussion that was held between the Premier and Ms. Snider. I am wondering, at any time did Ms. Snider ever discuss, contemplate or consider something additional or over what was eventually arrived at?

I am not trying to breach the confidentiality of what was arrived at, but it is what it is and it was paid out. Was there ever any consideration, contemplation or discussion about giving, say, for instance, an additional 12 months severance in either case?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: I guess I do not quite understand the question. The answer is that I reviewed the circumstances and the recommendation that I arrived at I thought was an appropriate settlement given the circumstances. I would not have considered anything over and above what I recommended.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. I sort of missed the last part of Ms. Snider's answer and I will have my earpiece in this time. I guess just to reiterate the question, the recommendation she arrived at I can accept. That is the one that stands today and in fact was paid out. My question is, in any of the situations, was it ever discussed, contemplated or considered to pay an additional amount over and above what is now, for all time, on the records as what was arrived at?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: During the course of my negotiations there were a number of things that were discussed. I could say that there was no contemplation to pay anything over and above what was recommended.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. No contemplation on her part, but we are left to wonder that there may have been discussion. She did not suggest that there was not discussion. Is that in fact true?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. I believe I had the responsibility for the negotiation and for the recommendation and I did that on the basis of the facts and circumstances.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: That is really not the question I had asked, however I do not believe I am going to get an answer here today so I am going to move on. I have a question for Minister Handley. I heard him speaking to no cause terminations, and typical in no cause termination situations. Would he characterize these two situations as no cause terminations?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Yes, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. Could Mr. Handley indicate for the record whether or not he was a member of the Special Committee on Conflict Process?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: This is the most unique supp review I have ever been in, but yes I was.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. We know that all of the committee members signed off on the final report. If I look at, before coming to recommendation no. 4, the committee makes comment in 8.22, page 41:

This committee is of the view that the Premier should require the resignations of the principal secretary and the chief of staff. In the view of the committee, the gravity of the actions of these individuals requires a comparable response by the Premier which reflects the seriousness of these issues.

The Minister, after signing off on this report and agreeing with that statement, would still characterize these as no cause terminations?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Yes, Mr. Chairman.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. Yesterday, on page 1136 of Hansard, Mr. Handley, when responding to Mr. Dent, replies:

Mr. Chairman, they were within the contract. As I say, a standard contract provides for severance payment for one month per year of service with a minimum of 12 months and a maximum of 24 months. As Mr. Voytilla has said, in this case, there was an amount negotiated because of the particular

circumstances and in order to avoid legal liability. Thank you.

Can the Minister tell us what he meant and what he was referring to when he said, "in this case."

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, to get into any more detail on that would be getting into the detail on a specific contract so I cannot add any more to that or elaborate on it. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. Will he confirm that he did in fact say, "in this case" and we are left to assume that he meant in some particular case?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, in that comment I was following up on a comment that Mr. Voytilla had made. Both of us were speaking in a more general sense than in a specific situation. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. I am disappointed that the Minister could not be more specific in his answer and clarify what he himself had said yesterday. Can I ask the Minister whether either or both of the individuals, and I am speaking to the former chief of staff and the former principal secretary, were they ever requested by this government to resign?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: I do not have that information, Mr. Chairman. I do not know.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Mr. Chairman, is it possible that anybody in the room would have that information? I am wondering, if the Minister does not have that information in his head, I am wondering if some of the witnesses at the table may in fact have that information?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, in the case of the chief of staff, as I said earlier, the position was done away with on October 29th, so after that the position did not exist anymore. In the case of Mr. Bayly, I think he felt that there was not any alternative other than what he did. In doing it, there was, in my view, no cause for his termination. Mr. Chairman, we should also keep in mind that both of these individuals, both positions had received letters of discipline and had already been disciplined for the actions that led to that recommendation 4. So, we do have the circumstance of double jeopardy here. In any case, there could not be a cause. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you, Mr. Handley. I would suggest, Mr. Chairman, as indicated, there were letters of reprimand on file for the reasons that led to that recommendation 4. The reprimands were much before much of this information had come to public

light and I assume were made without the benefit of all of that knowledge. I think after the time of the reprimand letters there were further things that came to light that might suggest that these were not resignations without cause.

I am wondering if the Minister can indicate whether or not either of these individuals indicated to our government that they were leaving their employment unwillingly?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I was not involved in this so I will have to ask Ms. Snider to answer that question. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. Mr. Chairman I think that the answer to that is yes.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. I am hoping that Mr. Snider can be very sure and very concise. Can she indicate which of the two former employees indicated that they were leaving their employment unwillingly? I would assume that this would have been something in writing.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: They both indicated not in writing, but verbally, that they were unwilling to leave the positions, but felt that they had no other choice. One of the positions, as Mr. Handley has indicated, was eliminated so it did not exist anymore.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. The Chair recognizes Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. In my earlier line of questioning the last response that I had was in the area of the executive assistant position. If there are other executive assistant positions that have a contract of this nature and the Minister replied in the area, "Well, there is no more chief of staff position so there is no problem here." That is revisionist history, Mr. Chairman, and I think that the people of the Northwest Territories would take offence to that.

I ask the question, are there any other contracts of an executive assistant that would mirror the one of the chief of staff, which was said to be in this House by the Premier, an executive assistant position? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Ms. Snider will answer that.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. It was in fact an executive assistant position, but it was a unique executive assistant position and that is why it was considered that an at pleasure contract was warranted. All executive assistants serve a sort of political-type of arrangement with their Ministers. They are all chosen by their Ministers.

As I have indicated and I believe that the Premier indicated in the House when he was trying to describe the position that this one had unique responsibilities.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. It is difficult to get a precise answer here. Is there another executive assistant position that would have this type of contract attached to it?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, there is no other position. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. In the uniqueness of this position, is that why the Premier would have signed off on this termination negotiation? Earlier in the line of questioning, Ms. Snider said that she signed off on the other position, the principal secretary, I believe was the position, but it was the Premier who signed off on the chief of staff position. Was that the uniqueness of this chief of staff position?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Yes, Mr. Chairman. That is right.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Now again, Mr. Chairman, in trying to pin down this contract, if in fact it was an executive assistant position or not, we are all aware during the questioning and so on as to when this position was established, an executive assistant position, it qualifies under the pay grid and we are all aware of what in fact this chief of staff position was pulling in. Again, in Hansard, page 952, November 16, 2000, the Premier stated and I quote from page 952, "where there is reference to deputy minister it should read chief of staff instead of DM". Mr. Chairman, was this in fact a DM contract?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, it was an at pleasure contract. This position was a senior political position and I realize that all EA positions are probably somewhat political. This is not unusual that the Premier would sign this off. That is the case at least in Newfoundland and I believe that it is also the case in the Yukon as well; it is a similar kind of position. There is nothing that we were doing here that was different than anywhere else. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Does the Minister agree that in fact although classifying it as an executive assistant position, was it DM-level pay? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman in terms of the pay range, which I believe the Member has, it is at the same level. It was similar to what other chiefs of staff would be paid elsewhere across the country. So in that sense, yes it is the most senior political position in the government, one of the most senior. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. Since the Minister is wanting to compare other jurisdictions with that position, can he inform us, in other positions of chief of staff, what category would it actually fall under?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, most of these positions, if not all of them across the country, are outside of the public service. They would not fit into any particular pay category.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. It would be just so good to get an answer that would be clear. Now earlier, and I think that we can go to unedited Hansard where in this area that the position is in the general provisions of the Public Service Act. Now he is saying it is not in, but outside. So is it or is it not?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Voytilla

MR. VOYTILLA: Thank you, Mr. Chairman. I think the reference that the Minister made was that in other jurisdictions these and similar political positions are outside of the public service and outside of the applicable public service legislation of those jurisdictions.

I think we are a bit unique in that regard, in that our Public Service Act includes them. In fact, we are a bit of an anomaly in that senior political staff are included in our public service and in our public service legislation. That is something that is probably worth a review, but at this point in time, these people are within our public service.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Voytilla. Mr. Roland.

MR. ROLAND: Mr. Chairman, on a supplementary appropriation, one has to consider if in fact we support the supplementary appropriation because of the expenditures made from this government. I am having a large bit of difficulty in supporting the expenditures made here with the different type of responses, or the unclear terminology being used.

Again, I go back to unedited Hansard, page 1131, the Honourable Joe Handley:

Mr. Chairman, the employment contract for the chief of staff was entered into pursuant to the general employment provisions of the Public Service Act.

Is that in fact the case? Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mr. Handley.

HON. JOE HANDLEY: Yes, Mr. Chairman, that is the case. I think that is what Mr. Voytilla just said. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Roland.

MR. ROLAND: Thank you, Mr. Chairman. I have no further questions in this area.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Roland. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Just for a little bit of clarification on some comments that were made previously by Ms. Lee when she questioned the Minister about the potential of information from a confidential briefing having been leaked in some fashion by himself or staff or someone in the room who was there when the confidential briefing took place, I just wanted to point out that briefing actually took place Friday morning....

-- Interjection

Thursday? Was it Thursday? Okay. Pardon me. The briefing took place on Thursday. This matter was not discussed in the House until Friday afternoon, shortly before adjournment. In the copy of the Yellowknifer, which came out early on Friday morning, quotes attributed to Ms. Lee include:

Range Lake MLA Sandy Lee said she believes that Bayly resigned and has no doubt that Lynda Sorensen was involuntarily let go. Lee said a Cabinet Minister threatened to quit if Sorensen did not resign. Lee said she believes Bayly got a year's salary. Because it was concluded there was no just cause for dismissing Sorensen, her settlement was much larger, Lee said.

I just wanted to point out that in fact Ms. Lee's attempt...

-- Interjection

-- Laughter

Mr. Bell said, "She has found the leak." It would appear that in fact, it was Ms. Lee who spoke to the media about the nature of the settlements, and heaven only knows what else.

Anyway, I want to go back to something that Mr. Bell was questioning about and did not really get a satisfactory response to. When it came to the negotiation of the termination contract, I believe Ms. Snider indicated that she was the person who negotiated that contract with Ms. Sorensen. I would just like to know if that took place in a face-to-face meeting. Thank you.

CHAIRMAN (Mr. Delorey): A point of order has been called. Ms. Lee, your point of order.

Point of Order

MS. LEE: My point of order is on a section of the rules that is used a lot in this House, which has to do with Members imputing motive. Sorry, Mr. Chairman, I just have to look it up. I just heard the statements being made by my colleague, the Member for Hay River South, implying that somehow I had

leaked the information that was given to the committee. If I recall her quote correctly, she said "...and God knows what else." I ask you to check the transcript. That is taking it to another ground. Mr. Chairman, if you could just be patient with me, I would like to look up the rule, point of order, section 23(g)(i), says "Imputes false or hidden motives to another Member." And (h), "Makes allegations against another Member." (j), "Charges another Member with uttering a deliberate falsehood."

Mr. Chairman, my point is that we all know and the Minister has established this fact in this House, it was not me. The Minister has said that he released the information in confidence, detailed information about the separation contracts. We had access to this information on Thursday. I know for a fact that Members in this House were interviewed by the media. The media asked me if they could talk to me about the supplementary budget. I responded to the media. I have no control over what the media prints.

Mr. Chairman, there are a lot of things in the statement that the Member for Hay River South is making. I believe that it is totally out of order, out of the decency and civility that we should be following in this House. I ask for your ruling. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. To the point of order. Mrs. Groenewegen.

MRS. GROENEWEGEN: Mr. Chairman, Ms. Lee made a large issue in her comments, and I do not have the unedited Hansard to refer to, but she made a large issue of the fact that she felt information that had been shared by the committee in confidence had been somehow let into the public domain. All I am doing is merely pointing out that the quotes that came out between the time the committee had the confidential briefing and when this was raised in this House are attributed to Ms. Lee. No one else. I just find it unusual that she would find it so suspicious and so offensive that this information could have been in the public when in fact the quotes are in the newspaper with her name attributed to them.

Now, if she wants to question whether the media reported her comments correctly, that is another issue. I do not think that setting the record straight on this matter is certainly outside of the parameters of decency and civility. In fact, Ms. Lee should retract those comments. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Bell, to the point of order.

MR. BELL: Thank you, Mr. Chairman. The point of order, I suppose, was partially lost on me. I believe if you check unedited Hansard and look at the comments Ms. Lee, I believe, and I could be mistaken, but I believe she made, earlier, she suggested "He played a part in releasing that information to the public" and she was referring to Mr. Handley. This is just going by memory, so I stand to be corrected. I believe Mrs. Groenewegen simply offered another possible manner in which some of this information was released to the public. In doing so, it is possible that the media entirely misquoted Ms. Lee. I would not doubt that those kinds of things happen. It has happened to me in the past as well, but I believe Mrs. Groenewegen simply offered another possible answer as to how some of this got into the realm of the public. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. To the point of order. Mr. Krutko.

MR. KRUTKO: I was going to report progress, but...

CHAIRMAN (Mr. Delorey): To the point of order. Ms. Lee.

MS. LEE: Mr. Chairman, as far as providing information that I think may be helpful in your deliberation to come up with this decision, it seems that the Member raising the issue that I am raising a point of order on is implying or trying to say that the Minister could not have been the only one, or the Minister might have had any part in making this information public. The point that I was making is that – and I have stated in there that I am not saying that the Minister did any wrong-doing or anything like that – but it is the Minister who put this into the supplementary appropriation, and the headline on Friday said \$500,000 for the pay out. That came from a public document which is supp 3.

If it is true, as he has been saying, that he knows his obligations under this contract and that he was not to do anything that would reveal it, for him to have put it into a supplementary appropriation is a ground for questioning his conduct. Secondly, he made the information available to the committee knowing that he was under a confidentiality situation. I do not understand why these Members feel that they have to correct what I said about the Minister.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Lee. That is going a little bit beyond the point of order. The chair has listened to the comments and debate on the point of order. We will look at the evidence and rule on that point of order. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. The question I had asked was that Ms. Snider had referred to a negotiation which took place between herself and the chief of staff, and I wanted to know if that was a face-to-face meeting. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. As a matter of fact, it was many face-to-face meetings.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. At any time was there anyone else in attendance for those meetings?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Ms. Snider.

MS. SNIDER: I think we are starting to get into details, but the individual's lawyer was in attendance at one, maybe two, of the meetings but did not participate. It was still between the individual and myself.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mrs. Groenewegen.

MRS. GROENEWEGEN: So the question that Mr. Bell had asked and I did not understand the answer was, was there any

contemplation in those discussions given to an amount which exceeded what was eventually settled on?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. I think we are getting into the details of the negotiations and with any negotiation there are all sorts of suggestions and discussions that go on. I guess the important point is the recommendation that I made and the fact that I made it on the basis of, as I say, the facts and circumstances that I saw before me.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. I would like to ask if Ms. Snider had any concerns about the fact that we have heard that the contract provided for a certain amount of settlement based on the years of service and that the ultimate settlement, in fact, exceeded that? If she had any concerns about that discretionary component of the settlement?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, we cannot respond to that. We have not provided any of that information to this House. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mrs. Groenewegen.

MRS. GROENEWEGEN: Mr. Chairman, I am sorry, I apologize, I will have to go back and check Hansard. Unfortunately we do not have the benefit of that in front of us, but I thought that we had established here in this supplementary appropriation review that there was a portion of compensation paid to address the risk of legal liability. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, we did not speak specifically to these contracts. We talked about generally what is taken into consideration and the sort of circumstance. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mrs. Groenewegen.

MRS. GROENEWEGEN: Thank you, Mr. Chairman. Mr. Chairman, I would like to ask, in view of the numerous comments that Mr. Handley has made with respect to the nature of the resignation and it being deemed to be involuntary, how that could be reconciled to the press conference and media reports that were made by Ms. Sorensen at the time of her resignation?

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I cannot speak to the press conference or what was said there. I was not there. I did not take part in it at all. The only thing I can say is that on

October 29th the chief of staff position was eliminated and no longer existed after that. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. I would like to remind Members that the Chair will allow a fair bit of latitude, but you should try to stick to the supp. Mrs. Groenewegen.

MRS. GROENEWEGEN: I do not have any further questions at this time, Mr. Chairman. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mrs. Groenewegen. Mr. Bell.

MR. BELL: Thank you. Following up on one of the comments that Ms. Snider made when discussing these termination contracts, I asked the question about whether either of the individuals indicated they were leaving their employment unwillingly. She answered in the affirmative and I believe she said that they both indicated they were leaving unwillingly and they felt that they had no other choice. I believe we are all aware, as is the public and I believe it is a matter of public record from the Special Committee on Conflict Process, that Mr. Bayly had offered his resignation to the Premier quite a few months earlier – at least a couple of months earlier. Is that not the case?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. I believe that Mr. Bayly did offer to resign and that offer was not accepted.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. Were either or both of these individuals requested to assume other or different employment duties by the government prior to offering their resignation?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Sorry, maybe I misunderstood the question, I believe we have indicated that the chief of staff position was eliminated and there was an offer of a different kind of a position and it was not accepted.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. I am wondering if that was a formal offer or if, in fact, that was an offer in writing?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: I do not know. It was not an offer in writing. The individual in the chief of staff position actually offered her resignation after it was announced that her position as chief of staff would be eliminated. The offer was to assume a position of an executive assistant, which was not of the same status as she was formerly in, had less responsibility and prestige than the chief of staff position. Even if the salary was to remain the same, it would still have been considered to be constructive dismissal.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. So I can assume then that we have a legal opinion, even if this was a present incumbent situation only, whereby the former chief of staff would have been paid exactly the same amount of money, our legal opinion tells us

that it would still constitute constructive dismissal. Is that correct?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Sorry, Mr. Chairman. Mr. Chairman, we have labour relations advice, but it is consistent with the kind of advice we have received in other similar situations.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. I am wondering if the Minister could tell us whether or not the former principal secretary or the former chief of staff ever officially threatened to take legal action against the Government of the Northwest Territories for wrongful dismissal or anything of that sort?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, that is getting into detail I do not know. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Bell.

MR. BELL: Thank you. I guess what I am trying to get at is I am trying to arrive at some assurance that if in fact this did happen, our staff internally, on the basis of a legal opinion, made the suggestion that there were adequate grounds and that we should certainly be concerned about this and therefore, we should look at doing something, such as possibly signing a waiver asking the person to relinquish the right to take further action against the GNWT. If in fact there was no official suggestion that there might be legal action, I am wondering why we would even entertain such a thought?

I suppose, if we are not going to get an answer as to whether or not there was an official, threatened legal action, then we are not going to get any sort of indication as to whether or not we were of the opinion that these people possibly had grounds. Is that in fact the case, that I am not going to get an answer on that?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, he certainly will not get an answer from me. I had declared myself in conflict on this very early on and was not privy to any of those kinds of discussions that might have happened. I will ask Mr. Voytilla to comment on it. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Voytilla.

MR. VOYTILLA: Thank you, Mr. Chairman. In these situations, we look at all those types of issues about the circumstances, our exposure, all those types of considerations. We do not release those publicly.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Voytilla. Mr. Bell.

MR. BELL: Thank you. I am wondering if the Minister can indicate to us if he felt that either the Premier or the Cabinet secretary was asked to make a judgment call on the amount the termination contract should entail.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, as I said, I was not involved in any of this, so I do not know. I will ask Ms. Snider, who negotiated it. She may have a comment on it. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Snider.

MS. SNIDER: I would like to characterize it as an assessment as opposed to a judgment call. As I mentioned before, we looked at a number of different things and reviewed the facts and circumstances. On the basis of those, I made an assessment on what was appropriate, given those circumstances and facts.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. So the Cabinet secretary made two assessments, an assessment in both cases, and she was able and had the delegated authority on one of them and did not have the delegated authority to sign off on the other contract. I am wondering if, in this other situation, the Premier had to take her assessment and make a judgment call about whether or not it was sound before signing.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: As I had indicated earlier, when I brought the recommendation to the Premier, we discussed the reasons for that recommendation. I am assuming that he has confidence enough in the work that I do that he felt that my assessment was accurate.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: However, he was still required to sign in that one case because in fact, the Cabinet secretary did not have the delegated authority. Is that not correct, Mr. Chairman?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: I guess that is the case, yes.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Bell.

MR. BELL: Thank you. I am going to move to another question that I had asked Ms. Snider earlier, and it is in reference to the Premier's comments in Hansard yesterday. I do not believe I got an answer that satisfied my concern. When I read page 1140 of unedited Hansard yesterday, again, the Premier's comments:

I know that Ms. Snider is prepared to answer the questions because she arrived at the contracts with the people involved and she, along with support staff, negotiated the severance packages, if that is what you call them, and brought them to me in both instances for signature.

Now, we know that Ms. Snider signed one, so in only one instance was the Premier's signature required. I am confused as to why these comments would be made, unless I am misinterpreting what the Premier has in fact said. I do not believe I got the answer from Ms. Snider as to why the Premier suggested that "...and brought them to me in both instances for signature." I am wondering what both instances would refer to.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Bell. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. As I indicated earlier, I brought my recommendations on both severance packages to the Premier, discussed both of them with him, and got his concurrence on both of those recommendations.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, maybe the Minister could clarify under what criteria was used from the Department of the Executive that this had to come forth through a supplementary appropriation? What criteria was used?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, this would be standard criteria for a special warrant. I think there are three of them, one being urgent, another being a public interest and the third being insufficient appropriation within the department. In this case, the compelling reason, of course, is the insufficient appropriation within the Executive to be able to absorb this from within. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, I think a supplementary appropriation, there are different line items you can follow. One is capital carryover, forced growth, unforeseen emergency such as a flood, fire, or what not. In this case, I think this is definitely a fire, in regard to offsetting revenues and savings and also investment of government strategic priorities.

I would like to know, was any attempt made to find the resources within the Department of the Executive? This happened back in December and into January. Was there a means test to see if there was a need for a supplementary appropriation, or was there money within the Department of the Executive that could have been expended on this line item without having to come forth through a supplementary appropriation?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, certainly there was a contractual obligation here that had to be fulfilled. In terms of was there an effort to find the money from within the Executive? There is always an effort to do that. That has to be weighed against the other obligations we have as government. The biggest one in the Executive, of course, is Maximizing Northern Employment. I do not think we want to call a halt to everything we are doing in the department in order to manage this from within in this kind of case, particularly against the other priorities of the Executive, as well as commitments of money that is not discretionary.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Mr. Chairman, we always seem to have this battle when it comes to supplementary appropriations of trying to understand where it fits in the criteria. You mention about three different areas, but is there a written submission that comes forth from the

Department of the Executive to FMBS saying that under these circumstances we are requesting that this line item be put forth through a supplementary because we do not have the resources. We have an emergency. We got struck by lightning. At what process is there a formal written process that has to be submitted where a department has to request, from FMBS, that those dollars are added to a supplementary on the basis that it has to fit a certain criteria?

It is pretty clear that a supplementary appropriation is there to get us through tough times or when we have an emergency.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, yes, there is a submission. There was a submission that came to FMB. It was urgent in the sense that there was a contractual obligation that had to be paid out. There is, out of the Executive's budget of about \$12 million, this was more than they could handle from within their appropriation. Thank you.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Mr. Krutko.

MR. KRUTKO: Thank you, Mr. Chairman. Getting back to the earlier questioning of Ms. Snider, how many types of these termination payouts have you been involved with since you took office? The reason I ask the question is that we seem to have gone through this process quite a few times in the 13th Assembly and we seem to be going through it again.

From these experiences, it seems like there is this game of hush, hush, we cannot talk about it. In some cases well we can, but we cannot. I think that by now we should at least have a process nailed down where we know there will be questions asked and we should have the documentation.

We should ensure that there is due process and yes, there should be a privacy question, but we are accountable for public funds. In this case, an expenditure of this amount, we know it is going to be scrutinized.

I would like to ask the Minister to pass it on to whoever, but I want to know, in the term of the 14th Assembly, how many of these termination payouts have taken place in the Executive?

CHAIRMAN (Mr. Delorey): Thank you, Mr. Krutko. Mr. Handley.

HON. JOE HANDLEY: Mr. Chairman, I will ask Ms. Snider to answer this one.

CHAIRMAN (Mr. Delorey): Thank you, Mr. Handley. Ms. Snider.

MS. SNIDER: Thank you, Mr. Chairman. I cannot give you an exact number, but maybe five or six.

CHAIRMAN (Mr. Delorey): Thank you, Ms. Snider. The Chair will recognize the clock and rise to report progress. Thank you Minister and your witnesses for appearing.

MR. SPEAKER: The House will come back to order. Item 20, report of committee of the whole. The honourable Member for Hay River North, Mr. Delorey.

ITEM 20: REPORT OF COMMITTEE OF THE WHOLE

MR. DELOREY: Thank you, Mr. Speaker. Mr. Speaker, your committee has been considering Bill 9 and would like to report progress. Mr. Speaker, I move that the report of the committee of the whole be concurred with.

MR. SPEAKER: Thank you, Mr. Delorey. Do we have a seconder for the motion? The honourable Member for Frame Lake, Mr. Dent, seconds the motion. We have a motion on the floor. The motion is in order. All those in favour, please signify. Thank you. All those opposed? Thank you. The motion is carried. Item 21, third reading of bills. Mr. Clerk, orders of the day.

ITEM 22: ORDERS OF THE DAY

CLERK OF THE HOUSE (Mr. Hamilton): Mr. Speaker, there will be two meetings at adjournment today, one of the Special Committee on Self-Government and the Sunset Clause and also one of the Special Committee on Official Languages; at 9:00 a.m. tomorrow morning of the Standing Committee on Accountability and Oversight and Cabinet House Strategy; and Caucus at 10:30 a.m.

Orders of the day for Tuesday, March 12, 2002:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Oral Questions
7. Written Questions
8. Returns to Written Questions
9. Replies to Opening Address
10. Petitions
11. Reports of Standing and Special Committees
12. Reports of Committees on the Review of Bills
13. Tabling of Documents
14. Notices of Motion
15. Notices of Motion for First Reading of Bills
16. Motions
17. First Reading of Bills
18. Second Reading of Bills
19. Consideration in Committee of the Whole of Bills and Other Matters

- Bill 2, Appropriation Act, 2002-2003

- Bill 4, An Act to Amend the Legislative Assembly and Executive Council Act
- Bill 9, Supplementary Appropriation Act, No. 3, 2001-2002
- Committee Report 1-14(5), Standing Committee on Accountability and Oversight, Report on the Review of the 2002-2003 Main Estimates
- Committee Report 2-14(5), Standing Committee on Governance and Economic Development, Report on the Review of the 2002-2003 Main Estimates
- Committee Report 3-14(5), Standing Committee on Social Programs, Report on the Review of the 2002-2003 Main Estimates

20. Report of Committee of the Whole
21. Third Reading of Bills
22. Orders of the Day

MR. SPEAKER: Thank you, Mr. Clerk. Accordingly, this House stands adjourned until Tuesday, March 12, 2002, at 1:30 p.m.

-- ADJOURNMENT

The House adjourned at 6:07 p.m.