



**NORTHWEST TERRITORIES  
LEGISLATIVE ASSEMBLY**

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**Tuesday, October 22, 2002**

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**The Honourable Tony Whitford, Speaker**

# Legislative Assembly of the Northwest Territories

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### Mr. Leon Lafferty

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**YELLOWKNIFE, NORTHWEST TERRITORIES****Tuesday, October 22, 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

MR. SPEAKER: Good afternoon, colleagues. Item 2, Ministers' statements. The honourable Minister responsible for the Department of Municipal and Community Affairs, Mr. Steen.

**ITEM 2: MINISTERS' STATEMENTS****Minister's Statement 75-14(5): Sport and Recreation Achievements**

**HON. VINCE STEEN:** Mr. Speaker, it is my pleasure today to provide an update to the Members on some significant achievements within the sport and recreation system.

Many of our partner organizations are continuing to do some excellent work to support and advance the quality of programs for the residents in our communities. I would like to take a moment to acknowledge these efforts.

- This past summer 217 athletes, coaches and mission staff participated in the North American Indigenous Games held in Winnipeg, Manitoba. Our NWT team featured athletes from 15 communities in 11 sports. In total these athletes took home 66 medals and placed ninth out of the 24 participating teams. I congratulate the Aboriginal Sport Circle of the Western Arctic for their outstanding work in organizing Team NWT for these Games.
- In September 13 students began studies at the Inuvik Campus of Aurora College in the recreation leaders program. Over the past year MACA officials have been working closely with Aurora College staff to recruit students for the program. Recreation leadership development is an important part of community programs and services. These new leaders and those that follow will help communities develop stronger and more stable programs in future years.
- Mr. Speaker, just recently I proclaimed the week of September 15 to 22 as Recreation Week in the NWT. This declaration was made to recognize the value of community-based recreation programs, and to acknowledge the hard work of recreation professionals and volunteers. Our communities depend heavily on these people to provide recreation programs and services that we know are a big part of the quality of life for residents. In Fort McPherson they used this opportunity to launch a corporate challenge and they also held a luncheon to recognize their volunteers. Here in Yellowknife teachers at Ecole St. Joseph School initiated a "Walk to Work" program and they also broadcast daily physical activity messages on their morning announcements. It is

important that we recognize the NWT Recreation and Parks Association for spearheading this important initiative.

- Finally, Mr. Speaker, this coming November the Sport North Federation will be delivering an NWT coaches symposium. This is a major training event for community coaches as well as high performance coaches. I understand that a number of different sessions will be delivered on a broad range of topics. This work by Sport North greatly contributes to the quality of our coaches and to the work that they do with the young people in the North.

Mr. Speaker, the efforts put forth by our many volunteers and professionals in all parts of the recreation and sport system make the NWT a better place to live. I support this work and I am pleased to have this opportunity to share some of the recent success stories of our partner organizations. Thank you, Mr. Speaker.

-- Applause

**MR. SPEAKER:** Thank you, Mr. Minister. Item 2, Ministers' statements. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Minister's Statement 76-14(5): Annual Report of the NWT Development Corporation**

**HON. JIM ANTOINE:** Mr. Speaker, later today I will be tabling the NWT Development Corporation's 2001-2002 Annual Report that highlights their initiatives and includes their audited consolidated financial statements.

Mr. Speaker, there are lots of good things happening at the corporation. This is the second year in a row that the corporation has received a clean audit report. I am also pleased to report that there is a 13 percent increase in the number of jobs created and maintained by the corporation. The results of the last audit determined that the number of jobs sustained increased from 133 to 150 over the last year. The corporation has also been successful in reducing the amount of the subsidy per job paid to operating subsidiary companies by almost 13 percent.

Arctic Canada Trading Co. Ltd, a wholly-owned subsidiary of the corporation, has been restructured and, working through the corporation's head office, has been actively promoting northern products. They have been working with Canadian Geographic Magazine and the most recent version of their catalogue contains eight products produced and manufactured in the Northwest Territories. As well, over 20 different items supplied by Arctic Canada Trading Co. Ltd are featured in Up Here Magazine's 2002 gift guide, The Trading Post. Copies of the catalogues have been provided to all Members.

Mr. Speaker, on September 20, 2002, the corporation received payment to redeem all its preferred shares in the Grey Goose Lodge in Deline, Northwest Territories. The corporation first invested in this lodge in October 1998 when they purchased 1,000 preferred shares in the company. This represents another success story for the corporation.

Mr. Speaker, this is the way the board of the NWT Development Corporation and our government would like to see all their venture investments work. The corporation could come in as an equity participant early on in the development of a viable business. When things are going well, and better financing can be arranged, the NWT Development Corporation's investment should be redeemed so that this money would become available to invest in other businesses.

I am also pleased to state that the corporation still has money available for further venture investments. I want to congratulate the board of directors and the staff of the NWT Development Corporation on their good work and recent successes. Mahsi cho.

**MR. SPEAKER:** Mahsi, Mr. Antoine. Item 2, Ministers' statements. Item 3, Members' statements. The honourable Member for Great Slave, Mr. Braden.

### ITEM 3: MEMBERS' STATEMENTS

#### Member's Statement on Quit and Win Stop Smoking Campaign

**MR. BRADEN:** Thank you, Mr. Speaker. We are hearing more and more about our health care system, Mr. Speaker, and how many of the programs are unaffordable or unsustainable in the long term. It seems that we have two answers; find more money to keep on fixing the problems or stop creating the problems.

What I am talking about here, Mr. Speaker, are those of us who kind of do damage to ourselves. We inflict harm on ourselves through the lifestyles that we lead. We are couch potatoes who do not get enough exercise. We are junk-food junkies. We have...(inaudible)...where alcohol and drug abusers hurting our brains and our bodies, and perhaps most commonly, Mr. Speaker, we are smokers.

We need to assume, Mr. Speaker, a greater responsibility for our own lives. Our very health and well-being is at stake. Forty-two percent of adults in the NWT smoke. There are at least 575 of us who agree that we need to do something and we can do something about it. These are the people, and 50 of them are teenagers, Mr. Speaker, who have joined the Canadian Public Health Association's Quit and Win contest. I am pleased to say that, at least in this case, I am a quitter and I am proud of it.

-- Applause

Thank you. I hope I can last. It is no fun. I have a 30-year addiction, but my kids are proud of what I am doing. I get a lot of support and sympathy from my friends and colleagues. I figure that in the 52 days that I have been smoke-free, I have saved about \$200. You know, I do not have to look at those disgusting pictures on cigarette packages anymore. Twenty-five percent of all of the deaths in the NWT are caused by smoking. So much more needs doing.

I want to recognize that in this Quit and Win contest, the efforts of the Canadian Public Health Association -- there are some people in the gallery whom I will introduce later, Mr. Speaker -- and others like the Canadian Cancer Society, Sport North, our own Department of Health and Social Services and Health Canada. I want to recognize a former Olympian of the NWT, Sharon Firth, for her advocacy. Corporate sponsors like Canadian North, Mack Travel, Inkit, Paramount Resources, and the Inuvialuit Regional Corporation have made a difference. To my fellow quitters, I say do not stop quitting. Thank you, Mr. Speaker.

-- Applause

**MR. SPEAKER:** Thank you, Mr. Braden. Item 3, Members' statements. The honourable Member for Mackenzie Delta, Mr. Krutko.

#### Member's Statement on Support for Mackenzie Delta Oil and Gas Opportunities

**MR. KRUTKO:** Thank you, Mr. Speaker. Mr. Speaker, I think it is very important as a government and as the Northwest Territories that we try to take advantage of the opportunities at hand. Mr. Speaker, the Mackenzie Delta and also people in the Mackenzie Valley have been talking and looking at opportunities by way of a Mackenzie pipeline. Again, Mr. Speaker, it seems like it has hit a brick wall. A motion they have been moving on seems to have stalled. I think as communities, the communities are now starting to speak out and wanting to have more of a say of what is happening and what the effects of this development will have in regard to the socio-economic effects on our communities, and ensuring that the benefits that do flow from oil and gas development reaches the communities, it does not by-pass them, and it ensures that they will receive those socio-economic benefits that thrive elsewhere.

Yet, Mr. Speaker, this government seems to be not doing much by way of looking at initiatives that they have taken in the mining industry by way of the socio-economic benefit agreements they have been able to negotiate with the diamond industry. I for one feel that this government should also look at such an initiative with the oil and gas companies that are looking at building the Mackenzie Valley pipeline, and also to ensure communities do receive the guaranteed jobs, training, and the socio-economic responsibility of industry, to ensure they are good corporate citizens and they do not leave us holding the bag after development has come and gone.

I think it is important, Mr. Speaker, that as a government, we seriously take our responsibility to ensure the well-being of our residents in the area of social impacts that effect our communities, regardless of whether it is alcoholism, drug abuse, or shortage of houses, or the impact on our infrastructure.

Mr. Speaker, it is crucial as a government that we do more to ensure that we do derive the maximum benefit from a pipeline down the Mackenzie Valley. With that, Mr. Speaker, I will be asking the Minister responsible for renewable resources questions on this later. Thank you.

**MR. SPEAKER:** Thank you, Mr. Krutko. Item 3, Members' statements. The honourable Member for Tu Nedhe, Mr. Nitah.

### **Member's Statement on Highway Maintenance Training Opportunities**

**MR. NITAH:** Mahsi cho, Mr. Speaker. Mr. Speaker, I want to stand up today to talk about the work of the Department of Transportation this past summer on resurfacing some of the roads or our highway system in the Northwest Territories. Specifically, I would like to refer to Highway No. 6, the highway going from Buffalo Junction to Fort Resolution.

Mr. Speaker, my constituents in Fort Resolution appreciate the attempt made by the Department of Transportation to resurface the roads, but I must argue, Mr. Speaker, that I believe the department lost an opportunity. They lost some, not all, opportunity to do a job that could benefit the community of Fort Resolution and increase the safety of that road.

What they have done, Mr. Speaker, is just graded the road and slapped down some chip seal. In a matter of hours and days the chip seal started breaking up, so the contractor that did the work should go back and fix it. I believe the department is using its own resources to fix those roads.

However, Mr. Speaker, with all the unprecedented development that is happening in the Northwest Territories, I believe the department missed an opportunity to use this work that was needed to do some training; heavy equipment training, people doing surveying, engineering training for my constituents and other constituents in the Northwest Territories. Traditional knowledge people that could work with the department and determine the natural flow of water so that we could avoid as much water damage as possible to the highway system.

I believe it could tackle the lack of all this training and partner with the Department of Education and prepare people for work that is upcoming in the oil and gas and mining industry. We need truck drivers, we need engineers, we need surveyors and we definitely need to utilize traditional knowledge as we agreed to do in our recognition that traditional knowledge is a scientific process that should be acknowledged in the Northwest Territories, especially with our diminishing weather patterns.

Mr. Speaker, I am going to be asking the Minister of Transportation some questions relating to my Member's statement, especially in the areas of improving the mistakes that have been made this past summer, or alleviating the mistakes made this past summer. Thank you, Mr. Speaker.

-- Applause

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

### **Member's Statement on Wage Parity for Hay River Community Health Board Employees**

**MR. DELOREY:** Thank you, Mr. Speaker. Mr. Speaker, I rise today to discuss an issue with the Hay River Community Health Board and the employees that work within our health care system. Mr. Speaker, the Hay River Community Health Board was established in 1996 under the Societies Act of the Northwest Territories. There are approximately 160 people employed at the community health board and it is one of the larger employers in Hay River.

For the last year, Mr. Speaker, the employees of the Hay River Community Health Board have lived under a tremendous amount of stress and uncertainty with regard to their future due to the actions of this government.

Mr. Speaker, in January of this year the GNWT's action plan was unveiled and one of the items stipulated in the action plan was to unify all allied health care staff throughout the North under a single employer, that being the Government of the Northwest Territories.

Mr. Speaker, in August of this year, the Minister of Health announced the cancellation of the transfer of the Hay River Community Health Board employees to the Government of the Northwest Territories. Mr. Speaker, the reason he has given was that it was going to be too expensive to transfer the Hay River employees over to the public service, due to the provisions in their collective agreement.

Mr. Speaker, there are still a number of unresolved issues affecting health care workers in Hay River, not the least of which is the issue of wage parity. This government should do everything in its power to guarantee workers at the Hay River Community Health Board wage parity with workers under the public service without any lost jobs.

Mr. Speaker, I want to make it very clear that I believe that the money provided to ensure wage parity should not come out of the Hay River Community Health Board's operational budget. It is the very least we could do as a government for these people. Why should the health care workers in Hay River be paid any less than their counterparts?

Mr. Speaker, the cancellation of the transfer has caused a lot of undue stress for the workers. The staff has been very proactive in the transfer process. I give the staff of the Hay River Community Health Board a tremendous amount of credit for their perseverance in these very trying circumstances.

The Minister himself, Mr. Speaker, stated to the employees when he met with them in September, and I quote, "All your frustration and anger that you feel and your cynicism and unhappiness in this particular instance is not without justification."

Mr. Speaker, these employees have been on an emotional roller coaster ride for the past year and they just want to know when it is going to end.

**MR. SPEAKER:** Mr. Delorey, your time is up for your Member's statement. Mr. Delorey.

**MR. DELOREY:** 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 your statement, Mr. Delorey.

**MR. DELOREY:** Thank you, Mr. Speaker. Thank you, colleagues. This has been a domino effect in our community and for the residents I serve. Mr. Speaker, because I believe that it will virtually be impossible to attract new health care workers to Hay River, given the state of our uncertainty at our hospital with regard to future health care delivery.

Mr. Speaker, when the Minister met with the workers of the health board in September, the employees had several questions that they addressed to the Minister and to date they have received nothing concrete in writing, from the Minister or his department. These workers deserve answers, Mr. Speaker. At the appropriate time, Mr. Speaker, I will have further questions to the Minister responsible. Thank you, Mr. Speaker.

-- Applause

**MR. SPEAKER:** Order please. Item 3, Members' statements. The honourable Member for Yellowknife South, Mr. Bell.

**Member's Statement on Revisions to the Business Incentive Policy**

**MR. BELL:** Thank you, Mr. Speaker. It is with some reluctance that I again rise today to talk about my concerns with the BIP revision process that RWED is currently conducting. As I mentioned the last time I spoke, if you were to go to the RWED website and try to establish or learn the rationale for some of the things that they are proposing, such as thresholds, you read that "during consultations on these issues the Northwest Territories business community expressed the need for a dollar value cap on the application of BIP bid adjustments."

I can tell you, Mr. Speaker, that that varies somewhat from the presentation our main Members' committee heard when it was presented, and I think the case was strongly made that this was due in large part to a need to contain costs.

Mr. Speaker, I re-raise these issues and was looking for minutes of the consultations in order to establish exactly what had been said at these consultations. Of course I got a summary of the minutes, did not get the verbatim transcripts, but I still had concerns because I could only come across one mention of this issue, and one person apparently discussing caps.

So when I asked the question in the House, the Resources, Wildlife and Economic Development Minister did respond to my question, and in response he said, "regarding the implementation of caps within the BIP, I would like to assure you that the BIP review committee did engage the public in discussions on this issue. Generally speaking, the majority of those consulted did not object to the establishment of caps."

Mr. Speaker, that may be the case but that is a long way away from saying that the Northwest Territories business community expressed a need for these caps, Mr. Speaker. We have no way of understanding or establishing, getting any insight into what really happened at these consultations. It is possible that RWED opened up the consultations suggesting, here are many things we could look at and discuss and no one raised objections.

I could certainly concede that, Mr. Speaker. I think this speaks to a real failing in how governments, specifically this one, consults. It is one thing to go around prior to the fact and say, there are a number of issues on our plates, we have concerns with the current process, we know you have concerns with the current process, let's discuss. But then when the government has draft material it is no longer consultation time, Mr. Speaker. They come around and they declare, "We are now in the stage of information sessions, so please sit quietly and listen. We

have basically decided what we are going to do and we are now about to tell you what it is."

Mr. Speaker, I seek unanimous consent from my colleagues to conclude my statement.

**MR. SPEAKER:** And the Chair. 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. Bell.

**MR. BELL:** Indeed. Thank you, Mr. Speaker. So not only do we have this system of consultation which asks for input prior to draft materials going out, and then suggests that Cabinet has made up this decision that my colleague from Hay River North spoke to earlier, and when you try to contact the department to suggest you have some input and they tell you, "Well we have already decided what we are going to do anyway."

Mr. Speaker, I think in the response they also indicate the rationale for the revisions and they talk about the new BIP being seen to be fair and equitable. I would ask why, Mr. Speaker. Regarding store fronting, it may be fair to southern companies who no longer have to worry about this, but I cannot understand who we would be talking about when we talk about fair and equitable.

They also suggest that it is going to be affordable. Mr. Speaker, this is totally subjective and relative and I think it assumes that we know what it costs now, and of course we do not, because later in the letter they say regarding the cost of BIP, a discussion paper released by our government examines the cost issue and concludes that the current BIP has proven to be extremely difficult to apply quantitative analysis to.

Well, Mr. Speaker, that is not very enlightening. We know we do not know what it costs. I have no idea why. It seems to me we could go down the list of contracts and fairly quickly accumulate this. I certainly do not think that the government has heard the kinds of concerns that people are raising, the Construction Association has been raising, Members of this House and of our committee have been raising, but I think they better start to pay attention or we are going to end up with something worse than we began with, Mr. Speaker. Thank you.

-- Applause

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

**Member's Statement on NWT Quit and Win Contest**

**MS. LEE:** Thank you, Mr. Speaker. Mr. Speaker, I too would like to highlight and recognize the Quit and Win contest. Mr. Speaker, it is my pleasure to speak on it today because when I first heard it, I thought that it was such a great idea, and I think by all accounts, it has been a huge success. I think everybody has heard about it, and their goal was to entice 3 percent of the smoking population at about 400. Now at 550, they have very well surpassed that.

Mr. Speaker, I think the biggest thing coming out of this contest is highlighting the serious problem of smoking in the North and having a centre point on which everybody could talk about it and the educators and the organizers could disseminate

information to the public about the smoking and the dangers of it.

Mr. Speaker, I must say that I have a soft spot for Mr. Braden. I know he is going through a hard time. I have spoken about this in the House. I have been known to fall off the wagon on this terrible addiction, so I would like to wish him good luck. I think we should point out to the public that we have a very exemplary crowd in this House in terms of smoking. I do not know if the general public knows, but almost nobody smokes in this House. With Mr. Braden now on the wagon, and I do not know if anybody knows where Mr. McLeod, I hope he doesn't mind me mentioning it, he has quit smoking...

-- Applause

...at the urging of his family and his daughters, so we have much, much lower than general population. I could say that almost no one smokes here, although some of us do it on a part-time basis.

-- Laughter

Mr. Speaker, on a serious note, I think that 42 percent of people smoking in the North is very serious and I am very concerned about especially the women and youth who smoke, especially while they are pregnant. Some women and the more younger and younger ages, are smoking, so I really would like to commend the efforts of the organizers for doing this. Also, I would like to recognize the major corporate sponsors, such as Mack Travel, Canadian North, Inuvialuit Regional Corporation, and Paramount Resources. As well, I would like to recognize Sharon Firth, who I think is making a great effort and making a great deal of difference with this effort. Thank you, Mr. Speaker.

-- Applause

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

#### **Member's Statement on Maximizing Cameron Hills Development Opportunities**

**MR. MCLEOD:** Thank you, Mr. Speaker. Mr. Speaker, as many of you are aware, the Cameron Hills in my riding is being developed. The communities who have little in the way of employment and other prospects have anticipated development and welcome the opportunities that arise from it. However, with every opportunity, there arises problems. The Cameron Hills development is no different.

Mr. Speaker, companies in my constituency continually raise concerns about the way this project is being handled. The one having the most impact is the issue of companies having to wait up to nine months or longer for payment of services. This way of doing business may sit well with our southern neighbours, but what it does to our small businesses in the North may force them to close their doors, or face possible bankruptcy.

Mr. Speaker, what percentage of work has been provided to northern contractors? What percentage of that work not delivered by northern contractors could have been? Are those southern companies working across our border meeting all of our requirements for doing business in the NWT? Do they have

a business license? Do they have WCB coverage? Are their vehicles and equipment registered in the North? Are these southern developers required to submit reports setting out how many Northerners are employed and how many companies were utilized? If reports are submitted, who are they submitted to? The federal government or this government? Does the federal government share any of the reports submitted by the producers with the Government of the Northwest Territories?

Mr. Speaker, what I am asking is who in this government is responsible for monitoring the companies developing our resources? Who in this government is looking out for the small businesses that are being forced to carry the short-term debt for larger, southern developers?

Mr. Speaker, it is important that this government support our businesses in the Northwest Territories. It is those businesses that are more willing to employ other Northerners and share the work being undertaken. As a government, we must ensure that these businesses have the information required to effectively and efficiently compete for contracts. We must understand that our northern businesses are new to much of this development and cannot meet with southern developers on a daily basis as enjoyed by the southern contractor. What our northern businesses have access to is information sessions and reliance on limited RWED business staff conveying information received from these southern developers.

**MR. SPEAKER:** Mr. McLeod, the time for your Member's statement has ended.

**MR. MCLEOD:** 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. McLeod, you may continue.

**MR. MCLEOD:** Thank you, Mr. Speaker, colleagues. Mr. Speaker, we have the potential for pipeline development, hydro development, and additional mining development -- all our knocking on our doors. Before letting these developers in, should we not arm our northern businesses with the tools required to maximize the opportunities and service they could offer? Thank you, Mr. Speaker.

-- Applause

**MR. SPEAKER:** Thank you, Mr. McLeod. Item 3, Members' statements. The honourable Member for Hay River South, Mrs. Groenewegen.

#### **Member's Statement on Hay River Physicians Quota Achieved**

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. Mr. Speaker, today I would like to share a good news story related to health and social services. We tend to hear quite a bit about the problems, and since quality health care is a subject very important to everyone, when there are problems, it is understandable that they will receive much debate and attention.

All of the allied health professionals and support service workers are important to a properly functioning system and need to be treated fairly and respectfully. A key piece of the

delivery service of health is the availability of physicians. We have had a very frustrating situation in existence in Hay River for the past several years. Although for a community our size we should have had five or six physicians, we have been struggling with one or two or no resident physicians trying to manage on the good graces of doctors who had formerly practiced in Hay River and other locums. We would accept even two-week commitments at times, fly-in doctors from as far away as the Maritimes, just to get the coverage that we needed to deal with patients and emergencies.

The good news, Mr. Speaker, is that we currently have five doctors in Hay River. In June, 2001, Dr. Peter Cardon came to Hay River from New Zealand -- a very brave move -- to be the only resident physician in the hopes that a team could be built. It is difficult getting the first couple of doctors to commit because they know the responsibility that will fall to them in a small town in terms of being on call for emergencies, so we really appreciate Dr. Cardon in his role as a physician and as chief of medical staff.

Also, Dr. Paramanathan has been in Hay River for a little over a year; Dr. Dalia Bernard arrived in July of this year; and Dr. Wameed Ateyah was a very welcome part of the medical team, but unfortunately may leave at the end of his contract in December. The newest addition to the clinic and hospital is Dr. Tina Lacerta, who is interestingly originally from Inuvik.

The Hay River Community Health Board has been diligently working on the recruitment of an anesthetist, which would enable women from Hay River and surrounding communities to deliver their babies in Hay River. This would also allow the hospital to deal with minor surgeries which are now referred to Yellowknife or further away.

Access to health services is a big part of the quality of life in our communities. Continuity of care with one physician is also very important to the timely and accurate diagnosis and treatment of medical conditions.

I would like to thank everyone who played a part in assisting Hay River to get back to a full complement of resident physician, the physicians for coming to Hay River, and for all the extra effort on the part of all staff during times when shortages have required service that goes above and beyond their normal hours of practice and the normal call of duty. Thank you, Mr. Speaker.

-- Applause

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

#### **Member's Statement on Lack of Health Care Available in the North Slave Region**

**MR. LAFFERTY:** Thank you, Mr. Speaker. Mr. Speaker, as an MLA, it is not unusual for me to get calls at all hours of the night. Constituents call me for a variety of reasons, including medical emergencies.

Mr. Speaker, last night at around midnight I received a call from a father who was very concerned for the well-being of his child. This child had suffered a head injury and massive bleeding and unconsciousness had occurred. I was called because they

needed medical help for the child and the request for a medevac was being denied.

Mr. Speaker, in the North Slave riding one of my communities does not have a nurse. It does not have health facilities or life-saving equipment. The local lay dispenser is the sole medical support for that community. Mr. Speaker, when medical emergencies happen families are in danger because there is no nurse available to do an assessment. Although there is token support, this is often not enough. The only alternative is sometimes a medical charter into Yellowknife for something like sutures. This lack of medical support is dangerous and it is often costly because of the number of charters needed.

Mr. Speaker, communities throughout the North have varying levels of medical support. The support ranges from next to nothing in communities like Wekweti to having a nurse, a clerk, a home care worker and a health centre in Tsiigehtchic, which is roughly the same size as Wekweti.

Mr. Speaker, in early August the Minister of Health and Social Services, various board officials of the Dogrib Community Services Board and myself visited the North Slave communities of Gameti and Wekweti. Mr. Speaker, one of the issues that was raised at public meetings was that there is a need for a standard level of medical services across the Territories. Mr. Speaker, as I have said before, government practices are inconsistent. There is a gap between policy and practice, whether it would be how we award contracts, how we deal with government boards or how we provide medical services.

In this case health programs and services are ultimately the responsibility of the Minister responsible for Health and Social Services and the territorial government. At the appropriate time I will have questions for the Minister of Health. Thank you, Mr. Speaker.

-- Applause

**MR. SPEAKER:** Thank you, Mr. Lafferty. Item 3, Members' statements. The honourable Member for Yellowknife Centre, Mr. Ootes.

#### **Member's Statement on Passing of Prominent Northerners**

**HON. JAKE OOTES:** Thank you, Mr. Speaker. Mr. Speaker, today I would like to speak about four significant Northerners who have passed away over the past few months. I know that death is part of life, Mr. Speaker, and that there were other Northerners who have died lately, but I would like to take a few minutes to say a few words about several of my constituents, and in some cases close acquaintances.

Loraine Minish-Cooper and Lilly Oldham were both prominent women who made meaningful contributions in their professional and personal lives. Loraine Minish-Copper was a defense lawyer who later went on to work as a Crown Prosecutor and to head up that office. She also served as president of the NWT Law Association and served on several boards including the breast cancer support group, with which she was active until the time of her death in August.

Lilly Oldham worked in the Yellowknife public school system in various roles including as principal of William MacDonald School and most recently as superintendent of French

immersion. She was a very dedicated person to our students and to second language learning, and will be remembered through a scholarship fund set up in her name to assist students with post-secondary studies in a second language.

Doug Leonard moved to Yellowknife as a young child and during his lifetime got to know a great many people engaged in several pursuits, as many Northerners do. He worked at the front desk of the Yellowknife Inn and as a journalist and editor of the Yellowknife newspaper. But more significantly, Doug was a writer of songs and poetry. He wrote many of the songs sung by the renowned northern singer, Ted Wesley, and a book of his poems called *Echoes of the North* was published before he died.

Last week I had the honour of delivering the eulogy at the funeral of D'Arcy Arden. He was a very close friend of mine. At one time we were also partners staking claims together. D'Arcy was best known as a prospector, but he accomplished much more during his long life. D'Arcy was a Metis of strong combination of his two different backgrounds. He was completely competent and comfortable in both the traditional world of the Dene and the 20<sup>th</sup> century life. He worked hard at a number of pursuits from running a water taxi to being an RCMP special constable, to driving trucks and caterpillar tractors, but prospecting was his real love. He spent many years tramping through the bush and over the outcrops collecting samples and staking claims. In his later years he served on various boards including the NWT Water Board, the Chamber of Mines and the North Slave Metis Alliance.

These were all good people, Mr. Speaker.

**MR. SPEAKER:** Mr. Ootes, your time for Member's statement is over. Mr. Ootes.

**HON. JAKE OOTES:** Mr. Speaker, I seek unanimous consent to conclude my statement.

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

**HON. JAKE OOTES:** Thank you, Mr. Speaker. These were all very good people and great Northerners who have now passed on, but the North is certainly a better place because they lived and worked here. I would like to ask the House to join me in paying tribute and in expressing our condolences to their families and friends. Thank you, Mr. Speaker.

-- Applause

**MR. SPEAKER:** Certainly, Mr. Ootes, the condolences of the House do go to the passing of many great Northerners. Item 3, Members' statements. The honourable Member for Nahendeh, Mr. Antoine.

#### **Member's Statement on Remarks on the Community of Nahanni Butte**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, as the MLA for Nahendeh I have six communities in my constituency. Today I would like to say a few words about one of the communities, Nahanni Butte.

Mr. Speaker, those of you that travel throughout the North know that Nahanni Butte is a small community located along the South Nahanni River close to the confluence with the Liard River. It is the gateway to the Nahanni National Park if you go by boat, and this is a small community that is run by the chief and council. They do not have a municipal council and they run the business of running their community, as well as trying to do some business seeking ways of trying to get involved in the gas exploration that is at their doorstep.

Last July 31<sup>st</sup> there was an election, and I just wanted to congratulate again Chief Leon Konisenta who was re-elected and returns for another two-year term as the chief of the community of Nahanni Butte. I would also like to congratulate members of his council, Sam Nikotla, Jane Konisenta, Lena Marsellei, Jim Tonka, Steve Vital. I just wanted to congratulate them all. In a small community like that they are very busy, such as everybody else in the North, trying to make life better for their people.

I am pleased to extend congratulations to all the elected officials and to those individuals who ran for council positions. I am certain that the chief will enjoy the support of the experienced council and staff. I would like to say thank you for this opportunity, Mr. Speaker. Thank you.

-- Applause

**MR. SPEAKER:** Mahsi, Mr. Antoine. Congratulations to the elected people in your constituency. Item 3, Members' statements. Are there any further Members' statements? The chair now recognizes the honourable Member for Hay River South, Mrs. Groenewegen.

#### **Point of Privilege**

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. Mr. Speaker, I have a point of privilege. Mr. Speaker, yesterday I referred to the former chair of the NWT Power Corporation as having resigned. In fact, Mr. Stewart has informed me that his appointment was revoked by the government, and I just wanted to correct that for the record. Thank you.

**MR. SPEAKER:** Mrs. Groenewegen, the Chair has given this some thought and there is no point of privilege there. Your rights as a Member were not at all infringed upon in any which way, and nor was it even a point of order. It was an error that you made. Perhaps a correction in a Member's statement would have been sufficient, so it was not a proper use of a point of privilege. Therefore, you have no point of privilege. Item 3, Members' statements. Item 4, returns to oral questions. The honourable Member for Nahendeh, Mr. Antoine.

#### **ITEM 4: RETURNS TO ORAL QUESTIONS**

##### **Return to Oral Question 322-14(5): Business Incentive Policy Revisions**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, I have a Return to Oral Question asked by Mr. Delorey on October 16, 2002, regarding the Business Incentive Policy revisions.

In response to the revision deadline question: the proposed revisions to the Business Incentive Policy, along with a general information backgrounder, were released at a press conference on August 22, 2002. Opportunities were given to highlight

changes, suggest amendments and respond to questions. This process was open until September 20, 2002.

In response to the socio-economic benefits question: for the fiscal year 2000-2001, \$150 million of the \$206 million paid to businesses were in fact paid to northern businesses. Our business community is seeing record growth in every sector:

- retail sales were up by \$51 million last year;
- wholesale trade was up 20 percent;
- restaurant sales were up 27 percent; and
- manufacturing shipments increased by 25 percent.

Over the past year employment income in these industries has been growing at more than \$500,000 per month. As the Northwest Territories economy grows, there is a lesser dependency on government spending. Therefore, it is timely that the policy be revised to meet our current economic objectives.

In response to the manufacturing sector involvement question: on September 20, 2001, a panel was appointed to establish a stand-alone manufacturing program that addresses market research and development consistent with "Common Ground" recommendation 41.

Recommendation 41 states that: "Government should work with industry to develop a manufacturing strategy that addresses marketing, research and development for the sector. The sector should encompass a broad range of value-added activity and include an export development component."

The panel has been working on recommendations for the development of a program to assist northern producers of goods with inherent difficulties of operating in the North.

The Department of Resources, Wildlife and Economic Development expects to receive the recommendations within the next month and will work on finalizing a stand-alone northern manufacturing policy on a parallel basis with the Business Incentive Policy. Mahsi, Mr. Speaker.

**MR. SPEAKER:** Mahsi, Mr. Antoine. Item 4, returns to oral questions. The honourable Minister responsible for the Power Corporation, Mr. Handley.

#### **Return to Oral Question 327-14(5): Mechanism for Revoking Board Appointments**

**HON. JOE HANDLEY:** Mr. Speaker, I have a Return to Oral Question asked by Mr. Roland on October 16, 2002, regarding the mechanism for revoking board appointments.

The Minister's authority to remove the directors of a board, in this case the Northwest Territories Power Corporation board, is implied in the Minister's power to appoint under section 9 of the Northwest Territories Power Corporation Act and by virtue of section 21 of the Interpretation Act. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. 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, I would like to take this opportunity to direct your attention to the presence in the visitors' gallery of several people. First, Mr. Ted Hughes, the Conflict of Interest Commissioner for the Northwest Territories.

-- Applause

Secondly, to Mr. Fred Koe. Fred Koe was a Member of the 12<sup>th</sup> Legislative Assembly, currently the chairman of the Canada Day Committee.

-- Applause

As well, I would like to welcome to the visitors' gallery Mrs. Elaine Berkalok, Mrs. Berkalok was the deputy minister of the Department of Health and Social Services for some time.

-- Applause

Item 5, recognition of visitors in the gallery. The honourable Member for Nahendeh, Mr. Antoine.

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize and do not really want to but I have to correct you, Mr. Speaker, because the chairperson of the Northwest Territories Development Corporation is Ms. Wyman, she is in the audience, as well as the president of the Northwest Territories Development Corporation, Mr. Fred Koe. Thank you.

**MR. SPEAKER:** Thank you. Mr. Koe is indeed a busy person. Welcome. Item 5, recognition of visitors in the gallery. The honourable Member for Hay River South, Mrs. Groenewegen.

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. I have the privilege of recognizing two of my constituents in the gallery today. Wayne Pringle, who is a lead hand in maintenance at the H.H. Williams Memorial Hospital who has been in Hay River for 12 years and worked at the hospital for the last 11.

Also, Bill Dalton, who hails from Newfoundland and who has come more recently and worked as an LPN at Woodland Manor for the past seven months. Thank you.

-- Applause

**MR. SPEAKER:** Item 5, recognition of visitors in the gallery. The honourable Member for Great Slave, Mr. Braden.

**MR. BRADEN:** Thank you, Mr. Speaker. I would like to recognize a number of people involved in the Quit and Win campaign. Volunteers that are well-recognized already in our community. Elaine Berthalet, I have known, had the distinction while under your watch as Minister, Mr. Speaker she is the coordinator of the Quit and Win advisory program for the Canadian Public Health Association.

Miriam Wideman is with our Department of Health and Social Services. Gail Nesbitt is a volunteer from Sport North. Arlene Ysako is here representing the Canadian Cancer Society and Rosela Stoes is the coordinator of the Quit and Win project. Thank you for coming today.

-- Applause

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

**HON. JAKE OOTES:** Thank you, Mr. Speaker. Mr. Speaker, I would like to recognize two prominent Yellowknife citizens, they are constituents of mine and they have been recognized before but I would like to just recognize them as constituents, Fred Koe and Liz Wyman. Thank you.

-- Applause

**MR. SPEAKER:** Item 5, recognition of visitors in the gallery. The honourable Member for Hay River North, Mr. Delorey.

**MR. DELOREY:** Thank you, Mr. Speaker. Mr. Speaker, it gives me great pleasure to welcome Ms. Betty Brockaway, Mr. Ray Davies and Mr. Terry Wright. All three are my constituents from Hay River. I would also like to welcome Bo Dalton and Mike Pringle. All of the above are members of PSAC Local 001 in Hay River. I want to thank them for taking the trip over to Yellowknife to be with us today.

I would also like to recognize my CA in the gallery.

-- Applause

**MR. SPEAKER:** item 5, recognition of visitors in the gallery. The honourable Member for Mackenzie Delta, Mr. Krutko.

**MR. KRUTKO:** At this time I would like to recognize Mr. Fred Koe from Aklavik, so people know for the record, where Fred comes from. Welcome, Fred.

-- Applause

**MR. SPEAKER:** Item 5, recognition of visitors in the gallery. Welcome everybody to the Legislative Assembly. I guess if we had a prize for the most recognized person, Mr. Koe would get it today. Item 6, oral questions. The honourable Member for Frame Lake, Mr. Dent.

#### ITEM 6: ORAL QUESTIONS

##### Question 372-14(5): Federal Support for Northern Development

**MR. DENT:** Thank you, Mr. Speaker. Mr. Speaker, yesterday I made a statement about economic opportunities and infrastructure needs in the Northwest Territories. Today I would like to ask the Premier questions in that area.

Mr. Speaker, I understand that the federal government has suggested that they are unwilling to come up with anywhere near the \$133 million we requested in the Corridors for Canada proposal. Given the lack of understanding and reasonable response from the federal government to our proposal, what is the Premier and this government proposing to do now?

**MR. SPEAKER:** Thank you, Mr. Dent. The honourable Premier, Mr. Kakfwi.

##### Return to Question 372-14(5): Federal Support for Northern Development

**HON. STEPHEN KAKFWI:** Thank you, Mr. Speaker. Mr. Speaker, it is our job to continue to take our message to Ottawa and tell every Minister, every Member of Parliament who understands the Northwest Territories the agenda we

have, the exciting future that we have laid out for ourselves, for our communities and the needed partnership that is being requested by ourselves with the federal government.

It is our view that that work is still not done, so we will continue to seek meetings with the federal Cabinet, with the outgoing Prime Minister, the next Prime Minister that is going to be coming along fairly soon, and every Member of Parliament. We will be doing that with members of the business community and perhaps Members of the Legislature as we develop our plans and strategy, so that we continue to lay out very clearly what it is that we need from this very reluctant partner we have identified in our plans that is the federal government. Thank you.

**MR. SPEAKER:** Thank you, Mr. Premier. Supplementary, Mr. Dent.

##### Supplementary to Question 372-14(5): Federal Support for Northern Development

**MR. DENT:** Thank you, Mr. Speaker. Mr. Speaker, I think we all support the idea of going after more funding from the federal government, but we have to be aware of when the funds are not going to be available any longer. Is the Premier aware of the time table for final commitments of the \$200 million or so that is available from the strategic infrastructure fund? When will it be fully allocated? Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Dent. The honourable Premier, Mr. Kakfwi.

##### Further Return to Question 372-14(5): Federal Support for Northern Development

**HON. STEPHEN KAKFWI:** Thank you, Mr. Speaker. Mr. Speaker, the federal government had given us full confidence that the Primer Minister and, at that time the Minister of Finance, Paul Martin, and virtually every Cabinet Minister that we met over the course of the spring and summer were on side. To this day, even the officials continue to tell us that ours was one of the best proposals they received from right across this country. I think it sort of went downhill when Minister Allan Rock got the assignment, and it went from what is deemed a strategic investment fund to what we thought and we feared, which would be a political slush fund, one that is allocated based on per capita, which always is a great winner for Ontario and for Quebec, no matter the quality of their proposals.

Under Minister Rock, we have been given, instead of the \$133 million that we had some confidence that we would get a substantial amount of, we have been reduced to have been told that we should be grateful for the \$20 million that have been identified for us. We still have no idea yet whether that is over four years and what the conditions are for getting that money. So we are continuing to push the point with our Member of Parliament and to seek meetings with Ministers. We will be continuing to return to Ottawa to keep delivering our message the best we can. Thank you.

**MR. SPEAKER:** Thank you, Mr. Premier. Supplementary, Mr. Dent.

**Supplementary to Question 372-14(5): Federal Support for Northern Development**

**MR. DENT:** Thank you, Mr. Speaker. I guess we will not turn up our noses at \$20 million, but again, it seems like we have been stuck with a down-payment only in our request here. If in fact we have one of the best proposals out there and we still cannot get the money, obviously it is politics that have to be played. How is the government positioning themselves to play a stronger game of politics in Ottawa to win this fight for more money?

**MR. SPEAKER:** Thank you, Mr. Dent. The honourable Premier, Mr. Kakfwi.

**Further Return to Question 372-14(5): Federal Support for Northern Development**

**HON. STEPHEN KAKFWI:** Well, we know that some of the leadership hopefuls are more visionary than others, and there will be a leadership race underway very shortly, a much higher profile. We intend to be there. We know the leadership qualities of people like Paul Martin, the qualities of people like Allan Rock. So we are ready to comment on that. We have no doubt that it is going to be difficult, because all we have to offer is billions of dollars of potential revenue to the federal government, but only one Member of Parliament.

On a matter of votes, we are not important. What is important about us is the fact that we have an incredible economic future that we can deliver to Canadians, and especially our people. Thank you.

**MR. SPEAKER:** Thank you, Mr. Premier. Final supplementary, Mr. Dent.

**Supplementary to Question 372-14(5): Federal Support for Northern Development**

**MR. DENT:** Thank you, Mr. Speaker. The other side of the economic opportunities was the pipeline. Now that the energy bill, which would have provided a subsidy for Alaskan gas, appears to be dead, since Congress and the Senate could not come to an agreement on the bill, does the Government of the Northwest Territories now feel that issue is finished, or is it something that we have to still watch?

**MR. SPEAKER:** Thank you, Mr. Dent. The honourable Premier, Mr. Kakfwi.

**Further Return to Question 372-14(5): Federal Support for Northern Development**

**HON. STEPHEN KAKFWI:** Thank you, Mr. Speaker. I believe the issue with the Alaska pipeline and subsidies is going to be put on the backburner for a couple of months. Right after the elections in the U.S. in November, I believe, the issue will potentially return, depending on the outcome of the elections.

In regard to the federal government, it is true. It is well-known that the Prime Minister personally would like to see the pipeline proceed. The Ministers have indicated that privately. Officially, they are still trying to cling to the idea that they could be somewhat neutral. My view is that I do not think even the most naïve and the most remotely distant Minister, Member of Parliament in Ottawa would have any sense in believing that for \$20 million, they can have a pipeline. It is not going to

happen unless the federal government steps up, takes some decisive leadership, puts some investment in the North with aboriginal people, with this government, so we can continue to proceed with some confidence. I think that message has been delivered a couple of times. Industry is starting to deliver that message with us as well. One of these days, the light is going to go on and we will see some action start to come from the Prime Minister, Minister Nault, and the other Ministers that have the responsibility to act in the Canadian interest, to act on behalf of the people of the Northwest Territories. Thank you.

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

**Question 373-14(5): Cameron Hills Development**

**MR. MCLEOD:** Thank you, Mr. Speaker. Mr. Speaker, in my Member's statement I raised concerns regarding development in the Cameron Hills. It is very difficult to analyze what is happening up there. I wanted to know if the Department of RWED receives information regarding the jobs that are created, the number of jobs, the contracts, the services provided to the northern people and businesses. I would like to ask the Minister if he could respond to that. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. McLeod. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Return to Question 373-14(5): Cameron Hills Development**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, the Cameron Hill operation is under DIAND's authority to issue the license. The Mackenzie Valley Land and Water Board is also engaged in this initiative. As the Government of the Northwest Territories, although we do not have the direct authority to issue the licenses or permits, we are very concerned about the activity on the Cameron Hills by Paramount Resources, and the way they conduct business and the way they do, including the payments of the work that is done for them by businesses in the North. There is an analysis that has been done by the...I believe by the Mackenzie Valley Land and Water Board. RWED is also trying to analyze what has been going on and what needs to happen, so the people in the North who do the work there are satisfied, as a result of the way Paramount is doing business with them. Thank you.

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

**Supplementary to Question 373-14(5): Cameron Hills Development**

**MR. MCLEOD:** Thank you, Mr. Speaker. I am going to interpret that by the Minister's response that he does have a copy of the analysis that was done by the Mackenzie Valley Land and Water Board, and I am hoping he will share that with us.

However I will ask, in a question regarding the South Slave region. Of those employees that are in the Department of Resources, Wildlife and Economic Development, how many of these people provide pure business support versus renewable resources support? Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. McLeod. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Return to Question 373-14(5): Cameron Hills Development**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, I have to ask the department for that specific information. I do not know who is exactly doing what in the South Slave, I have to get that information. Thank you.

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

**Supplementary to Question 373-14(5): Cameron Hills Development**

**MR. MCLEOD:** Mr. Speaker, maybe I can help the Minister by letting him know that the communities in the Deh Cho have been requesting assistance for some time now and we feel that there is a lack of human resources in our communities. They are looking for and have requested to have some personnel that have experience and are familiar w. the oil and gas industry.

I know a lot of people, I have contacts in the industry. I would like to ask the Minister, after he does review the South Slave region and realizes that there are not enough people in oil and gas, if we could look forward to possible increases in human resources in that field? Thank you.

**MR. SPEAKER:** Thank you, Mr. McLeod. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Further Return to Question 373-14(5): Cameron Hills Development**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, in the Department of RWED we know that oil and gas activity is really going strong now in the western part of our Territories, along the Mackenzie Valley. We need additional resources. Our department is aware that we need that. It is viewed as a new initiatives and we are going to have to look internally in trying to address this issue.

I have already talked to the deputy minister a number of times about what is it exactly that we are doing to try and meet the demand that is growing in the communities along the Mackenzie Valley. We are looking at what it is we could do internally. That is the instruction that I have to date. With this year's budget that is where we are at this time. Thank you.

**MR. SPEAKER:** Thank you, Mr. Antoine. Final supplementary, Mr. McLeod.

**Supplementary to Question 373-14(5): Cameron Hills Development**

**MR. MCLEOD:** Thank you, Mr. Speaker. I raise this concern today because it is very difficult to access this information in the department. With our concerns on Cameron Hills we do not have a lot of information coming to us from the Mackenzie Valley Land and Water Board, we cannot seem to access the information.

I would like to ask the Minister, are they receiving the information? I do not get the sense today that he is receiving the information on the development of Cameron Hills in a timely manner. Is he receiving information in a timely manner?

**MR. SPEAKER:** Thank you, Mr. McLeod. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Further Return to Question 373-14(5): Cameron Hills Development**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, the Department of Resources, Wildlife and Economic Development, we try to influence the terms and conditions of the license for Paramount. I think I indicated earlier on that it is DIAND authority, but permits to Paramount for exploring as well as to get into the significant development of building the pipeline and so forth, so the only thing we can do here, because we don't have that authority or jurisdiction over lands and resources and waters in the Territories, the only ability we have is to try to influence the terms and conditions to ensure that communities receive the benefits from the activities.

We are also developing a tracking system to try to assess the success. We are trying to get the information as best we can from DIAND and we are subject to the type of information they provide us. Whether we get all the information in a timely basis, I have to check with the department for that information.

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

**Question 374-14(5): Status of Hay River Health Board Employees**

**MR. DELOREY:** Thank you, Mr. Speaker. Mr. Speaker, I would like to address the issues currently facing the employees at the Hay River Community Health Board. Firstly, I would like to thank the Minister for the trips he has made to Hay River to address the many issues that have arisen over the status of the Hay River Community Health Board.

Although my constituents appreciate his efforts, a number of questions still remain unanswered, especially in the area of collective bargaining and funding.

Would the Minister please advise this House how changes to the Health and Social Services Act that he is contemplating affect the legal status of the Hay River Community Health Board and who is ultimately their employer? Thank you, Mr. Speaker.

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

**Return to Question 374-14(5): Status of Hay River Health Board Employees**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, at this juncture the board itself is the employer. The changes to the Health and Social Services Act will make an exemption to allow Hay River employees not to miss being members of the public service. So they will receive funding from the territorial government and they will be participant in all other functions of Health and Social Services across the North in their capacity as members of the Joint Leadership Council. Thank you.

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

**Supplementary to Question 374-14(5): Status of Hay River Health Board Employees**

**MR. DELOREY:** Thank you, Mr. Speaker. Mr. Speaker, if the legislation is passed respecting the Health and Social Services Act, who will be responsible for the bargaining of health board employees? Who will have the last word in bargaining? Will it be the board or the government? Thank you, Mr. Speaker.

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

**Further Return to Question 374-14(5): Status of Hay River Health Board Employees**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, I would hope to see this as a cooperative effort with the board being the lead at the table. Being part of the broader health and social services system, we also have to keep the broader fiscal implications in mind. This is a unique situation so I want to see this done in a cooperative way. Thank you.

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

**Supplementary to Question 374-14(5): Status of Hay River Health Board Employees**

**MR. DELOREY:** Thank you, Mr. Speaker. Mr. Speaker, the meeting that I mentioned earlier with the Minister, the Minister was reported as saying that our health board would be given a mandate for negotiation before the collective bargaining process commences. That bargaining process commences next month.

Does the Minister have a contingency plan in place in the event that negotiations break down, that includes a legislative imposition of any aspect of the government's bargaining mandate?

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

**Further Return to Question 374-14(5): Status of Hay River Health Board Employees**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, this process is just getting underway. It is a unique circumstance. I am confident that we will negotiate collectively a satisfactory package so that all parties involved will be satisfied. That is the approach we are taking as we start this process and I am confident that is where we will end up in due course. Thank you.

**MR. SPEAKER:** Thank you, Mr. Minister. Final supplementary, Mr. Delorey.

**Supplementary to Question 374-14(5): Status of Hay River Health Board Employees**

**MR. DELOREY:** Thank you, Mr. Speaker. The cancellation of the transfer of the Hay River Community Health Board caused substantial turmoil to the employees of the Hay River Community Health Board. A great deal of time and effort was spent by a good many preparing for this government-imposed plan. Then abruptly, the rug was pulled out from under them when the plan was scrapped.

Will the Minister please inform this House whether his department plans to compensate the health board, the union and the many individuals who spent hours and hours of their own time pursuing this fruitless exercise? For the resources they were required to expend. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you. Make your last supplementary short. The honourable Minister responsible for the Department of Health and Social Services, Mr. Miltenberger.

**Further Return to Question 374-14(5): Status of Hay River Health Board Employees**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, this process is yet to conclude. It has taken a somewhat different direction. The process was agreed to beforehand. They got us to the point of still working on transfer. When the decision was made not to proceed with the transfer we embarked on another course of action which is the collective bargaining process, so that process is still underway. Thank you.

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

**Question 375-14(5): Repairs to Highways No. 5 and No. 6**

**MR. NITAH:** Mahsi cho, Mr. Speaker. Mr. Speaker, my question is for the Minister of Transportation. Mr. Speaker, lost opportunities. Shoddy work, lost opportunities.

I would like to ask the Minister, is his department, the Department of Transportation, going to fix the work that has been done, or the lack of work that has been done on Highway No. 6 and Highway No. 5? Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Transportation, Mr. Handley.

**Return to Question 375-14(5): Repairs to Highways No. 5 and No. 6**

**HON. JOE HANDLEY:** Thank you, Mr. Speaker. I do not want to appear woebegone and stricken with sadness over the challenges we have in front of us, but we have tremendous challenges with our highway system. We just do not have the money to be able to do the jobs the way they should be done in the first place. We should be doing it by completely reconstructing some roads. We should be doing more training. We should be doing things differently, but we have to make our money go as far as we can. So we have done some work. Our engineers are not entirely happy with what we have to do, but they are trying to do the best they can.

In the case of the roads the Member referred to, yes, we expected that there would be some breakthroughs in the chipsealing that was done and some of the other work. There has been some work done in September. There will be more work done next year by the contractor in fixing up some of the breaks. Of course, our department will continue with its maintenance work. Thank you.

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

**Supplementary to Question 375-14(5): Repairs to Highways No. 5 and No. 6**

**MR. NITAH:** Mahsi cho, Mr. Speaker. Mr. Speaker, my constituents said they are spending just as much fixing up the roads than when they chipsealed the roads, so I am not sure if we are being smart about how we spend the money.

I want to ask the Minister, let's fix this road. Let's take a long-term plan. Let's not just do a quick fix and forget about it scenario. Let's work with the community, Mr. Speaker. I would like to see if I could get a commitment from the Minister that he will partner up with the Department of Education and the community to come up with a long-term plan that will build the roads that will last a long time and at the same time train people that we need in the Northwest Territories. We need human resources, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Transportation, Mr. Handley.

**Further Return to Question 375-14(5): Repairs to Highways No. 5 and No. 6**

**HON. JOE HANDLEY:** Mr. Speaker, certainly I will continue to work with the Minister of Education, Culture and Employment to determine how we can best have training on all of our projects, including the ones that Mr. Nitah is referring to. Thank you.

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

**Supplementary to Question 375-14(5): Repairs to Highways No. 5 and No. 6**

**MR. NITAH:** Thank you, Mr. Speaker. Mr. Speaker, from the condition of the road and the people involved, I do not think the Minister was working with the Minister of Education, Culture and Employment yet, therefore I do not know what he means when he says "I will continue to work with him." I want to get a commitment that he will work with the community as well, Mr. Speaker, the community as well.

**MR. SPEAKER:** Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Transportation, Mr. Handley.

**Further Return to Question 375-14(5): Repairs to Highways No. 5 and No. 6**

**HON. JOE HANDLEY:** Mr. Speaker, certainly, but I cannot make any firm commitments with the community right now. We have not done our business plans for next year and for future years, and those are things that will have to be taken into consideration as we look at our budget in future years. It is

hard to be more specific than that, looking ahead at next year's budget. Thank you.

**MR. SPEAKER:** Thank you, Mr. Minister. Final supplementary, Mr. Nitah.

**Supplementary to Question 375-14(5): Repairs to Highways No. 5 and No. 6**

**MR. NITAH:** Thank you, Mr. Speaker. Mr. Speaker, I am getting a sinking feeling that once our Highway No. 4 and the access road to Detah is completed, the Minister is planning not to proceed with the work that he promised to do on Highway No. 5 and Highway No. 6. Will the Minister tell me if he plans to proceed with the completion of the resurfacing of Highway No. 6, and will he do a better job next time?

**MR. SPEAKER:** Thank you, Mr. Nitah. The honourable Minister responsible for the Department of Transportation, Mr. Handley.

**Further Return to Question 375-14(5): Repairs to Highways No. 5 and No. 6**

**HON. JOE HANDLEY:** Mr. Speaker, we will do the best job we can. I think we have some good people working on maintenance and so on in our department in all areas. Mr. Speaker, I cannot make a commitment now about something that is in next year's budget and has to go through the committee process and through the Legislative Assembly. I do not know what money I will have next year. Thank you.

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

**Question 376-14(5): Support for Oil and Gas Development**

**MR. KRUTKO:** Thank you, Mr. Speaker. Mr. Speaker, my questions are for the Minister of Resources, Wildlife and Economic Development, Mr. Antoine, regarding my Member's statement, that we do have a lot of developments happening and we do have different initiatives on the go, but I believe there is very little happening at the community front. I think it is important, Mr. Speaker, that this government takes the initiative. I mentioned in my statement that the Government of the Northwest Territories has established socio-economic agreements with the diamond industry. I would like to ask the Minister, has this government considered a similar approach when we deal with the oil and gas industry?

**MR. SPEAKER:** Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Return to Question 376-14(5): Support for Oil and Gas Development**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, when I took over this portfolio last November, and knowing and understanding what happened at the diamond mines in regard to socio-economic agreements and impact benefit agreements, I was told by officials in RWED that were briefing me on all aspects of this job on the oil and gas side that...can we apply the same type of proposals to the oil and gas sector. I was told that in the Mining Act, there were no provisions for socio-economic agreements. Through the review of the Mackenzie

Valley Environmental Impact Review process, the aboriginal leaders, as well as our government, pushed to make sure that we have strong socio-economic agreements on the mining side. I asked if we could do it on the oil and gas side. Apparently, there is federal legislation on oil and gas, Canadian oil and gas legislation that allows for socio-economic agreements, not on the exploration part of it but during the development, once there is a significant find, once they do the drilling and oil and gas exploration, then there are provisions in the federal legislation for oil and gas for socio-economic agreements. Because this agreement is there, we did not pursue similar types of arrangements we had on the mining side, but there are perhaps ways of approaching it. I have asked the department to explore what the possibilities are during the exploration part of the oil and gas phase. To this point in time, we do not have any similar types of arrangements with oil and gas like we do on the diamond mining side. Thank you.

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

**Supplementary to Question 376-14(5): Support for Oil and Gas Development**

**MR. KRUTKO:** Thank you, Mr. Speaker. Mr. Speaker, there is an avenue in place in this government. There is, under the oil and gas act that the Minister mentioned, a provision that clearly states that benefit agreements have to be reached by the affected communities on the affected developments. Also, the Mackenzie Valley Resources Act, under the environmental assessment process, calls for social impact benefit agreements to be negotiated with the affected communities. So there are provisions in legislation -- federal legislation or not -- that we have an opportunity to look at these different areas. I would like to ask the Minister exactly, what is the department doing to ensure that we as a government receive the maximum benefit from these developments and to ensure that when the effects are taken on by our communities, that we as a government ensure that we do whatever we can to protect our communities from these developments.

**MR. SPEAKER:** Thank you. That was a very long question, Mr. Krutko. If you could maybe be a little more specific, but...Minister Antoine.

**Further Return to Question 376-14(5): Support for Oil and Gas Development**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, this is my question to members in the department, why can we not do that? This was when I was getting briefed up. Up until now, I have instructed the department to look at what we could do in this area.

Mr. Speaker, there are some communities that make their own arrangements. For example, Fort Liard, when there was a big...(inaudible)...going on there with exploration and a significant find with oil and gas, they wanted to do it themselves. They did not want the GNWT to be involved. So we have communities in the North that do not want us involved. There are regions in the North that have told us that the GNWT is not their government. So we have to be cognizant of that, yet I have instructed the department to look at what we can do as a template if communities and regions want to work in this area. So we are doing some work in this regard. Thank you.

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

**Supplementary to Question 376-14(5): Support for Oil and Gas Development**

**MR. KRUTKO:** Thank you, Mr. Speaker. Mr. Speaker, again, we do have a responsibility to ensure that the socio-economic agreements benefit our people, are in place to protect us, to ensure that we have trained people, we have job opportunities, and to ensure the economic opportunities stay in the North.

Mr. Speaker, I would like to ask the Minister again, what is the Minister doing to work with communities to build that capacity to ensure we receive the maximum benefit from the oil and gas developments that are taking place in the Mackenzie Valley today.

**MR. SPEAKER:** Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Further Return to Question 376-14(5): Support for Oil and Gas Development**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. The Department of Resources, Wildlife and Economic Development as the Government of the Northwest Territories, we do not have that jurisdiction. It is the federal jurisdiction to license the exploration as well as the development of oil and gas. It is difficult for us to get right in there with the oil companies and tell them that they have to have socio-economic agreements. Our staff are monitoring what is going on in the communities and in the regions, and if we are asked to help out and support them that is when we get involved at this point in time.

Again I have asked the department to look at what sort of template we could develop that would be applicable to the communities and the regions, and there is work going on at this point in time to see how we could help out better in the communities where there is oil and gas activity. Thank you.

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

**Supplementary to Question 376-14(5): Support for Oil and Gas Development**

**MR. KRUTKO:** Thank you, Mr. Speaker. Mr. Speaker, with regard to court cases and whatnot that have happened where the Government of the Northwest Territories has definitely been identified as being independent from the federal government system, where we do have the right to make our own decisions, I would like to ask the Minister, have you asked the Department of Justice for a legal opinion with regard to the independence of ourselves as a government and how we can intervene in those federal processes either through the environmental assessment process or benefit agreements?

**MR. SPEAKER:** Thank you, Mr. Krutko. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Further Return to Question 376-14(5): Support for Oil and Gas Development**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, again once we have concluded devolution discussions with the federal government perhaps we would be in a better position to be directly involved with telling the oil and gas companies what sort of conditions they have to meet once they get their permits and licences, but at this point in time we do not have that authority. It is still the federal government's responsibility and we are involved. We are trying to influence what is going on. I agree that perhaps we could play a bigger role, but we need to work with the communities and the leadership in the different regions if they ask us to get involved. Up to this point in time there are a few communities that are asking for our support and help, and we certainly will do it.

In terms of asking for legal advice, I am going to have to ask the department and the Department of Justice about the question that the MLA has asked. Thank you.

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

**Question 377-14(5): Negotiated Contract for Air Tanker Services**

**MS. LEE:** Thank you, Mr. Speaker. Mr. Speaker, my question today goes to the Minister responsible for Resources, Wildlife and Economic Development with regard to the contract negotiations being engaged in on the water bomber contract. Mr. Speaker, I believe the hall mark of good government is one that respects equality, fairness and transparency and what I have been hearing in the House of late on this issue shows a lack of consistency and clarity that is making the people on the street shake their heads about where exactly this government's economic and business policies lie.

Mr. Speaker, in answering questions in this House the Minister indicated that the government is undertaking contract negotiations in order to keep the costs down and because this business is northern and because it has capacity. I agree that Buffalo Airways is a good northern company, but if he is not open to any other bidders how does he know that the costs will stay low? Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Ms. Lee. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Return to Question 377-14(5): Negotiated Contract for Air Tanker Services**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, we are negotiating with Buffalo to provide air tanker services in the Northwest Territories. They have been doing that for the last seven years. I have said in the House and the honourable Member also reiterated that the object of the exercise here is to try to get the good service that we require at a lower cost. Through the negotiation process we are trying to negotiate a lower price than has been there in the past, and that is what I base my answer on. Thank you, Mr. Speaker.

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

**Supplementary to Question 377-14(5): Negotiated Contract for Air Tanker Services**

**MS. LEE:** Thank you, Mr. Speaker. I do not believe the Minister answered as to why and on what basis the department is advising, or the Cabinet believes, that this process will ensure a low cost -- or whether or not Buffalo Airways is the only one that could provide this service. I ask the question again, Mr. Speaker, what information does the department or the government have to lead them to believe that this is a cost saving measure? Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Ms. Lee. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Further Return to Question 377-14(5): Negotiated Contract for Air Tanker Services**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, we are negotiating as we speak here, but just to reply to the question, Buffalo Airways has done an excellent job in developing a northern business. Ten years ago we had a huge debate in this House in trying to grapple with this and trying to help develop a northern company that could have the capacity and ability to provide air tanker services in the North, and I think we have succeeded through Buffalo Airways. They have developed a northern business. They own the business. They are operating it and they are maintaining northern aircraft with northern residents and northern businesses.

They are also providing training in the North with their value-added facilities. They have also offered to increase the benefits and reduce the annual charges for aircraft. Most importantly, there are at this point in time no northern businesses that own and operate air tankers in the Northwest Territories, and any new operator that would like to have a chance at it, if they are successful would have to either joint venture with a firm that has air tankers and probably would most likely have to come from the south.

Seven years ago when this government through a huge debate and discussion decided to develop a northern aircraft fire fighting business and bring the equipment and benefits north, I think we have succeeded in that. Thank you.

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

**Supplementary to Question 377-14(5): Negotiated Contract for Air Tanker Services**

**MS. LEE:** Thank you, Mr. Speaker. I want to make it clear that I said that Buffalo Airways is a well established and reputable airline company in the North. There is no question about that, Mr. Speaker, but I do not believe that anything that the Minister has indicated today or at any other time in answering this question leads us to believe that he understands that there are other northern businesses. We are not talking about competing with southern businesses, but the information I have -- for example Air Tindi has every bit of presence at the airport and in the northern community and they employ a lot of people.

Does the Minister not agree that maybe they should be given an opportunity to show their stuff as to whether or not they are capable of doing this, and show their northernness in their life in

the North? Would the Minister consider asking them? Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Ms. Lee. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Further Return to Question 377-14(5): Negotiated Contract for Air Tanker Services**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. I think that if for -- I am trying not to express my opinion here but the position of the department is that we have looked at what is available out there and with the information that has been provided to me and working on this issue, it is pretty clear that we are trying to do this for all the right reasons, to try to save a couple of million dollars over the life of this contract. We plan to keep the business north. If there are other airline businesses that have the air tankers and the ability to do this kind of work then certainly we could look at that as well. Thank you.

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

**Supplementary to Question 377-14(5): Negotiated Contract for Air Tanker Services**

**MS. LEE:** Thank you, Mr. Speaker. Mr. Speaker, I understand what the department is telling him but I urge the Minister to think about what he believes is the right thing as one of the leaders of this government, Mr. Speaker.

The information that I have is that there are other northern airlines and aircraft businesses who could contemplate taking on this contract. I am not clear, and the Minister has not made it clear that he will open this up for possible consideration by other companies. Would the Minister make the commitment to open this up? Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Ms. Lee. The honourable Minister responsible for the Department of Resources, Wildlife and Economic Development, Mr. Antoine.

**Further Return to Question 377-14(5): Negotiated Contract for Air Tanker Services**

**HON. JIM ANTOINE:** Thank you, Mr. Speaker. Mr. Speaker, the honourable Member and this House has to give me some time and I will have to check on the legalities of where we are in negotiations and I will have to get back to the Member on this question. Thank you.

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

**Question 378-14(5): Standard Medical Services in Northern Communities**

**MR. LAFFERTY:** Thank you, Mr. Speaker. My question is for the Minister of Health and Social Services, the Honourable Michael Miltenberger. Mr. Speaker, when we visited Lutselk'e in August, the Minister agreed at the community meeting that there was a need for a standard level of medical services across the Territories.

I would like to ask the Minister, what steps has he taken to ensure that a standard level of medical service is available throughout northern communities? Thank you, Mr. Speaker.

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

**Return to Question 378-14(5): Standard Medical Services in Northern Communities**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, this is one of the fundamental action items in the action plan. We are doing a number of things. We are developing the core services list of services that are essential for communities. We are looking at an integrated service delivery model and a primary care model.

The Member makes a valid point, that there are inconsistencies when you look at communities of comparable size in the level of services, especially among the smaller communities. It is an issue that we have to try to address and we intend to address in the coming weeks as we move forward with finalizing that planning process. Thank you.

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

**Supplementary to Question 378-14(5): Standard Medical Services in Northern Communities**

**MR. LAFFERTY:** Thank you, Mr. Speaker. As the Minister might remember from the public meeting, residents in Wekweti have been asking for a health centre and a full-time nurse for a long time.

I would like to ask the Minister, what is he doing along with the boards to ensure that this is going to happen in this community? Thank you, Mr. Speaker.

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

**Further Return to Question 378-14(5): Standard Medical Services in Northern Communities**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, we are looking at the issues of services in Wekweti, along with the issue of services in other smaller communities like Wrigley, Nahanni, Jean Marie River, Trout Lake, Colville Lake, to ensure that there is a basic standard.

The issues that I have touched on in my previous answer have to be addressed, and once we have that fundamental information there we will be able to move forward in terms of the resource costs and making the case for the necessary resources to make sure that communities that are not at this basic standard are brought to that level. Thank you.

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

**Supplementary to Question 378-14(5): Standard Medical Services in Northern Communities**

**MR. LAFFERTY:** Thank you, Mr. Speaker. I would like to ask the Minister, when will the supplies be rolling into Wekweti? As he is doing the studies and all of that, the decision will be made pretty soon. I would like to ask him, when will supplies be coming in for a new health centre? Thank you, Mr. Speaker.

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

**Further Return to Question 378-14(5): Standard Medical Services in Northern Communities**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, the supplies that have been rolling into Wekweti will continue to roll into Wekweti. The level of service they have received up to now will continue to be obtained, working with the rest of the communities in the North Slave and tied into the other resources in Yellowknife.

The other longer term ones, there are some steps that have to be taken as I have outlined, and once those are done we can better give the Member an indication of what those timelines will be. Thank you.

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

**Supplementary to Question 378-14(5): Standard Medical Services in Northern Communities**

**MR. LAFFERTY:** Thank you, Mr. Speaker. I would like to ask the Minister, can he work along with me and the board and keep us up to date along with the House, so we can put a health centre into some of these smaller communities as soon as we can. Thank you, Mr. Speaker.

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

**Further Return to Question 378-14(5): Standard Medical Services in Northern Communities**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, yes, I commit to working with the Member and the boards, the authorities and communities, the leadership of those communities across the Northwest Territories. The only way we are going to make progress is if we work together, and that has been our thrust from the start of this process and will continue to be. Thank you.

**MR. SPEAKER:** Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Yellowknife South, Mr. Bell.

**Question 379-14(5): Aurora College Facilities in Yellowknife**

**MR. BELL:** Thank you, Mr. Speaker. My question today is for the Minister of Education, linked to the Aurora College Yellowknife campus facilities. This fall, when enrolments were announced, Mr. Speaker, the college staff bureaucracy had I think indicated that students were flung all over town because

of the lack of space and it does not seem to be an adequate facility any more. I am wondering what the Minister has in future plans for the expansion of this facility.

**MR. SPEAKER:** Thank you, Mr. Bell. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

**Return to Question 379-14(5): Aurora College Facilities in Yellowknife**

**HON. JAKE OOTES:** Thank you, Mr. Speaker. Mr. Speaker, the issue of the college, we have been dealing lately with the need for a college facility in Inuvik, that was a large capital investment that we had to make. We also had to deal with some housing issues in Fort Smith that we need to address. Another priority that certainly is now being identified is the Yellowknife campus, both from a number of areas. One is the facility itself for classroom space, but the second is there are related problems, that is accommodation, parking and child services, Mr. Speaker.

It is coming forward as a priority. It has been asked, what are we doing about it? We have not addressed it as of yet, but that is because we have been dealing with the Inuvik campus situation and their accommodation. Thank you.

**MR. SPEAKER:** Thank you, Mr. Minister. Supplementary, Mr. Bell.

**Supplementary to Question 379-14(5): Aurora College Facilities in Yellowknife**

**MR. BELL:** Thank you, Mr. Speaker. Given that he has acknowledged that there are many issues and he said that it is a priority, I guess it comes down to what the most important priorities are. I am curious to know what the housing issues are that he is already dealing with in Fort Smith because I am aware that we have a massive waiting list for residents units in Yellowknife. I am not so sure about Fort Smith. I wonder if the Minister could speak to that. Thank you.

**MR. SPEAKER:** Thank you, Mr. Bell. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

**Further Return to Question 379-14(5): Aurora College Facilities in Yellowknife**

**HON. JAKE OOTES:** Thank you, Mr. Speaker. Mr. Speaker, we have some older units in Fort Smith that, as I mentioned, we need to also address as a concern, not to take away from the need in Yellowknife for accommodations as well. Thank you.

**MR. SPEAKER:** Thank you, Mr. Minister. Supplementary, Mr. Bell.

**Supplementary to Question 379-14(5): Aurora College Facilities in Yellowknife**

**MR. BELL:** Thank you, Mr. Speaker. I guess in my opinion older units are better than no units, but I am wondering if the Minister might be prepared to share with this House the waiting lists in all of the communities that Arctic College has campuses so that we can see where the bulk of need for student housing is. Thank you.

**MR. SPEAKER:** Thank you, Mr. Bell. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

**Further Return to Question 379-14(5): Aurora College Facilities in Yellowknife**

**HON. JAKE OOTES:** Thank you, Mr. Speaker. I can certainly share the statistical data that we can obtain for the Member. Inuvik, as I mentioned before, was a critical area. The old college building was the only location for accommodation. We made arrangements there for some alternates. Fort Smith as I mentioned has some very old units that need to be addressed and Yellowknife has a restricted number of units. We will share the information that we can obtain on this, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. Final supplementary, Mr. Bell.

**Supplementary to Question 379-14(5): Aurora College Facilities in Yellowknife**

**MR. BELL:** Thank you, Mr. Speaker. I would like to thank the Minister in advance for that information. I would also like to enquire as to whether or not students who are local to that community are allowed to take up housing units. For instance, if I am already living in Yellowknife and I apply to the college, am I able to get into college housing? The same with the other communities. Thank you.

**MR. SPEAKER:** Thank you, Mr. Bell. The honourable Minister responsible for the Department of Education, Culture and Employment, Mr. Ootes.

**Further Return to Question 379-14(5): Aurora College Facilities in Yellowknife**

**HON. JAKE OOTES:** Thank you, Mr. Speaker. The priority is given to out-of-town need, Mr. Speaker. That is certainly the case in Yellowknife. I will have to check the situation in Inuvik and Fort Smith.

**MR. SPEAKER:** Thank you, Mr. Minister. Item 6, oral questions. The honourable Member for Great Slave, Mr. Braden.

**Question 380-14(5): Smoking Cessation Programs in the NWT**

**MR. BRADEN:** Thank you, Mr. Speaker. In my statement today, I recognized a few hundred people who are trying to quit the evil cigarette habit, but that still leaves several thousand out there who have not yet seen the light. I wanted to ask the Minister responsible for Health and Social Services, what is the trend in smoking and tobacco use in the NWT, Mr. Speaker? Is it growing or shrinking? Thank you.

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

**Return to Question 380-14(5): Smoking Cessation Programs in the NWT**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, unfortunately, the indicators for the Northwest Territories are going the wrong way, even though we try to

come up with innovative programs like Quit and Win. Our smoking rates are still at least double the national average. Some communities, about 65 percent of the adult population smoke. So it is still a very significant problem in the Northwest Territories and it is one of the major cost-drivers in terms of cost to the health system. Thank you.

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

**Supplementary to Question 380-14(5): Smoking Cessation Programs in the NWT**

**MR. BRADEN:** Thank you, Mr. Speaker. This indeed is a disturbing trend. After so many years and so much advocacy about it, we are going the wrong way. I wanted to ask then, what we are doing as a government to challenge this disturbing trend? Thank you, Mr. Speaker.

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

**Further Return to Question 380-14(5): Smoking Cessation Programs in the NWT**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. We are continuing to practice and engage in some of the strategies that have been there in the past, things like Quit and Win. We are involved as well with the Alberta Lung Association, with what is called BLAST, Building on Leadership for Action Schools Today, which tries to encourage youth to stop smoking. More importantly, I think there is the move to better coordinate with Education, Municipal and Community Affairs, Health and Social Services, and all of these other departments that have a common interest in dealing with people in the communities dealing with issues like smoking, that are such a prevalent occurrence, unfortunately, in the communities, and pooling our resources so that we can in fact move away from possibly just a too-exclusive focus on posters and that type of approach, and look to how we can pool our money with the Youth Secretariat and all of these other departments to come up with hands-on, practical programs for youth in the communities, so that we can encourage them to stop smoking, and pregnant mothers not to smoke and to have no smoking at home. Thank you.

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

**Supplementary to Question 380-14(5): Smoking Cessation Programs in the NWT**

**MR. BRADEN:** Thank you, Mr. Speaker. So on one hand, the trend and the damage done is increasing, but we still have not really seen that and say we are bringing more resources into place to attack that. We are seeking better coordination, perhaps. We really have not grabbed on to this.

Mr. Speaker, I want to ask, in light of the fact that 25 percent of all deaths in the NWT are attributable to smoking, just what are the resources, human and financial, that we are bringing to bear on the tremendous damage done by smoking in the Northwest Territories? Thank you.

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

**Further Return to Question 380-14(5): Smoking Cessation Programs in the NWT**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, we spend in the neighbourhood of \$200 million a year in health and social services. If we agree that smoking and drinking, eating the wrong kinds of food, lack of exercise, being overweight are five key indicators, then we are spending a significant amount of that \$200 million dealing with both the prevention but also the results of smoking.

I would also like to say at this point as well that as a Legislature, as a territory, that we cannot much longer avoid the need for legislation that will make smoking in public buildings unacceptable across the board. We are now asking municipalities and communities to take that step. If we are going to demonstrate leadership in the coming months and years, that we as a Legislature are going to have to deal with that issue soon. Thank you.

**MR. SPEAKER:** Thank you, Mr. Miltenberger. Final supplementary, Mr. Braden.

**Supplementary to Question 380-14(5): Smoking Cessation Programs in the NWT**

**MR. BRADEN:** Thank you, Mr. Speaker. Finally, Mr. Speaker, along with getting support from our partners in other municipalities, what other measures can we bring to bear to prevent people from starting to smoke and to help them kick the habit? Thank you.

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

**Further Return to Question 380-14(5): Smoking Cessation Programs in the NWT**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. As we have discussed with these last few questions and answers, there is a host of initiatives underway. The biggest issue is going to be to make it unacceptable, to make people recognize the incredible health risks that smoking causes, that it causes to pregnant mothers, that it causes to children, and the terrible impact that second-hand smoke has, which people tend to ignore or not consider an issue. It is very significant. There have been some recent court cases where there have been substantial settlements based on the results of second-hand smoke, so that we have to keep making the case on the front end, the prevention side, the education, being a role model, and keep up that issue, or keep up that approach in dealing with this issue. Thank you.

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

**Question 381-14(5): Medical Travel Co-Payments**

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. My question is for the Minister of Health and Social Services, and somewhat in follow-up to the questions that Mr. Delorey was asking

yesterday on the medical co-payment. I had spoken about that previously in the Legislature and today in my statement, I talked about our full complement of physicians, but Hay Riverites are still required to travel to various places to receive treatment and physiotherapy and have babies and do other sorts of things. It is a \$250 co-payment each time they are required to travel. With some illnesses, you might have to travel numerous times, and some treatments.

Mr. Speaker, we had spoken to the Minister previously about some kind of a group insurance policy that would cover people who are not already covered for medical travel and pharmaceuticals. There is just a relatively small group of people who are not covered by their employer, or by their First Nation status. I would like to know if the department has checked into that yet. Thank you.

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

**Return to Question 381-14(5): Medical Travel Co-Payments**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. As we move towards completing the review of supplementary health programs, that option and any other creative option that we can come up with is being considered, as we try to deal with a way to make sure there are no gaps in the service delivery and that any particular part of our society and the people we represent are disadvantaged because of policies that we currently have. Thank you.

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

**Supplementary to Question 381-14(5): Medical Travel Co-Payments**

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. When the Minister talks about looking at supplemental health benefits then, is this particular item that I mentioned, the concept of a group plan policy that people who are not covered by other means could pay a premium and belong to this larger group? Is that the specific item that is being considered in that review? Thank you.

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

**Further Return to Question 381-14(5): Medical Travel Co-Payments**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, that option, among others, have been items that I have discussed as Minister with department officials. We always have to keep in mind, as the Member knows, that we get about \$1 million back from the federal government under the non-insured health benefits, so that the approach we take has to be carefully thought-out so that we do not jeopardize some other funding that we have come to depend on in terms of providing services, but yes, it is. Thank you.

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

**Supplementary to Question 381-14(5): Medical Travel Co-Payments**

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. So has there been any contact made by the department with companies such as Blue Cross or Green Shield or any of these companies that provide health care insurance? Has there been any initial contact made with them to see if this is even a possibility? Thank you.

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

**Further Return to Question 381-14(5): Medical Travel Co-Payments**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, we have had discussions with Blue Cross on some of the medical benefits that we do provide. We have no final answer, and there has not been, as far as I know, a very broad survey, but it is going to be nailed down as we move to a conclusion of this review. Thank you.

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

**Supplementary to Question 381-14(5): Medical Travel Co-Payments**

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. In preparation for consideration of such a group plan, could the department undertake to at least identify how many people in the Northwest Territories could benefit from such a plan? How many people out there right now are not covered by either employers or First Nation benefits? Thank you.

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

**Further Return to Question 381-14(5): Medical Travel Co-Payments**

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. Mr. Speaker, that is a very reasonable and appropriate question and we will make sure that it is considered as we look at quantifying that particular issue. If we are going to look at creative options we have to know the number of people to be served. That is going to be done. Thank you.

**MR. SPEAKER:** Thank you, Mr. Minister. The time for oral questions is over. Item 7, written questions. Item 8, returns to written questions. Item 9, replies to the opening address. Item 10, petitions. Item 11, reports of standing and special committees. The honourable Member for Yellowknife South, Mr. Bell.

**ITEM 11: REPORTS OF STANDING AND SPECIAL COMMITTEES**

**Committee Report 10-14(5): Report on Bill 1: Human Rights Act**

**MR. BELL:** Thank you, Mr. Speaker. The Standing Committee on Social Programs is pleased to report on its review of Bill 1, Human Rights Act.

Instituting a comprehensive human rights organization is fundamental to the prevention of discrimination and promotion of equality in our society. Human rights legislation plays a key role in promoting respect, dignity and equal participation of all our citizens. It is a statement on our commitment to international human rights instruments and it is the vehicle through which we promote and enhance equal opportunity for individuals by focusing on the elimination of discrimination.

With the exception of the Northwest Territories and Nunavut, every jurisdiction in Canada has enacted comprehensive human rights legislation to protect citizens from discrimination. Currently, the Fair Practices Act governs human rights protections in our jurisdiction. A review of the Fair Practices Act demonstrates that the current regime in the NWT is far from comprehensive. As a result, the Northwest Territories has not received an exemption under section 66 of the Canadian Human Rights Act, which means that the federal legislation continues to apply in the NWT. For instance, Mr. Speaker, many provisions in the Canadian Human Rights Act govern employees of the Government of the Northwest Territories.

The Fair Practices Act's deficiencies have provided the impetus for the introduction of Bill 1, Human Rights Act. The proposed human rights legislation creates a comprehensive code for human rights promotion and protection in the Territory. It now defines discrimination, offers greater protection through the expansion of the "prohibited grounds", is wider in its application than its predecessor and creates a Human Rights Commission to deal with complaints.

In particular, Bill 1 creates a legislative scheme to address discrimination in the delivery of services, employment, tenancy agreements, and other important areas of everyday life. By expanding the prohibited grounds and through the creation of the Human Rights Commission and the adjudication panel, Bill 1 brings the NWT up-to-date in human rights protection.

**Background to Bill 1, Human Rights Act Review Process**

Bill 1, Human Rights Act received second reading in the Legislative Assembly on February 22, 2002 and was referred to the Standing Committee on Social Programs for review.

Prior to this however, the development of a Human Rights Act was the focus of significant consultations by the Department of Justice. The department advised us that in September and October 2000 a preliminary discussion paper on a Human Rights Act for the Northwest Territories was widely distributed for discussion and comment. This document was sent to 16 organizations that were thought to have an active interest in human rights issues and it was further distributed to 38 aboriginal organizations across the Territories. In November 2000 the first draft of the Human Rights Act was tabled in the Legislative Assembly.

Following this, a brochure on the tabled act, as well as the draft bill itself were again broadly distributed to an expanded list of the interested parties. This list included 115 individuals and organizations, including aboriginal governments, non-governmental organizations, band councils and municipal councils.

In the summer of 2001 community consultations were conducted on behalf of the Department of Justice in ten communities. As well, specific consultation meetings were

conducted with approximately 30 representatives of municipal, aboriginal, labour and other organizations and societies.

As a result of the input received from these consultations, changes were made to the act, including:

- It was requested that a definition of what constitutes discrimination be included in the act. As a result, a number of interpretative sections were added on this point;
- It was recommended that a duty to accommodate be included in Bill 1 so that all individuals have the capacity to have their needs accommodated without discrimination based on one of the prohibited grounds. The revised bill makes specific reference to the duty to accommodate in several sections of the act;
- It was recommended that the director of human rights need not be a lawyer and this change was incorporated into the existing draft;
- Mr. Speaker, it was suggested that the application of the act be extended to include domestic workers. The current Fair Practices Act does not include protections for domestic workers; Bill 1 has been revised to provide domestic workers with the same protection as all other workers covered by the act; and
- There was concern that the original draft provided the director of human rights with too much authority. In response, in the revised bill the director is no longer a member of the Human Rights Commission but sits as secretary, is answerable to the commission and answerable procedurally through the appeal process.

These are but a few of the recommendations which were received, assessed and in many instances added to the bill before the legislation was introduced and referred to the committee for consideration.

Mr. Speaker, the task of the Standing Committee on Social Programs was to review Bill 1 in the context of human rights legislation across the country, and in particular to hear the views and suggestions of residents of the Northwest Territories.

Months prior to the hearings we contacted non-governmental organizations, communities, aboriginal governments and organizations in writing to invite all interested parties to participate in our review and provide their input.

Advertisements outlining our proposed review process and soliciting comments from all Northerners were placed in all northern newspapers in April 2002 and again in July 2002. Public service announcements and media advisories were also broadcast in advance of the public hearing dates in each location.

To prepare for the public hearings, the Standing Committee on Social Programs met on several occasions to discuss background research material. The standing committee

conducted public hearings on Bill 1 in Inuvik, Fort Smith and Yellowknife from September 4 to September 12, 2002.

While the number of responses and submissions were less than anticipated, the standing committee was impressed with the quality and depth of the presentations and written submissions presented to us.

#### **Preamble**

Mr. Speaker, the committee considered whether the preamble should be amended to refer to the international agreements entered into by Canada on equality and on human rights.

The preamble provides the public with an indication of the purpose and the objectives of the legislation. It can also be used as an interpretative tool to assist decision-makers in their application of the statute.

During public hearings, presenters requested that the preamble be amended to recognize the international agreements to which Canada is a signatory. While most presenters were pleased with the current reference to United Nations Universal Declaration on Human Rights, a few of them felt that it was not a sufficient statement on our government's commitment to the protection and promotion of human rights.

Suggestions included expanding the preamble to make reference to the various international instruments on human rights, and to include language that makes it clear that the Legislative Assembly is responsible for human rights in the Northwest Territories. The committee was also asked to clarify the role of aboriginal rights in our society.

Mr. Speaker, the committee suggested an amendment to the preamble to provide for more inclusive language, which makes clear links between the rights protected by the legislation and the responsibilities of our society to protect those rights.

The committee put forward a motion to amend the preamble. The motion passed and received approval of the Minister of Justice. Consequently, the preamble has been amended to reflect the goals set out above.

Mr. Speaker, with your concurrence I would like to turn it over to Mr. Dent.

**MR. SPEAKER:** Thank you, Mr. Bell. Mr. Dent, carry on.

**MR. DENT:** Thank you, Mr. Speaker.

#### **Aboriginal Rights**

Many presenters appearing before the committee were concerned about the impact of Bill 1 on aboriginal rights and land claims agreements. Significant concern arose over the applicability of the Human Rights Act to aboriginal communities, and in particular about the scope of clause 2. Many presenters did not view the protection of individual rights in human rights legislation as automatically conflicting with the collective rights of aboriginal peoples; however, they wanted some assurance that aboriginal rights would be protected in the presence of such a conflict.

The Constitution Act, 1982 provides constitutional protection to aboriginal rights and treaty rights in Canada. Clause 2 of the Human Rights Act provides

"Nothing in the Act shall be construed so as to abrogate or derogate from the protection of existing aboriginal or treaty rights of the aboriginal peoples of Canada by the recognition and affirmation of those rights in clause 35 of the Constitution Act, 1982"

The Yukon Human Rights Act provides similar protection to aboriginal rights. Both Bill 1 and the Yukon Human Rights Act attempt to satisfy public concerns about the impact of human rights legislation on aboriginal rights in each territory. Notably, the constitutional protections contained in section 35 of the Constitution Act, 1982 and the applicable case law make it clear that provinces and territories cannot affect the constitutional rights of aboriginal peoples in Canada.

It was generally understood that clause 2 was intended to be a non-derogation clause to protect aboriginal rights; however, its application remains unclear. While most presenters were supportive of Bill 1, they are concerned about the extent to which the collective rights of aboriginal peoples conflict with individual rights. Two other presenters, for the same reason, did not support the legislation at all.

Mr. Speaker, presenters commented on the fundamental differences in the approach to "rights" amongst aboriginal communities and non-aboriginal communities in the Northwest Territories. Bill Erasmus, National Chief of the Dene Nation, explained how aboriginal rights are tied to the land and to the collective well-being of the community of which one is a member, whereas human rights legislation is based on the rights of the individual. Mr. Erasmus expressed general support of Bill 1; however, he questioned why the wording in clause 2 differs from that used in clause 3, which deals with rights and privileges associated with denominational schools in the territory.

Chief Erasmus is also concerned about how the Human Rights Act will apply to future aboriginal governments. He encouraged the committee to create flexible legislation that anticipates the creation of future aboriginal self-government arrangements. Noting that future aboriginal governments may want the Human Rights Act to apply, Mr. Erasmus sought clarification on the applicability of Bill 1 to current and future aboriginal governments.

Richard Nerysoo of Inuvik expressed concern that the government may use the Human Rights Act to undermine land claims agreements despite the inclusion of clause 2. He urged the Legislative Assembly to ensure that it is serious about not abrogating or derogating from aboriginal rights through Bill 1 or any legislation. Mr. Nerysoo supported the introduction of human rights legislation. He emphasized that his concerns about protecting the collective rights contained in land claims agreements should not be interpreted as a lack of support for the protections provided to individual rights in the Human Rights Act. In his view, collective rights are not a reason to override individual rights; both are interrelated. However, he stressed that the government must meet its land claims obligations, and that it should not use the Human Rights Act or any other legislation to undermine land claims rights.

Mr. Speaker, a related issue raised at the public hearings was whether Bill 1 could provide aboriginal communities with any assistance in the recognition and implementation of their rights. The committee heard about the struggles of aboriginal people for recognition of their aboriginal and treaty rights. The

committee also heard that many aboriginal people do not believe that the government is living up to its land claims or treaty obligations, and people wanted to know if their communities could use Bill 1 to implement those rights.

Finally presenters wanted to know whether the Human Rights Act protected them from discrimination within their own communities, such as when some band members receive preferential treatment over others.

Mr. Speaker, Bill 1 is intended to provide protection to all people experiencing discrimination based on any of the prohibited grounds in areas of everyday life that fall within territorial jurisdiction. Aboriginal persons who feel that they are being denied access to services, accommodations or employment within the NWT can make a complaint to the new Human Rights Commission.

Due to the division of powers created under the Constitution Act, 1867, aboriginal governments fall within the jurisdiction of the federal government. Bill 1 is territorial legislation and does not apply to aboriginal governments. For instance, because band councils fall under federal jurisdiction Bill 1 will not apply. However, anyone experiencing discrimination in areas of public life that fall under the jurisdiction of the federal government can seek assistance from the Canadian Human Rights Commission.

The committee sought clarification from the Minister of Justice on the underlying purpose of clause 2. Through our discussions, it is evident that the purpose of clause 2 is to provide a clear statement that aboriginal and treaty rights cannot be infringed by the Human Rights Act. Therefore, clause 2 is there to let the public know that Bill 1 does not supersede existing aboriginal and treaty rights. The protection afforded by clause 2 is not "frozen in time", but rather is intended to extend to future aboriginal and treaty rights.

Mr. Speaker, the Human Rights Act does not provide aboriginal communities a vehicle to enforce their existing aboriginal rights, nor does it provide a mechanism for the recognition of rights not yet realized. The committee encourages the government and aboriginal communities to work together to ensure the full implementation of aboriginal and treaty rights in the NWT.

In response to these concerns, the preamble of Bill 1 has been amended to recognize and affirm the protection of aboriginal and treaty rights in the Northwest Territories.

### **Disability**

Mr. Speaker, the definition of disability in Bill 1 was the subject of much discussion. The committee is concerned that the current definition is not sufficiently clear with respect to the protections it creates. In particular, the committee is concerned with the inclusion of "perceived" and "predisposition" in the definition of disability.

Some presenters advocated for a narrower definition, while others sought an expanded definition. Others felt that a more clearly articulated definition is required. Elaine Keenan-Bengts, one of three Fair Practices Officers, was concerned because the current definition does not make specific reference to alcohol and drug dependencies.

A number of presenters thought that by providing a partial list of ailments, disfigurements and infirmities that the legislation is limiting the possibility of adjudicators and courts to recognize new and emerging disabilities. The representative from the NWT Council of Persons with Disabilities stated that the current definition would create misunderstandings because people may think that the list of ailments and disabilities in subsection (a) is exhaustive. She suggested that the committee consider using a definition that is similar to the one used in the Canadian Human Rights Act.

Others felt that the definition of disability was too broad in scope because it includes "perceived disabilities" and a "predisposition" to disabilities. "Perceived" disabilities created some confusion; for instance, the current definition does not make it clear as to whom is doing the "perceiving".

Also, it was pointed out that the use of the term "handicap" in the definition of disability in Bill 1 is outdated and should be amended accordingly.

Mr. Speaker, the addition of "perceived" disabilities in Bill 1 is a reflection of the current case law on disabilities and its availability in other jurisdictions. Both Ontario and Nova Scotia incorporate perceived disabilities into their human rights legislation. Ontario's Human Rights Code includes disabilities that a person is "believed to have or have had". Nova Scotia's Human Rights Act applies to "actual or perceived" disabilities.

Recent decisions from the Supreme Court of Canada have affirmed the role of "perceived" disabilities in the analysis of what constitutes a disability. In Quebec (Commission des Droits de la personne et des droits de la jeunesse) v. Montreal (City) (hereinafter referred to as *Mercier*) (2000), the Supreme Court of Canada stated that the courts should adopt a multi-dimensional approach to interpreting human rights legislation. This requires courts to analyze disabilities from both an objective and subjective perspective. According to the court in *Mercier* discrimination on the basis of a perceived disability, whether there is an actual disability or not, will be considered unlawful.

The current definition of disability in Bill 1 reflects the principles articulated by the court in *Mercier*. With respect to the inclusion of "alcohol and drug dependency", the committee is of the view that the case law indicates that the current definition will be interpreted in a manner that includes addictions to drugs and alcohol.

The committee believes that changes are required to address some of the concerns raised at the public hearings. The committee wanted it made clear that the list of examples provided in subsection (a) is not exhaustive, and is there to provide examples of the types of physical disabilities contemplated by the legislation.

The committee proposed that the definition of disability be amended to clarify the meaning and scope of "perceived" and/or "predisposition to" disabilities and to make clearer that subsection (a) is not an exhaustive definition of the physical disabilities covered by the act.

Mr. Speaker, the bill was amended to incorporate these suggestions. The reference to "handicap" has also been removed from the act.

### **Analogous Grounds**

Mr. Speaker, the committee considered whether clause 5(1) of the act should be amended to include "analogous grounds" of discrimination. "Analogous grounds" is another way of saying "similar or same" grounds. Adding it to the act empowers adjudicators to deal with complaints of discrimination that are based on grounds that, although not explicitly recognized in the legislation, should be prohibited because they are the same or similar to those currently listed in clause 5(1).

Both the NWT Federation of Labour and Egale Canada support the inclusion of "analogous grounds" into Bill 1. The committee heard that by incorporating analogous grounds into clause 5 the legislation would provide adjudicators with sufficient flexibility to recognize new grounds of discrimination as they arise. One suggested methodology is to amend clause 5 to incorporate the language from section 15 of the Canadian Charter of Rights and Freedoms.

Presenters told the committee that the significant Supreme Court of Canada jurisprudence in this area would temper the concerns over the uncertainty created by including "analogous grounds" in the act.

The committee raised this issue with the Minister of Justice. Through our discussions, the committee has concluded that including "analogous grounds" into the legislation is not appropriate at this time. We have concerns over how such a provision would apply, particularly over its impact on the private sector. Unlike Bill 1, the Charter applies only to government. Unlike the Charter, the NWT Human Rights Legislation will be easier to amend to incorporate new and emerging grounds of discrimination.

Therefore, the committee determined that an amendment to incorporate "analogous grounds" into Bill 1 is not essential at this time.

### **Social Condition**

The committee considered whether the definition of social condition could be amended to provide for greater certainty in the application of it as a prohibited ground of discrimination. The purpose of including social condition as a prohibited ground of discrimination is to protect those who suffer discrimination as a result of being a part of a socially or economically disadvantaged group.

The committee was interested to hear the views of the public about the inclusion of social condition in the list of prohibited grounds of discrimination. The public consistently supported its inclusion in the Human Rights Act.

The NWT Council for Disabilities, the National Anti-Poverty Organization, Status of Women Council, Egale Canada and the NWT Federation of Labour were among the presenters who supported the reference to social condition in Bill 1.

Of the presenters in support of "social condition" being part of the act, a few of them are concerned that the current definition is unnecessarily narrowed by the requirement that the complainant be part of a "socially identifiable" group. The National Anti-Poverty Organization is concerned with the possible strict interpretation that this ground may receive from the courts, citing Quebec case law as an example of this narrow approach.

Other presenters are concerned that the current definition is ambiguous. One presenter was opposed to including "social condition" in the prohibited grounds because it creates too much uncertainty and is difficult to apply in practice. This presenter requested an amendment to refer to "net source of income" or "poverty" rather than using social condition.

One presenter requested that the reference to "illiteracy" in the definition of social condition be changed to "levels of literacy" to accord with current language used to describe deficiencies in literacy.

The addition of social condition in Bill 1 addresses economic inequality in the Northwest Territories. Its inclusion in Bill 1 places the Northwest Territories ahead of most other jurisdictions in Canada in protecting residents from discrimination.

The committee agrees that "social condition" is an imprecise term that will, over time, become unambiguous through interpretation by adjudicators and courts. However, the uncertainty created by its inclusion is far outweighed by the potential that the ground of social condition has to advance equality rights in our territory. The committee believes that other terms, such as "source of income" or "receipt of social assistance", do not sufficiently protect residents from discrimination that is based on the complex socio-economic factors encompassed by the term social condition.

Canadian citizens sometimes face discrimination on the basis of their socio-economic status in the delivery of services, rental accommodations and employment. By including social condition as a prohibited ground, the Northwest Territories is able to provide assistance to those suffering discrimination because of their membership in a disadvantaged group. For instance, a single parent with a low income and several children may be denied access to accommodations because of his or her status as a low-income single parent. Our legislation would provide a remedy to this person, if the other party could not show that he had a bona fide justification for the discrimination.

Although Quebec is the only jurisdiction in Canada to include social condition in its legislation, several jurisdictions in Canada do provide protection on the basis of "source of income" or "receipt of social assistance" or "social origin". The federal government, the Northwest Territories, Nunavut and New Brunswick are the only jurisdictions in Canada not to provide some protection on the basis of socio-economic status.

More recently, however, the Canadian Human Rights Review Panel conducted an extensive review of the issues surrounding the inclusion of social condition as a prohibited ground of discrimination in the Canadian Human Rights Act. In the end, the Review Panel recommended that the federal legislation be amended to include "social condition" as a prohibited ground of discrimination. After much consideration, the Standing Committee on Social Programs determined that the current definition should remain, with one minor change. Therefore, the committee is recommending as follows, Mr. Speaker.

#### **Recommendation**

The Standing Committee on Social Programs recommends that the reference to "illiteracy" in Clause 1 be changed to "levels of literacy".

Thank you, Mr. Speaker. I would now like to ask if my colleague, Mr. Braden, could continue with the reading of our committee's report.

**MR. SPEAKER:** Thank you, Mr. Dent. The honourable Member for Great Slave now, Mr. Braden.

**MR. BRADEN:** Thank you, Mr. Speaker.

#### **Gender Identity**

Mr. Speaker, under the issue of gender identity a number of presenters expressed general support for the inclusion of sexual orientation in the Human Rights Act. They also supported an amendment to the legislation to include "gender identity" as a ground for protection. Although the most detailed submissions on gender identity were from Egale Canada and OutNorth, many other presenters appearing before the committee expressed their support for extending human rights protections to include "gender identity".

The committee was told that protection on the basis of "gender identity" is required because of the discrimination faced by transgendered residents of the Northwest Territories. OutNorth described gender identity as "how one perceives one's sex", noting that many people feel that they were born into the wrong body. Gender identity is distinct from one's sexual orientation.

The inclusion of "gender identity" as a prohibited ground of discrimination in our human rights legislation will be a first in Canada. Notably, the Canadian Human Rights Act Review Panel recommended that the federal government amend the Canadian Human Rights Act to include gender identity in the list of the prohibited grounds. The panel cited the serious harm to those affected as a rationale for adding it to the federal legislation and recommended that the federal government recognize in statute what has already been recognized in case law.

Even though no other jurisdiction provides explicit protection on the basis of gender identity, some provinces do provide similar protection through case law. In particular, tribunal decisions from British Columbia and Quebec have interpreted the ground of "sex" in a manner that provides protection from discrimination based on gender identity. Ontario has created a comprehensive policy that allows for complaints to be made based on gender identity under the ground of "sex".

As noted at the beginning of this report, Mr. Speaker, the fundamental purpose of human rights legislation is to prohibit discrimination and to promote equality so that all members of our community can participate freely in everyday life. Recognition of gender identity as a prohibited ground of discrimination falls squarely within this purpose.

Although some have argued that this protection is already available through case law, the committee believes that it is more useful to be explicit about the types of discrimination the Act aims to prevent. Furthermore, by including it in the legislation, the committee believes that we are furthering the educative goals of the Human Rights Act.

#### **Recommendation**

The recommendation then, Mr. Speaker, is that the Standing Committee on Social Programs recommends an amendment to

clause 5(1) and to the preamble to include "gender identity" as a prohibited ground of discrimination.

#### **Place of Residence**

Under the issue of "place of residence", Mr. Speaker, the Status of Women Council requested that the legislation be amended to include "place of residence" as a prohibited ground of discrimination.

The committee received a request to amend the legislation to include "place of residence" as a prohibited ground. The Status of Women Council reported that such an addition is necessary to protect people who are denied services because of their residency. It was argued that adding "place of residence" to the legislation would provide protection for residents who move from one community to another and who are denied services or access to programs because of their move.

"Place of residence" is not included as a prohibited ground in any other jurisdiction in Canada. Although committee members feel that there are some residents that may face discrimination in services, accommodations and facilities, we are concerned that including "place of residence" in the bill would detrimentally affect the ability of our government to administer regionally based programming.

Therefore, the committee is unable to recommend the inclusion of "place of residence" as a prohibited ground of discrimination.

#### **Language**

Mr. Speaker, under the issue of "language", the committee considered whether it is necessary to include "language" as a prohibited ground of discrimination. Notably, the only jurisdiction in Canada to provide explicit protection on the basis of language is Quebec.

The Status of Women Council requested that "language" be added as a prohibited ground of discrimination in clause 5 of the Act. Their concern is that discrimination based on language is not sufficiently covered elsewhere in Bill 1.

After due consideration, Mr. Speaker, it is the committee's view that language rights in government services are adequately protected under the Official Languages Act. "Ethnic origin" has been added as a prohibited ground of discrimination, therefore providing some protection where the language discrimination is related to ethnic origin.

#### **Political Belief, Political Association and Family Affiliation**

In the area of political belief, political association and family affiliation, Mr. Speaker, the committee considered whether the protection against discrimination based on political belief, political association and family affiliation should be extended beyond employment to include discrimination in the provision of services and tenancy and other areas covered by Bill 1.

A number of presenters supported the extension of protection from discrimination based on one's political association or belief to include all areas of everyday life covered by the Human Rights Act. The Status of Women Council and others supported an equivalent extension for "family affiliation". The committee heard that some residents, particularly those in smaller communities, feel that they are being discriminated

against because of their family affiliation. They stated that the discrimination they experience is not limited to employment, but also occurs in other areas such as housing.

The Status of Women pointed out that "political belief" is protected under the Universal Declaration on Human Rights. Another presenter pointed out that discrimination because of a person's political belief or association can occur in accommodations, facilities and services as easily as it can in employment. The committee heard that by not providing protection in these areas the legislation is condoning discrimination in other contexts, including the provision of services or rental accommodations.

The committee understands that clause 7(2) was added to Bill 1 during the public consultations held by the Department of Justice. It is unclear why the protections from discrimination based on "political association" and "political belief" were not included in the general prohibitions in clause 5. The protection from discrimination in employment based on "family affiliation" is unique to the Northwest Territories, and has been included to address concerns over difficulties in small close-knit communities.

Seven provinces and the Yukon Territory include protections for political beliefs or associations. However, there have been few complaints made on this ground in those jurisdictions. Currently it is unclear to the committee why the protection against discrimination based on political belief, political association and family affiliation has not been included in the general prohibitions in clause 5.

#### **Recommendation**

A recommendation therefore, Mr. Speaker, is this. That the Standing Committee on Social programs recommends that clause 7(2) be deleted and that the grounds of "political belief", "political association" and "family affiliation" be added to clause 5.

#### **Criminal Convictions**

Mr. Speaker, to continue in the area of criminal convictions, the committee was asked to consider an amendment to clause 5 to prohibit discrimination on the basis of a criminal conviction that is "unrelated to the employment, service or accommodation", or alternatively that the current reference to criminal convictions "for which a pardon has been granted" be deleted.

Currently clause 5 protects residents from discrimination that is based on a criminal conviction for which a pardon has been granted. A few presenters pointed out that the reference to "for which a pardon is granted" is unduly restrictive because it does not protect people with a criminal record who have not received a pardon.

The Yellowknife Women's Centre told the committee that most people with criminal convictions are vulnerable to discrimination because they lack the necessary pardon. The representatives from the Yellowknife Women's Centre requested that clause 5 be amended to prevent discrimination based on criminal convictions not relevant to the job. In their view, failing to provide protection for all people whose criminal convictions are not related to employment leads to recriminalization of people who have already served their sentences. Furthermore, they

noted that many of our residents (more so than in other jurisdictions) have had some interaction with the criminal justice system, resulting in a higher number of persons with criminal records.

The Status of Women Council advocated for a similar approach asking that the legislation protect from discrimination based on a criminal conviction that "has no bearing on the employment or service being sought".

There was some discussion over the accessibility of the pardon system to residents in the Northwest Territories. It currently takes over two years for the National Parole Board to process pardon applications.

The committee agrees that many of our residents may have criminal convictions for which a pardon has not been granted. However, we are concerned about the implications of expanding this protection to include criminal convictions "not relevant to the job or service". During our discussions, Mr. Speaker, we were unable to reach a consensus on this issue.

As noted in the report of the Canadian Human Rights Act Review Panel, six jurisdictions do not offer any protection for persons with a criminal conviction or charge. Three jurisdictions prohibit discrimination on the basis of a pardoned conviction, while four others prohibit discrimination based on a conviction where the conviction is not relevant to the job or service.

While the committee does not believe that this issue requires us to hold off on passing of Bill 1, it is an important issue that warrants further study. Therefore, we make the following recommendation.

#### **Recommendation**

The Standing Committee on Social Programs recommends that the Department of Justice study the implications of expanding the current protections with respect to criminal convictions, and submit a discussion paper to the Legislative Assembly outlining whether or not it is necessary to amend the legislation.

#### **"Hate" Material**

Mr. Speaker, to the issue of "hate" material, the committee was asked to amend clause 13 to include "hate" materials and to extend the protection from discrimination in publications to electronic mediums. The committee heard that the publication of hate materials is harmful to members of our communities. The Yellowknife Women's Centre suggested that the committee consider adding a provision similar to that provided in the Saskatchewan Human Rights Code to prohibit the publication of hate speech. This legislation also extends the prohibition to include electronic and broadcasting media.

Currently British Columbia, Saskatchewan, Alberta and Canada prohibit the publication of hate materials. The committee is of the view that it would be useful to extend the prohibitions in clause 14 to include material that is "likely to expose" members of our communities to "hatred or contempt".

Broadcasting and the Internet are both within the federal jurisdiction, Mr. Speaker. In particular, broadcasting falls under the authority of the Canadian Radio-Television and Telecommunications Commission, which has regulations dealing with the broadcasting of discriminatory material. The

federal government is currently studying the regulation of hate speech over the Internet.

Therefore, the committee passed a motion to amend clause 14 to include the publication of "hate" materials.

#### **Harassment**

Under the issue of "harassment", the Committee considered whether the prohibition against harassment based on the prohibited grounds should be extended to include all forms of harassment.

A number of presenters made recommendations to improve the protections in clause 14. Several presenters requested that clause 14 be amended to remove the requirement that the harassment be related to a prohibited ground of discrimination so that it covers all personal harassment.

The Status of Women Council highlighted the devastating effects of harassment in the workplace. They pointed out that harassment comes in many forms and may not be directly related to a prohibited ground of discrimination. However, harassment not directly related to a prohibited ground listed in clause 5(1) is not covered by the act. They also requested that the act create obligations for employers to provide a workplace free from harassment, including providing education programs.

Other presenters suggested that the act explicitly refer to "sexual harassment" to make it clear that clause 14 prohibits that form of harassment. Another presenter suggested that a definition of sexual harassment be added to clause 5(3) of the act.

The committee agrees that harassment can be devastating and has detrimental effects on the individual in his or her participation in everyday life. However, no other jurisdiction in Canada has extended harassment provisions to include personal harassment.

Although the committee does not believe that substantial revisions are required, we do believe that the legislation would benefit from a definition of harassment. Defining harassment provides the public with a clearer idea of what conduct is prohibited.

The committee passed a motion to amend clause 14 to include the following definition:

"harass", in respect of an individual or class of individuals, means engage in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome by the individual or class".

Mr. Speaker, I would like to ask my colleague on the committee, Mrs. Groenewegen, to continue reading the report into the record.

**MR. SPEAKER:** Thank you, Mr. Braden. The honourable Member for Hay River South, you have the floor.

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker.

#### **Adverse and Direct Discrimination**

A request was made to remove the distinction maintained between direct and adverse discrimination in the act.

Recent Supreme Court of Canada jurisprudence on discrimination indicates that it is no longer necessary to maintain a distinction between adverse and direct discrimination. This means that discrimination analysis is the same regardless of whether the discrimination is direct or adverse in nature. The unified test for discrimination created by the Supreme Court of Canada is reflected in the legislation of Ontario, Manitoba and the Yukon Territory.

Therefore, a motion to amend clause 7(5), 8(3), 10(2), 11(2) and 12(2) to remove the reference to direct and adverse discrimination was passed by the committee.

### **Commission Composition**

The committee considered several recommendations on the composition of the Commission, how Commission members should be appointed and what qualifications they should have.

In every community in which the committee held public hearings, we were advised that membership on the Human Rights Commission must be independent from the government and must be representative of the population of the Northwest Territories. Presenters consistently suggested that the Commission membership be representative of the NWT population; however they differed in their approaches to achieving representation.

Three presenters requested that the Commission should be comprised of 50 percent women, or that gender parity be a primary goal of the Legislative Assembly. A few other presenters advocated for regional representation on the Commission. The Status of Women and OutNorth both recommended that the members be selected from various sectors representing disadvantaged groups such as women, persons with disabilities, aboriginal people and workers.

The NWT Federation of Labour suggested that there be seven Commission members selected from specific sectors in the NWT. They suggested that the Commission be comprised of one labour representative chosen by the Federation of Labour, one non-governmental organization representative, one elder chosen by the Legislative Assembly, one aboriginal member and one Legislative Assembly nominee. The remaining two Commission members would be open nominees. They also request that gender parity be a goal in the selection process.

The committee solicited the views of the presenters on whether nominees would represent their "sector" or not. Most presenters who answered this question stated that Commission members were not there to represent sectoral interests, but to promote human rights in the NWT. However, in OutNorth's view representation would be best achieved by appointing persons with experience in being disadvantaged.

Several presenters requested that the term of the Commission members be extended to promote independence from the Legislative Assembly. The committee was also asked to amend clause 18 to allow the Commission members to choose their own chairperson.

The committee also heard that Commission members should have more than an "interest in" and "sensitivity" to human rights as required in clause 16(3). One suggestion is that the Commission members have experience with human rights issues within the diverse cultural composition of the NWT.

The committee believes that members of the Commission should not be chosen to represent particular sectoral interests. Rather, the Commission members are there to educate the public about human rights, to promote the objects of the act and to provide support for the development of human rights in the NWT. As Richard Nerysoo of Inuvik aptly stated, the job of Commission members "...is not about representing individual regions or groups, it is about maintaining and protecting human rights and ensuring that the process has integrity and independence, even from members of the Legislative Assembly."

The committee agreed that the qualifications of the Commission members should be more clearly stated in the Human Rights Act. The committee has recommended that having "experience in" human rights be added as a qualification in clause 16(3). However, the committee encourages the Legislative Assembly to take a flexible approach in determining what is relevant "experience".

The committee does not agree that more Commission members are required. Bill 1 permits the appointment of three to five Commission members, allowing for regional representation in the appointment process if desired.

The committee passed a motion to amend the length of Commission members' terms to four years. This will ensure that the terms of the Commission members will exceed that of the Legislative Assembly. Clause 17(2) has been amended to reflect this change.

The committee also passed a motion to amend clause 16(3) to include a requirement that the members of the Commission have "experience in" human rights. This change has been incorporated into Bill 1.

Clause 18 has been amended to allow the Commission members to choose their own chairperson. The committee recommends that the Commission members create policy guidelines with respect to the length of term of the chair.

### **Selection Process**

Almost all of the submissions made to the committee requested that the Human Rights Commission appointment and selection process be transparent to avoid appointments being made based on "politics" rather than on merit. Several suggestions were made as to how transparency may be achieved.

The Yellowknife Women's Centre recommended that the Legislative Assembly create a hiring committee that would select Commission members. OutNorth suggested that appointments to the Commission be made from various sectors of the Northwest Territories. In their view, the Legislative Assembly should seek nominations from the disadvantaged groups that the Human Rights Act aims to protect to create a "pool" of nominees. The Commission members would then be selected from the pool created during the application process. Any subsequent members would be chosen from the same pool. Expressing concerns over the ability of the Legislative Assembly to choose a representative Commission, OutNorth requested significant public participation in the selection process.

The committee agrees with the public that Commission members should be representative of the population of the Northwest Territories. One possible approach is to create a

"screening" committee made up of representatives of the Legislative Assembly and members of the public. This group would be responsible for accepting and screening nominations recommended for appointment to the Human Rights Commission. The committee believes that public participation in the selection process will enhance public confidence in the Human Rights Commission.

Currently, no other jurisdiction in Canada sets out the selection process in the statute itself. Although all jurisdictions have a similar appointment process as the one included in Bill 1, none set out the mechanisms by which Commission members will be chosen. The rationale for not including a particular selection process in the legislation is to allow the Legislative Assembly to create a flexible selection process to appoint members that meet the needs of the jurisdiction.

In order to ensure public confidence in the Human Rights Commission, transparency should be fostered through public participation in the membership selection process.

### **Recommendation**

Therefore, the Standing Committee on Social Programs strongly recommends that the Legislative Assembly create an open and transparent selection process for the appointment of Commission members.

### **Powers of the Commission**

A number of presenters requested that the committee consider increasing the powers of the Human Rights Commission. One such suggestion was that the legislation should provide the Commission with authority in the regulations to publish guidelines or policy statements on its interpretation of the act. The committee is of the view that the Commission already has the authority to create guidelines and policies.

Another presenter suggested that the Commission's regulation making authority be extended to include the ability to set standards for the promotion of human rights in the various settings. Presenters also requested that the Commission be granted the power to monitor the implementation of the act and to make suggestions for the amendment of the Human Rights Act.

Other key suggestions focused on the education role of the Human Rights Commission. Several presenters suggested that the Commission have the authority to engage in research for the promotion of human rights in the NWT. Presenters also requested that orientation programs to educate employers, non-governmental organizations and the public about the new legislation be added to the Human Rights Commission's mandate.

Egale Canada made a useful suggestion to extend the Commission's powers in clause 22 to enter into agreements with community organizations to provide outreach, research and delivery of programs. When the committee inquired whether the different community organizations appearing before it would consider delivering education programs, we were told that the community groups would be interested in doing it if provided with adequate funding.

It was also suggested that Bill 1 be amended to put all the decision-making powers into the hands of the Commission,

rather than that of the director. The NWT Federation of Labour also suggested that the Commission, rather than the Legislative Assembly, appoint the director.

It is evident that the legislation envisages the Human Rights Commission as being responsible for promoting the objects of the Human Rights Act through education, hiring of staff, creating policy guidelines and acting as an advisor on human rights issues. The decision to provide the director with the authority to make decisions on complaints is designed to promote efficiency in the complaints process. Because the director is in a position to make decisions on complaints initiated by the Commission, the committee believes that it is necessary that the Legislative Assembly appoint the director.

The committee agrees that allowing the Commission to engage in research on human rights furthers the goals of the Human Rights Act. The committee also believes that expanding the powers of the Commission in clause 22(2) to contract with community groups to deliver education programs designed to eliminate discrimination or educate on human rights issues is warranted. Allowing community organizations to participate in the delivery of education programs potentially increases the number of people educated about human rights. It also allows the Commission to design flexible education strategies to meet regional needs.

The committee subsequently passed a motion to amend clause 20 to allow for the Human Rights Commission to engage in research that it considers necessary to promote human rights and eliminate discriminatory practices.

An additional motion was passed to amend clause 22(2) to allow the Human Rights Commission to contract with community organizations to provide for education programs designed to promote human rights.

### **Complaint Process**

The committee considered whether changes could be made to improve the complaint process created in Bill 1.

Presenters made several recommendations on how the complaint process could be improved or made more accessible to residents of the NWT. The most significant recommendation was to create an arms-length independent advocate to assist parties through the complaint process. The arms-length advocate is dealt with later in this report.

The Fair Practices Officer told us that the proposed process is too complex. She cited the numerous difficulties experienced by southern human rights bodies, and recommended that the government consider using a format similar to the one currently used in the Fair Practices Act. Alternatively, she suggested that the committee consider using a "direct access" type model. The "direct access model" is one that provides the parties with access to the ultimate decision-makers in their case because all complaints are made to the adjudication body.

Another suggested change was that the legislation should include timelines within which the director must make his or her initial review and inquiry into a complaint under clause 30(2) of the act. Presenters also requested an amendment to clause 30 to reflect a commitment to protect the confidentiality of the complainant.

Some presenters thought that the director should have greater authority in the settlement provisions of the act. Clause 33 encourages parties to settle the complaint before adjudication. It was suggested that the director should have the power to "veto" settlements that do not promote the objectives of the act or that appear unfair. Another suggestion was that Bill 1 should incorporate clause 7.4 of the Fair Practices Act, which allows the Fair Practices Officer to continue a complaint even if the parties have settled where the Fair Practices Officer considers it in the best interest of the complainant. We were told that this right to continue a complaint would likely be used when a settlement appears to be unfair or runs contrary to goals of human rights legislation.

The committee is aware that the current structure and process required under the Fair Practices Act runs contrary to some basic principles of natural justice. The Fair Practices Act creates an office of the "Fair Practices Officer", with the Fair Practices Officer bearing multiple and often conflicting responsibilities. The Fair Practices Officer is responsible for accepting complaints, facilitating settlements, investigating complaints and, where necessary, adjudicating complaints. This overlapping responsibility raises significant concerns regarding administrative fairness and independence in the decision-making process. For instance, having the same person investigate a claim and deciding that a hearing is necessary, then also determining whether there has been a violation of the act, can appear to be unfair.

The committee is aware that other jurisdictions have considered modifying their human rights regimes to reduce costs and increase accessibility. With the exception of British Columbia, the committee is not aware of any jurisdiction in Canada that is shifting towards a "direct access" model. Presently, most human rights regimes in Canada have three primary functions: education, investigation and adjudication. The adjudication function is separate from the investigation and education roles of the Commission to promote compliance with the principles of natural justice.

In 2000 the Canadian Human Rights Act Review Panel suggested an amendment to the Canadian Human Rights Act to remove the investigation role from the Canadian Human Rights Commission and shift it to the Tribunal to create a "direct access" model. The panel was of the view that the tribunal should determine whether a complaint warranted a hearing or not. However, when making this recommendation the Review Panel explicitly recognized that a direct access model would require significant additional resources and result in greater complexity.

The model that is proposed in Bill 1 does provide complainants with some "direct access" to the adjudication panel. Clause 45 allows complainants to appeal directly to the adjudication panel for a review of the director's decision to dismiss a complaint.

The committee is also sensitive to the concerns about unfair settlements. However in the interest of promoting mediation and encouraging parties to agree to the settlement process the committee declines to recommend changes to clause 33.

The committee believes that our residents would benefit from a timely complaint process. Of particular concern to the committee is the delay in the processing of complaints experienced in other jurisdictions in Canada and at the federal level. The committee supports the creation of timelines on the

director's initial review and inquiry into a complaint, but believes that such timelines are better set by the Commission itself. Once created, the Human Rights Commission will be in the best position to determine what is a reasonable length of time to process complaints.

Finally, the committee also believes that the Human Rights Commission and the director will be in the best position to create policies and guidelines to protect the privacy interests of all parties to a complaint. Currently only orders made by an adjudicator will be made public through the public registry created in clause 27(1)(b).

The committee passed motions to amend clause 30(2) requiring the director to inquire and review a complaint as soon as possible or within the time prescribed, and to grant the Commission the power to make regulations to create the timelines referred to in clause 30(2).

Mr. Speaker, I would now like to suggest that Mr. Lafferty carry on with this report. Thank you.

**MR. SPEAKER:** Thank you, Mrs. Groenewegen. The honourable Member for North Slave, Mr. Lafferty, you have the floor.

**MR. LAFFERTY:** Thank you, Mr. Speaker.

#### **Accessibility**

Presenters were greatly concerned about the accessibility of the complaint process. Adequate funding of the Human Rights Commission is seen as one of the primary ways to address issues of accessibility. Many presenters encouraged the committee to make recommendations that the Human Rights Commission receive adequate funding to carry out its education and investigation functions.

In addition to requests for adequate funding, presenters consistently requested that the government create mechanisms to promote and enhance access to the protections provided in the Human Rights Act. The presenters identified three primary ways to increase access to the complaint process. The first method requires the Legislature to create an arms-length advocate position to assist parties with their complaints. The second suggested method is to provide legal funding, including the funding of appeals, to parties of a complaint. The third method is to empower the Human Rights Commission to pay for travel costs of complainants.

#### **Arm's-Length Independent Advocate**

Almost all presenters that came before the committee asked the Legislature to create an arms-length independent advocate position to assist parties through the complaint process. The committee heard that the advocate would assist the parties to fill out the required forms, to gather the necessary evidence and support, and to prepare his or her case. Independence from the Human Rights Commission is considered a key aspect of this position. Many suggested creating a position similar to that of the "Workers' Advisor" of the Workers' Compensation Board.

#### **Legal Counsel**

A related proposal suggested to increase accessibility to the protections in the act is the provision of legal services,

particularly to complainants. A number of presenters requested that the Human Rights Commission provide both an independent advocate and legal counsel for complainants. Presenters viewed independent legal advice as a key component in addressing issues of access. They argued that, without assistance, the complexity of the complaint process would discourage people from coming forward to make a complaint.

Several presenters thought that legal counsel should be provided at every stage of the process. Others thought that it should be provided at the adjudication and appeal stages of the process. For instance, the committee heard several recommendations that the Commission should pay for appeals made to the Supreme Court of the Northwest Territories.

### **Travel Expenses**

Many presenters recommended that the Human Rights Commission absorb the travel costs of complainants. The committee heard that paying travel costs of complainants is necessary to ensure that the human rights complaints process is accessible to residents of smaller communities. Supporters of this recommendation felt that people would be less likely to pursue complaints because of a lack of resources. In their view, travel funding would greatly promote access to the adjudication process.

The committee agrees that having an accessible human rights regime is fundamental to the promotion and protection of human rights in the Northwest Territories. To that end, we suggest that the Legislative Assembly adopt measures that best promote access to the remedies provided under the Human Rights Act.

It is difficult to determine what kinds of resources the Commission will require to carry out its functions. To avoid overburdening the Commission at this time, the committee is seeking to make recommendations that promote the objects of the act, while recognizing the enormity of the task before the Commission.

The committee encourages the Legislative Assembly to provide adequate resources to the Human Rights Commission to ensure that it can carry out its functions. The Human Rights Commission will play a significant role in educating the public about human rights issues, and having sufficient resources is essential to enable the Commission to fulfill this role. We wish to avoid the problems caused by inadequate funding experienced by human rights bodies elsewhere in Canada.

In order to promote accessibility, the committee is recommending that clause 22(2) be amended to allow the Commission to appoint employees to advocate for or assist a party to pursue their remedies under the act. This enables the Human Rights Commission to respond to the needs of a party as required.

The committee questioned several presenters about the possibility of providing legal aid to parties to a complaint as opposed to providing legal counsel in every case. There was general support for this suggestion. For that reason, we encourage the Government of the Northwest Territories to consider extending legal aid coverage to include human rights complaints.

The committee does not believe that an amendment to cover the costs of travel is necessary at this time.

### **Recommendations**

The Standing Committee on Social Programs recommends that clause 22(2) be amended to provide the Human Rights Commission with the authority to appoint an advocate to assist a party to a complaint on an as-needed basis.

The Standing Committee on Social Programs recommends that the government consider the possibility of amending the Legal Services Act to allow for the funding of human rights complaints for parties who qualify under the legal aid plan.

### **Adjudication**

The committee considered whether any changes are necessary to the appointment process and the powers of the adjudication panel.

The committee was asked to consider expanding the remedial powers of the adjudicator under clause 62(3) to allow for an adjudicator to order reinstatement, payment of disbursements and costs. Adding exemplary damages to address situations where the respondent has acted "contemptuously of the complainant's rights" was also suggested.

Other presenters were concerned that only lawyers could be adjudicators. They requested that the requirement that an adjudicator be a member of a law society be removed from clause 48(3)(a).

Several presenters expressed concern over the possibility that complainants may be ordered to pay costs under clause 63. They are concerned that some complainants will be unduly penalized because they lack the resources to advance their claims. They suggested that cost awards only be made available against the respondent.

The committee agrees that the act would benefit from providing the adjudication panel with additional powers to order things like reinstatement and exemplary damages. Exemplary damages are available in Canada, Saskatchewan, New Brunswick, Yukon and Manitoba. Ontario allows for damages for "mental anguish". The committee believes that it would be useful to place a cap of \$10,000 on the amount of exemplary damages available under the act.

The committee heard about the complexity of the adjudication process. In light of this, the committee also believes that it would be useful to provide the chair of the adjudication panel with sufficient flexibility to appoint more than one adjudicator to sit on more complex matters. The committee believes that almost all complaints should be heard by one adjudicator. However, we do foresee some situations where it would be necessary to appoint more than one panel member to sit on a case.

With respect to the qualifications of the adjudication panel members, it is evident that the legislation provides the Legislative Assembly with the option of choosing non-lawyers to sit as adjudicators. Clauses 48(3)(a) and (b) operate to provide the Legislative Assembly with a choice between lawyers with five years experience or non-lawyers with five years experience on an administrative tribunal or court.

The committee does not agree that cost awards should be awarded against the respondent only. The committee is satisfied that the current provision sets a sufficiently high standard (frivolous and vexatious) that will protect complainants who create delay because of lack of resources from being penalized. The committee also believes that costs should be available in other circumstances, such as in cases of particularly egregious breaches of the act or where a respondent has repeatedly engaged in discriminatory behaviour. Enabling adjudicators in the Northwest Territories to award costs is also consistent with legislation in other jurisdictions in Canada. Currently Ontario, Manitoba, Alberta, Quebec, Prince Edward Island and Newfoundland all grant the tribunal or adjudication panel with broad discretion to award costs in a complaint.

The committee passed a motion to amend clause 62(3) to allow the adjudicator to order reinstatement of an employee.

### Recommendations

The Standing Committee on Social Programs recommends that clause 51 be amended to allow the chair to appoint more than one adjudicator, where necessary.

The Standing Committee on Social Programs recommends that clause 62(3) be amended to allow the adjudicator to award exemplary damages to a maximum of \$10,000.

The Standing Committee on Social Programs recommends that clause 63(3) be amended to allow the adjudicator to award costs in extraordinary circumstances.

Mr. Speaker, at this time I will ask the chair, Mr. Bell, to continue with the report. Thank you.

**MR. SPEAKER:** Thank you, Mr. Lafferty. The honourable Member for Yellowknife South, Mr. Bell, you have the floor.

**MR. BELL:** Thank you, Mr. Speaker.

### Pay Equity

With respect to pay equity, the committee considered whether pay equity should be included in the Human Rights Act or whether it should be the subject of a separate piece of legislation. Currently the Fair Practices Act provides for equal pay for the same work between men and women in the private sector. Bill 1 proposes to extend this protection to include all grounds of prohibited discrimination so that it is not limited to differences in pay based on gender.

As noted previously, the NWT has not been granted an exemption from application of the federal human rights legislation. Consequently, the pay equity provisions under section 11 of the Canadian Human Rights Act govern employees of the Government of the Northwest Territories.

Several presenters were unsatisfied with the "equal pay" provisions in Bill 1. They argued that the Human Rights Act should provide for pay equity. Pay equity refers to the application of the principle of "equal pay for work of equal value". Alternatively, Bill 1 prohibits differences in pay based on any of the prohibited grounds of discrimination for work that is the same or substantially the same.

The Fair Practices Act and the proposed Human Rights Act are premised on the principle of "equal pay for same or substantially similar work". The application of this principle requires that where a male employee and a female employee perform the same or substantially similar work, they are to be paid the same wages. Whether work is the same or substantially similar is determined by considering the skills, responsibilities, effort required for each job and the working conditions under which the work is performed.

Mr. Speaker, pay equity refers to the application of the principle of "equal pay for work of equal value". This principle is reflected in a number of other statutes, including the Canadian Human Rights Act. Equal pay for work of equal value acknowledges that women and men are often segregated into different occupations in the workforce, and are paid different wages based on that segregation. This means that there are jobs in the labour market that are predominantly performed by women, and others that are predominantly performed by men. Studies show that jobs predominantly performed by women are paid less than jobs predominantly held by men, resulting in a "wage gap".

It is believed that this gap in men and women's wages is based, at least in part, on the undervaluing of "women's work". Although there are a number of factors contributing to the wage gap between men and women, pay equity assumes that the appropriate way to address these inequalities is to address the inequality in the valuation of work performed by women. Thus, the focus of this approach is the value of the work performed.

Determining whether female employees are being paid the same as their male counterparts for work of equal value is a complex process. It requires employers to evaluate female-dominated job classes and male-dominated job classes and to assign a value to each job. The value of a job is determined through examination of the skill, effort, level of responsibility and conditions of the work. Once the jobs are assigned a point value, the female-dominated jobs are compared to male-dominated jobs of the same or similar point value. Wage discrepancies between the two groups are addressed through wage adjustments; however, only the female-dominated job class is entitled to a wage adjustment.

Mr. Speaker, the Status of Women Council argued that systemic gender discrimination in pay would not end unless the government adopts proactive pay equity in the NWT. They asked the committee to extend the pay equity provisions beyond gender to include all the prohibited grounds of discrimination. We were told that extending the protections beyond gender would facilitate the recognition of other valuable skills such as traditional knowledge.

The committee was asked to amend the legislation to implement proactive pay equity in both the private and public sectors. Presenters suggested that the committee adopt the approach taken in Ontario. This legislation, Mr. Speaker, requires employers with 10 or more employees to implement pay equity in their workplaces. Alternatively, one presenter, a small business owner, cautioned the committee from implementing pay equity in the private sector because of the significant costs associated with evaluating and comparing jobs. In his view, Mr. Speaker, pay equity places too great of a burden on small employers.

The Government of the Northwest Territories has informed the committee that it is working on amendments to the Public Service Act that would implement pay equity in the public sector. The government is of the opinion that because pay equity is a complex and a highly technical process, it is necessary to enact it in separate legislation.

Pay equity schemes can be proactive or complaints-based. Of the jurisdictions in Canada that have implemented pay equity, most do so by requiring the affected parties to negotiate pay equity in the workplace. Only Ontario and Quebec have implemented proactive pay equity schemes requiring employers to meet statutory standards of pay equity. The Canadian Human Rights Act, the Fair Practices Act and Bill 1, Human Rights Act, all rely on complaints-based systems. This means that while discrepancies in pay on the basis of gender are prohibited, employers will not be held accountable until a complaint is laid.

Most jurisdictions that provide for pay equity do so in separate legislation; therefore, many human rights statutes do not include these initiatives. Ontario, Quebec, Manitoba, New Brunswick, Prince Edward Island and Nova Scotia have all enacted separate pay equity legislation. The federal government and the Yukon are the only jurisdictions to have pay equity in their human rights legislation.

Of the six jurisdictions that have enacted separate pay equity legislation, all but two (Ontario and Quebec) apply to the public sector only. As a result, PEI, Nova Scotia, New Brunswick, Saskatchewan and Manitoba have all enacted separate "equal pay for same or similar work" provisions in their human rights legislation or employment standards legislation. These provisions, Mr. Speaker, are similar to what is provided in Bill 1.

Saskatchewan has implemented the Equal Pay for Work of Equal Value and Pay Equity Policy Framework within the public sector. Newfoundland has implemented pay equity in the public sector through collective bargaining. Of the jurisdictions without any form of pay equity, all include "equal pay for same or similar work" in their human rights or employment standards legislation. Again, Mr. Speaker, this is similar to the standard provided in our legislation.

The committee is concerned about applying a "made-in-Ontario" model of pay equity in the NWT. Accordingly, the committee inquired with presenters whether they thought it was appropriate to apply the Ontario model to the NWT given the significant differences between the two jurisdictions. The committee also pointed to the problems that both Ontario and Quebec were facing with non-compliance, particularly with smaller establishments.

The responses received by the committee did not address the concerns raised. Many presenters were unable to offer any suggested alternatives to the committee on these issues. Furthermore, of the presenters that answered this question none were able to supply the committee with information that would support the inclusion of pay equity in the Human Rights Act as opposed to including it in separate legislation.

The committee is satisfied, Mr. Speaker, with the contention of the Government of the Northwest Territories that pay equity should not be included in the Human Rights Act at this time. We have assurances from the Government of the Northwest Territories that pay equity legislation for the public sector is

forthcoming. We trust that this will be sufficient to warrant an exemption under section 66 of the Canadian Human Rights Act.

#### **Acknowledgements**

Mr. Speaker, the Standing Committee on Social Programs gratefully acknowledges the assistance of the Minister of Justice and the Department of Justice officials in the review process.

The Standing Committee on Social Programs would like to thank all the individuals and organizations who made their views known to the committee at public hearings or through written submissions. The quality and detail of the presentations and written submissions demonstrate the effort and time dedicated to their preparation. The public input received by the committee greatly enriched the review process, and has resulted in changes to the legislation.

The Standing Committee on Social Programs gratefully acknowledges the exemplary service of its Clerk, researcher and Law Clerk throughout the course of our review.

Mr. Speaker, that concludes the report of the Standing Committee on Social Programs' review of Bill 1, Human Rights Act. Therefore, I move, seconded by the honourable Member for North Slave, that Committee Report 10-14(5) be moved into committee of the whole for consideration. Thank you, Mr. Speaker.

-- Applause

**MR. SPEAKER:** Thank you, Mr. Bell. We have a motion on the floor. The motion is in order. To the motion.

**SOME HON. MEMBERS:** Question.

**MR. SPEAKER:** Question has been called. All those in favour, please signify. Thank you. All those opposed? Thank you. The motion is carried. The chair recognizes the honourable Member for Yellowknife South, Mr. Bell.

**MR. BELL:** Thank you again, Mr. Speaker. Mr. Speaker, I seek unanimous consent to waive Rule 93(4) and have Committee Report 10-14(5) moved into committee of the whole for tomorrow. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you. The honourable Member is seeking unanimous consent to waive Rule 93(4). Are there any nays? There are no nays. Therefore, Committee Report 10-14(5) is moved into committee of the whole for tomorrow. 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 Member for Nahendeh, Mr. Antoine.

#### **ITEM 13: TABELING OF DOCUMENTS**

**Tabled Document 63-14(5): Northwest Territories Development Corporation 2001-2002 Annual Report**

**HON. JIM ANTOINE:** Mr. Speaker, I wish to table the following document entitled Northwest Territories Development Corporation 2001-2002 Annual Report. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Antoine. Item 13, tabling of documents. Item 14, notices of motion. Item 15, notices of motion for first reading of bills. Item 16, motions. Motions. Motion 12-14(5) has been called twice and more and there has been no response. Therefore it should be dropped from the order paper. Item 17, first reading of bills. The honourable Member for Weledeh, Mr. Handley.

#### ITEM 17: FIRST READING OF BILLS

##### Bill 25: Supplementary Appropriation Act, No. 4, 2001-2002

**HON. JOE HANDLEY:** Mr. Speaker,

I MOVE, seconded by the honourable Member for Nahendeh, that Bill 25, Supplementary Appropriation Act, No. 4, 2001-2002, be read for the first time. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. We have a motion. The motion is in order. All those in favour? Thank you. All those opposed? The motion is carried. Bill 25 has had first reading. Item 17, first reading of bills, The honourable Member for Weledeh, Mr. Handley.

##### Bill 26: Supplementary Appropriation Act, No. 2, 2002-2003

**HON. JOE HANDLEY:** Mr. Speaker,

I MOVE, seconded by the honourable Member for Yellowknife Centre, that Bill 26, Supplementary Appropriation Act, No. 2, 2002-2003, be read for the first time. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. We have a motion. The motion is in order. To the motion. Question has been called. All those in favour? Thank you. All those opposed? Thank you. The motion is carried. Bill 26 has had first reading. Item 17, first reading of bills. Item 18, second reading of bills. The honourable Member for Weledeh, Mr. Handley.

#### ITEM 18: SECOND READING OF BILLS

##### Bill 25: Supplementary Appropriation Act, No. 4, 2001-2002

**HON. JOE HANDLEY:** Mr. Speaker,

I MOVE, seconded by the honourable Member for Nahendeh, that Bill 25, Supplementary Appropriation Act, No. 4, 2001-2002, be read for the second time.

Mr. Speaker, this bill makes supplementary appropriations for the Government of the Northwest Territories for the fiscal year that ended March 31, 2002. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. We have a motion. 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 25 has had second reading. Accordingly, the bill stands referred to the committee of the whole. Item 18, second reading of bills. The honourable Member for Weledeh, Mr. Handley.

##### Bill 26: Supplementary Appropriation Act, No. 2, 2002-2003

**HON. JOE HANDLEY:** Mr. Speaker, I MOVE, seconded by the honourable Member for Inuvik Twin Lakes, that Bill 26, Supplementary Appropriation Act, No. 2, 2002-2003, be read for the second time.

Mr. Speaker, this bill makes supplementary appropriations for the Government of the Northwest Territories for the 2002-2003 fiscal year. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. We have a motion. The motion is in order. To the principle of the bill. Question has been called. All those in favour? Thank you. All those opposed? Thank you. The motion is carried. Bill 26 has had second reading and accordingly the bill stands referred to the committee of the whole. Item 18, second reading of bills. The honourable Member for Weledeh, Mr. Handley.

##### Bill 27: An Act to Amend the Elections Act, No. 2

**HON. JOE HANDLEY:** Mr. Speaker,

I MOVE, seconded by the honourable Member for Nunakput, that Bill 27, An Act to Amend the Elections Act, No. 2, be read for the second time.

Mr. Speaker, this bill amends the Elections Act to provide that persons who became Canadian citizens on or before polling day may vote at the election.

In addition, the bill also corrects two provisions that contain references that no longer pertain in view of earlier amendments to the act. 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? Thank you. The motion is carried. Bill 27 has had second reading. The Chair recognizes the honourable Member for Weledeh, Mr. Handley.

**HON. JOE HANDLEY:** Mr. Speaker, I seek unanimous consent to waive Rule 69(2) and have Bill 27, An Act to Amend the Elections Act, No. 2, moved into committee of the whole for today. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Minister. The Minister is seeking unanimous consent to waive Rule 69(2) and have Bill 27 moved into committee of the whole for today. There are no nays. You have the consent of the House to have Bill 27 moved into committee of the whole for today. Any further second reading of bills? Item 19, consideration in committee of the whole of bills and other matters. Tabled Document 35-14(2), Bill 1, Bill 25, Bill 26 and Bill 27 with Mr. Krutko in the chair.

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

**CHAIRMAN (Mr. Krutko):** I call committee of the whole to order. We have several items to deal with; Tabled Document 35-14(2), Bill 1, Bill 25, Bill 26 and Bill 27. What is the wish of the committee? Mr. Dent.

**MR. DENT:** Thank you, Mr. Chairman. I would like to recommend that committee first of all consider Bill 27 followed by Bill 25 and then perhaps we can get started on Bill 26 and see how far we get on that one.

**CHAIRMAN (Mr. Krutko):** Does committee agree? Agreed. As agreed, we will begin with Bill 27, An Act to Amend the Elections Act, No. 2. At this time I would like to ask the Minister responsible for overseeing the bill if you have any opening

comments? I believe it is the Government House Leader, Mr. Handley.

**HON. JOE HANDLEY:** Thank you, Mr. Chairman. I wish to present two amendments to our Elections Act for consideration today. As Members know, we considered and passed a large number of amendments earlier this year which will allow for the conduct of a general election late next year.

Mr. Chairman, in preparing the consolidation of the Elections Act it was noticed that inadvertently two consequential amendments were missed. Therefore, to ensure that the provision of the Elections Act apply for the next general election, these amendments should be made.

The bill provides that persons who became Canadian citizens on or before polling day may vote at an election, and it also corrects two provisions that contained references that no longer pertain due to the amendments made earlier this year.

Mr. Chairman, with the assistance of the officials I would be pleased to answer any questions on these amendments. Thank you.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Handley. I don't believe there was a committee that had a chance to review this, so I would like to ask the Minister if he would be bringing in a witness for the Elections Act. Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, yes I will.

**CHAIRMAN (Mr. Krutko):** Does committee agree that Mr. Handley brings in his witness?

**CHAIRMAN (Mr. Krutko):** Agreed. Sergeant-at-Arms, can you escort the witness in?

Mr. Minister, please introduce your witness for the record.

**HON. JOE HANDLEY:** Mr. Chairman, with me today are David Hamilton, chief electoral officer, and Mark Aitken, director of legislative division for the Department of Justice.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Handley. Welcome witnesses. General comments in regard to Bill 27. Detail.

**CHAIRMAN (Mr. Krutko):** Clause 1.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Clause 2.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Clause 3.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**Committee Motion 31-14(5): To Add Clause 4 to Bill 27 (Carried)**

**HON. JOE HANDLEY:** Thank you, Mr. Chairman. I would like to make a motion for an amendment that Bill 27 be amended by adding the following after clause 3:

Commencement

(4) This act comes into force on a day to be fixed by order of the Commissioner.

Thank you.

**CHAIRMAN (Mr. Krutko):** Does committee agree to the amendment?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** The motion is in order. To the motion. Question has been called. All those in favour? All those opposed? The motion is carried. Bill 27, as amended?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Agreed. The bill as a whole, as amended?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Does the committee agree that Bill 27 is ready for third reading?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Agreed. Bill 27 is now ready for third reading as amended. With that I would like to thank the witnesses and I would like to welcome Mr. Roland and Mr. Allen back to the House. Welcome home.

I believe the next bill we agreed to deal with is Bill 25, Supplementary Appropriations Act, No. 4, 2001-2002. At this time I would like to ask the Minister responsible for introducing the bill if you have any opening comments. Mr. Handley.

**HON. JOE HANDLEY:** Thank you, Mr. Chairman. Mr. Chairman, Supplementary Appropriation No. 4 requests authority for additional operations expenditure appropriations of \$16,917,000 for departmental over-expenditures.

This request is being made to comply with the authorization process for over-expenditures of appropriations caused by year-end accruals as provided for in the Financial Administration Act as follows:

1. \$11,189,000 for the Department of the Executive, Financial Management Board Secretariat, for the resolution of the equal pay complaint filed against the GNWT by the Public Service Alliance of Canada under the Canadian Human Rights Act;
2. \$5,728,000 for the Department of Education, Culture and Employment to record the liability for the GNWT share of payments for the negotiated settlement of claims respecting student abuse in the education system.

Mr. Chairman, I am prepared to review the details of the supplementary appropriation document. Thank you.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Handley. Does the committee responsible for reviewing the bill have any opening remarks? Mr. Dent.

**MR. DENT:** Mr. Chairman, no. There are no comments from the standing committee. I am sure Members will have some questions as we get into the details of the bill.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Dent. At this time, I would like to ask the Minister if he would like to bring in any witnesses.

**HON. JOE HANDLEY:** Yes, I will, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** Does the committee agree the Minister may bring in witnesses?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Sergeant-at-Arms, would you please escort the witness in? Mr. Minister, would you please introduce your witness for the record?

**HON. JOE HANDLEY:** With me is Lew Voytilla, secretary to the Financial Management Board. Thank you.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Handley. Welcome, witness. General comments regarding Bill 25, Supplementary Appropriation Act, No. 4? General comments?

**SOME HON. MEMBERS:** Detail.

**CHAIRMAN (Mr. Krutko):** We are on page 5, dealing with detail, Department of the Executive, operations expenditures, Financial Management Board Secretariat, not previously authorized, labour relations and compensation services, \$11,189,000. Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. Mr. Chairman, under labour relations and compensation, the \$11 million under pay equity, is this the final invoice, I guess one can say, on this matter?

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Yes, Mr. Chairman, this is the final allocation.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. What are the final numbers on this whole series, if this is the final invoice on this? Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Thank you, Mr. Chairman. Mr. Chairman, the total expenditure on this item was \$62 million. We had previously accrued \$33 million, leaving \$29 million, then \$13,200,000 is the amount allocated to Nunavut. The balance outstanding is \$15,800,000, less interest funded from existing appropriation, \$4,600,000, leaving the balance amount to be accrued of \$11,200,000.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Handley. Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. I did not catch the total figure. Is that \$64 million?

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, the total amount was \$62 million for the settlement.

**CHAIRMAN (Mr. Krutko):** Mr. Braden.

**MR. BRADEN:** Thank you, Mr. Chairman. For some greater clarity, the \$62 million full cost that Mr. Handley advises of, was that the actual amount of the settlement ordered, or does this amount also include the cost of legal fees and advice that the government incurred in this? Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, the \$62 million is just the cost of the settlement. It does not include the legal fees.

**CHAIRMAN (Mr. Krutko):** Mr. Braden.

**MR. BRADEN:** Thank you, Mr. Chairman. Can the Minister then give us some idea over the years of what is the accumulative cost to the government of representing our interests in this case? Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, the total legal cost over the years that this was being argued was somewhere between...roughly \$20 million. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Braden.

**MR. BRADEN:** Thank you, Mr. Chairman. Has that expenditure then been allocated or covered in some other field, or is that an expense yet to come before this Assembly? Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, the legal fees have been covered each year already.

**CHAIRMAN (Mr. Krutko):** We are dealing with the Executive, operations expenditure, not previously authorized, labour relations and compensation services, \$11,189,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Did I hear the committee say they agree?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Total department, not previously authorized, \$11,189,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Education, Culture and Employment, operations expense, not previously authorized, education and culture, \$5,728,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Did I hear an agree?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** It is hard to hear in here, it is pretty silent, so if you can speak up a little bit, we can catch you here. Total department, not previously authorized, \$5,728,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** We will go back to page 1, Bill 25, Supplementary Appropriation Act, No. 4, clause 1.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Clause 2.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Clause 3.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Clause 4.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Clause 5.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Clause 6.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Clause 7.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Schedule, part 1, vote 1, operations expense, total supplementary appropriation, \$16,917,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Back to the preamble, page 1.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Bill as a whole?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Does the committee agree that Bill 25 is ready for third reading?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Agreed. Bill 25 is now ready for third reading. With that I would like to thank the Minister and his witnesses. Sergeant-at-Arms, can you escort the witness out.

As we agreed earlier, the next bill we will be dealing with is Bill 26, Supplementary Appropriation Act, No. 2, 2002-2003. At this time I would like to ask the Minister responsible for the bill if he has any opening comments. Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, Supplementary Appropriation Act, No. 2 requests authority for additional appropriations of \$22,652,000 for operations expenditures and \$1,913,000 for capital investment expenditures. Major items included in this request are as follows:

1. \$10.2 million for the additional expenses to be incurred as a result of finalization of a collective agreement between the GNWT and the Union of Northern Workers.

2. \$4 million for the Department of Education, Culture and Employment for payments for the negotiated settlement of claims respecting student abuse in the education system.

3. \$2 million for the Department of Health and Social Services to fund the increases to rates charged by the Capital Health Authority for medical services provided to Northwest Territories residents at Alberta hospitals.

4. \$1.4 million for the Department of Health and Social Services for the continued development and implementation of the Northwest Territories Health and Social Services Systems Action Plan.

5. \$1.3 million for the Department of Health and Social Services for forced growth within the foster care program.

The major request for capital investment expenditures include \$2.3 million for the Department of Transportation for the GNWT's share of the Strategic Highway Infrastructure Program. Total expenditures under the program will be \$9 million over two years, of which 50 percent will be cost shared with the federal government.

Mr. Chairman, I am prepared to review the details of the supplementary document. Thank you.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Minister. At this time I would like to ask the Minister if he will be bringing in any witnesses.

**HON. JOE HANDLEY:** Yes I will, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** Does the committee agree that the Minister brings in his witnesses?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Sergeant-at-Arms, can you escort the witnesses in?

Mr. Minister, please introduce your witnesses for the record.

**HON. JOE HANDLEY:** Thank you, Mr. Chairman. With me is Lew Voytilla, secretary to the Financial Management Board. Thank you.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Minister. Welcome, witness. General comments in regard to Bill 26, Supplementary Appropriation Act, No. 2, 2002-2003. General comments. Detail. Mr. Dent.

**MR. DENT:** Thank you, Mr. Chairman. Mr. Chairman, I think one of the things that has concerned a number of Members when we are looking at supplementary appropriations is the amount that we see under special warrants. Those are funds that are approved by the Cabinet and typically spent before the Legislative Assembly has a chance to consider them.

In a previous report, the Standing Committee on Accountability and Oversight, after reviewing the Report on Other Matters, the committee supported the Auditor General's position that special warrants could be used less and the government could come

forward with special warrants only where they were urgently needed, maybe to cover a portion of the cost of an expense, leaving the balance then for consideration under the category of not previously authorized.

I just want to take a look at what we have before us today, and almost 15 percent of this bill is for special warrants. Is there any reason why the government has chosen not to follow the suggestion of the Auditor General which was supported by the Standing Committee on Accountability and Oversight that the government divide up those funds and that only the portion that has to be spent before the Assembly would sit and could look at it, would an expenditure actually be committed through special warrants? The Assembly could then decide to, or could review, the balance of the expenditure before the money was actually spent.

For instance, in this one, we see an awful lot of the bill is made up of funding for collective agreement increases. I would expect that not all of the salaries have been paid to employees in this fiscal year, therefore not all of this money has probably been spent. Why could we not have looked at it on that basis and seen less of the amount accrued as a special warrant and more of it coming through as not previously authorized?

That is just an example. Why could we not see it done that way so that the Assembly is given the opportunity to make comment before the spending takes place rather than after?

**CHAIRMAN (Mr. Krutko):** Mr. Minister.

**HON. JOE HANDLEY:** Mr. Chairman, there are really only two areas in here where we would use special warrants. As the Member pointed out, it was with the collective agreement requirements and then also for the road in Tuktoyaktuk that was basically destroyed. We are very careful where we are using special warrants and we hear the advice that is being given.

The reason for a special warrant in the case of the collective agreement contract commitments is that if we had not approved the money ahead of time many departments would have exceeded their appropriation. Why do we not just take it up to a point and then come back for the balance of it is simply that we commit salaries right through to the end of the year, so therefore do it all as one special warrant since it is a contractual agreement in any case. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Dent.

**MR. DENT:** Thank you, Mr. Chairman. I think I would still argue that being eight months into the fiscal year it is unlikely that the department would have spent its appropriation for salaries without the collective agreement increase factored in. I think that if the money has not already been committed then when it comes forward to the Assembly, for instance there can be some discussion about whether or not the Members feel that the money should come from the supp reserves or if there needs to be a reallocation of monies from within a department in order to cover those expenses.

That sort of discussion should still be possible for Members of the Legislative Assembly. When something has been finally approved and set out as a special warrant we lose the opportunity to make that argument because the commitment has already been made.

In any case, Mr. Chairman, I think we know it was certainly a position that was advanced by the Auditor General previously and the Standing Committee on Accountability and Oversight supported that position, so I would like to encourage the government to very carefully examine whether or not they can follow through on that recommendation the next time they are taking a look at a special warrant. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, I appreciate that. As I said earlier, we do commit salaries right through to the end of the year. As well, we have agreed to provide to the Standing Committee monthly updates on special warrants, so I think by providing those monthly updates it should resolve that problem. Thank you.

**CHAIRMAN (Mr. Krutko):** Thank you, Mr. Handley. We are dealing with Bill 26, Supplementary Appropriation Act, No. 2. General comments. Mr. Lafferty.

**MR. LAFFERTY:** Thank you, Mr. Chairman. I also agree with Mr. Dent on how special warrants are being used. Just a bit of an example is the road for Tuktoyaktuk. If this was the community of Wekweti you would not be able to access this money, you would have to access the funds from Transportation where you are only allowed \$50,000 per year.

By using different approaches on how they are putting money into roads that are access roads for the community and using the municipality to fund it, they are getting away with things that other communities could not get away with.

To top it off, you are putting money into this program September 18<sup>th</sup> or September 26<sup>th</sup>, everything was frozen already. How do you prepare a frozen road? How do you justify putting money into a frozen road? You cannot go and do road maintenance unless you are doing blast rock, and to say it is a special warrant, you have to set it aside and put it over for next year, and then you can put that into the business plans.

A special warrant is not there to be used at free will for funds to be put into a community because they figure that it will not get by in a different way, access funds or whatever.

This has to be really looked at very closely and I think maybe the Minister and his staff can get us some information on how the road was damaged, how MACA can justify putting in 6.2 kilometres of road and the municipality must be a little smaller than that. Even Yellowknife does not have more than four kilometres either way. So this community must be a very big community, bigger than the size of Hay River and Inuvik to justify for roads within the municipality for 6.2 kilometres. I would like to get more information on this special warrant to see if it was justifiable for the expenditures.

It seems coincidental that the money is spent in the Minister's riding and the Minister is the one that approved that funding. Many questions are coming up here, popping up here. I will give a good example of my community where they could not even put \$40,000 into a road for a cost overrun or to expand the bridge, but they are able to put \$1.3 million into the community of Tuktoyaktuk. The only way to get money into your community I guess is if you are a Minister. Or, you want to put a road into your riding you have to be a Minister.

I feel that this needs to be looked at more closely and I do not really agree with this. I will have questions on this and I will ask for more information on this warrant. Thank you.

**CHAIRMAN (Mr. Krutko):** Minister responsible for the bill, Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, I do not know if we want to get into the detail to answer Mr. Lafferty's questions now or if you want to do it when we come to that particular item in this. I will do it either way, whichever way you want.

**CHAIRMAN (Mr. Krutko):** Mr. Lafferty.

**MR. LAFFERTY:** Thank you, Mr. Chairman. I can wait for the detail. I just wanted to get it in twice. Thank you.

**CHAIRMAN (Mr. Krutko):** General comments in regard to Supplementary Appropriation Act, No. 2. Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. Mr. Chairman, I want to follow up on Mr. Dent's concern regarding the use of special warrants. It has been raised in previous supplementary appropriation about the excessive use, as some of us would say. Going through this bill, out of 64 different activities or transfers or additions going through here, 64 in this bill, 52 of them are for special warrants.

It has been raised before, as Mr. Dent said, about the use of that, the Auditor General's concerns. One thing, as Mr. Lafferty just touched on was that some of the approvals that are so close to actual session coming into play here, I believe the requirement is that if it is 15 days before or after session then the use of special warrants can be deemed to be an inappropriate time to be used.

When it falls just 17 or 18 days and receiving a special warrant, knowing there has been a concern raised before by this Assembly, you would think that maybe one could hold off and come through the normal process of a supplementary appropriation, not previously authorized.

It almost seems like there is a fear that we are going to say no to something. Give us an opportunity to view the information that is given to us so we can either help the government or maybe help the residents of the Northwest Territories in saving some money, that might be a possibility. It is a concern that we see 52 of the different transactions happening here in this bill fall under special warrant. I heard the Minister respond to Mr. Dent about the fact that the departments would run out of funds when it came to payroll and stuff, I believe.

I may have not caught the specific wording, but departments would run out of funds before this came into place. If we go through this and you look at the additional expenses incurred as a result of finalization of the collective agreement, there are a lot of special warrants for \$2,000, \$6,000, \$7,000, \$60,000. Are departments that close to running to the edge that they would be running out of funds? Are we in that bad of a state here as the Government of the Northwest Territories? Thank you.

**CHAIRMAN (Mr. Krutko):** Minister Handley.

**HON. JOE HANDLEY:** Thank you, Mr. Chairman. As I said before, there may be 52 special warrants but most of them, probably 51 of them, are in response to the collective

agreement, a contractual arrangement. Would departments have run out, would activities have run out. Yes, some of them probably would have. Some of the activities are managed very closely.

The regions in particular do not have a lot of flexibility. Since this is a contractual arrangement anyway, and we do commit salaries to the end of the year, rather than bringing it back here twice, we are doing it as one special warrant.

Mr. Chairman, further as I mentioned before in response to Mr. Dent, we have made a commitment to give the committee a monthly update on special warrants so we should not have this kind of discussion again. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. I believe that the commitment to follow up monthly with the committee is one that would be appreciated by Members, just being notified of what is happening. Hopefully with all of this, and our financial situation that we are in as the Government of the Northwest Territories, I have always raised and maintained as a government my concern about our situation right from coming into this Assembly.

I would say that we need to curb the use of special warrants as a government. Again, I look at these and although the Minister says these are yearly things, nearly 51 of the 52 special warrants are to do with this collective agreement, and that regions are pretty tight. Well, regions do not write the cheques, do they? Is that not a headquarter function? Maybe in health boards or in education boards, but as Mr. Dent said, we are still a long way before we come up to the end of our fiscal year, and that is a concern to me that the Minister would say that we are running that close to the line already at this time of the year. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Voytilla.

**MR. VOYTILLA:** Thank you, Mr. Chairman. Many of our activities have nothing in them but salaries and wages, and very little O and M. So the collective agreement and the wages that are paid are the primary part of the appropriation. We have to control to the activity level. That is the requirement in the act. When we commit our salaries, that is because we have a contractual obligation. If we did not commit our salaries to the end of the year, then we would lose what we call free balance control, so our managers, when signing contracts against that appropriation, would not know what they have committed to the end of the year and may, as a result, sign contracts that over-commit the free balance in the appropriation. If they did that, that is a violation of the Financial Administration Act.

Our practice of committing salaries to the end of the year is in recognition that we must maintain free balance control. We must, throughout the year, know where we stand from a budgetary standpoint when we are making decisions on further expenditures. I would expect that if we de-commissioned the commitment system to do what is being suggested, and as a result lost free balance control, we would have severe criticism by the Auditor General.

The salary commitment system is in there so that our managers know how much money they have left in their budget all throughout the year.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Mr. Chairman, I will just wait until we go through detail to have any further questions. Thank you.

**CHAIRMAN (Mr. Krutko):** General comments? Mr. Nitah.

**MR. NITAH:** Thank you, Mr. Chairman. Mr. Chairman, the \$1.3 million under item 5, Department of Health and Social Services, for forced growth within the foster care program, I do not have to tell you, Mr. Chairman, that any increase in forced growth in the area of child apprehension and foster care is troubling to me. The numbers that I have in front of me that I got from the Minister of Financial Management Board earlier today tells me that there are 876 children in care today, which reminds me of the earlier government practices of assimilation, where they took kids from our communities and into residential schools. What year is this, I wonder, Mr. Chairman?

What I would like to ask, with the same information I got from the Minister, where it says summary of forced growth for 2002-03 is \$831,000, yet we are seeing \$1.3 million in the supp. I wonder why, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Thank you, Mr. Chairman. Last year, boards ran a deficit of \$457,000, so part of this supplementary money is to reimburse them for that deficit in 2001-02. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Nitah.

**MR. NITAH:** Thank you, Mr. Chairman. I do not have any other questions. I will wait until detail. Thank you.

**CHAIRMAN (Mr. Krutko):** General comments?

**SOME HON. MEMBERS:** Detail.

**CHAIRMAN (Mr. Krutko):** Does the committee agree to move to detail?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** We will move to page 5, departmental...Legislative Assembly, operations expense, special warrants, office of the clerk, \$86,000. Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. Mr. Chairman, just as we start out on special warrants and many of these initially will go through this for the collective agreement, when was the collective agreement finally signed?

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, the tentative agreement was signed on April 26<sup>th</sup> and the agreement was ratified on July 1<sup>st</sup>.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. Can the Minister again tell me the urgency of a special warrant? Seeing from July to September 18<sup>th</sup> is a fair bit of time, and then from September 18<sup>th</sup> to when we come in the House, can the Minister tell us why that was required at that point for a special warrant?

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, the provisions in the collective agreement are in effect as of April 1<sup>st</sup>, so it would not matter if we signed in July or August. The departments have to pay back to the April 1<sup>st</sup> date.

As we said earlier, some departments, some activities were running very close to their limits, which was essential to have a special warrant in this case. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. The Minister just stated that it did not matter whether it was April 1<sup>st</sup>, July or August, the commitment was made April when the initial agreement was initialled, I guess, before it went out for ratification. So the commitment was made then. From April to September, we have had session in between that time. Why could it not have been addressed in a different manner?

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, as I said earlier, the interim agreement was signed on April 26<sup>th</sup>. The agreement was not ratified until July 1<sup>st</sup>. We cannot do anything until it is ratified. There has not been a session since July 1<sup>st</sup>. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. Mr. Chairman, I guess, maybe it is a play on words here, but the Minister at one point in my earlier question said that it did not matter. A commitment was made in April when the agreement was signed by the department, but it was not coming into force until ratified, which yes, we know if the union said no to it, then agreement would not have been there.

I guess I come back to the fact again, just my concern with special warrants, Mr. Chairman, is that from April to July, July to session now, was it that critical? Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, just for clarification, as I said, the agreement was signed on July 1<sup>st</sup>. That was after the last time the House sat. We could not do anything, or we cannot do anything in terms of knowing what the commitment is until after it is ratified. So there was not any choice. Some departments were running short, or were going to be running short on dollars.

Mr. Chairman, I hear what the Members are saying with regard to special warrants. We are going to assist them where we will provide monthly updates, and as I said earlier, I think that will prevent this situation from recurring. I acknowledge the Member's concern and the issue he has raised. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. It is an improvement on the way things are working and I think Members will acknowledge that. The fact is, it is still after the fact. It is still spent money before we get to review it. Again, the percentage increase that this collective agreement covers for the UNW, maybe you could give us that. Was that total amount, and

again, seven months into our fiscal year, we are into that trouble of...so...I will leave it at that. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** Mr. Voytilla.

**MR. VOYTILLA:** Thank you, Mr. Chairman. The total cost to the government for 2002-03 to implement the agreement reached and ratified on July 1<sup>st</sup> is \$10,183,000. That represents the full cost of implementing all of the new provisions, which included a 3 percent salary increase starting April 1, 2002 -- 3 percent each year. The \$10 million only covers the 3 percent for the first year. We will need additional funding, and that will be built into the budget for next year for the next 3 percent increase that will happen on April 1, 2003. There were changes to the northern allowance. There were changes to shift premium, stand-by pay, a number of other small provisions like that. We could certainly give the Member detail on the cost of each of the changes, but in total, it was \$10,183,000.

**CHAIRMAN (Mr. Krutko):** Detail, Legislative Assembly, operations expense, Office of the Clerk, special warrant, \$86,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Office of the Speaker, special warrants, \$2,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Expenditures on behalf of Members, special warrant, \$60,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Office of the Chief Electoral Officer, special warrant, \$6,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Commissioner of Official Languages, special warrant, \$7,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Total department, special warrant, \$161,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Executive, operations expense, executive offices, special warrants, Commissioner's office, \$6,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Ministers' offices, special warrant, \$66,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Cabinet Secretariat, special warrant, \$134,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Public Utilities Board, special warrant, \$5,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Financial Management Board Secretariat, special warrant, not previously authorized, directorate, \$86,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Labour relations and compensation services, special warrant, \$163,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Not previously authorized, \$166,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Government accounting, special warrant, \$90,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Budgeting and evaluation, special warrant, \$40,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Audit Bureau, special warrant, \$39,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Aboriginal Affairs, special warrant, not previously authorized, Aboriginal Affairs, special warrant, \$140,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Total department, special warrants, \$770,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Not previously authorized, \$242,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Finance, operations expenditures, special warrant, directorate, \$51,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Treasury, special warrant, \$36,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Fiscal policy, special warrant, \$21,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Bureau of Statistics, special warrant, \$22,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Total department, special warrant, \$130,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Municipal and Community Affairs, operations expense, directorate, special warrant, \$22,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Community financial services, special warrant, \$27,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Emergency services, special warrant, \$15,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Community governance, special warrant, \$26,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Land administration, special warrant, \$50,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** We are on page 11, Municipal and Community Affairs, operations expense, special warrant, not previously authorized, regional operations, \$1,467,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Negative \$73,000, not previously authorized.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** We are on page 11, sports, recreation and youth, special warrant, \$9,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** School of Community Government, special warrant, \$35,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Total department, special warrant, \$1,651,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Not previously authorized, negative \$73,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Department of Public Works and Services, operations expense, directorate, special warrant, \$234,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Asset management, special warrant, \$327,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Systems and communications, special warrant, \$2,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** If we can go back to asset management, not previously authorized, negative \$73,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Systems and communications, special warrant, \$2,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Total department, special warrant, \$563,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Not previously authorized, negative \$73,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Health and Social Services, operations expense, special warrant, not previously authorized, corporate services, special warrant, \$151,000.

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Krutko):** Not previously authorized, \$611,650. Mr. Braden.

**MR. BRADEN:** Thank you, Mr. Chairman. In this particular area, and we see that the titles or the specific programs are almost duplicated in the following section on that page under program delivery, there are substantial amounts allocated, Mr. Chairman, to a number of different areas in support of the action plan, the Health and Social Services Action Plan, 2002-2005. Those areas include actions to improve services to people, supports to staff, system-wide management, supports to trustees, and a communications plan. All of this totaling just over \$600,000, Mr. Chairman.

In looking at these titles, it does not give us a lot of detail here on just where that money is going to actually be spent to make a difference for people on the receiving end of the health care system. It identifies, for instance, supports to staff, \$130,000; actions to improve system-wide management, \$195,000; and supports to trustees, \$108,000. We are roughly in the sort of \$400,000 neighbourhood here, Mr. Chairman. That supports staff and bureaucracy and our management systems, out of \$600,000. It seems to me, Mr. Chairman, that we are still putting a lot of money into our background systems at the expense of people on the front lines, and of patients and clients in our health care system.

I would at least like to ask for a little bit more detail for these four or five areas. Could the Minister help me out with some justifications as to why we are putting, at least from what I see in here, Mr. Chairman, about two-thirds of this big allocation into management and bureaucracy? Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, I would like to refer that question on detail of this to the Minister of Health and Social Services. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Miltenberger.

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Chairman. Mr. Chairman, when we started this process back in January, there was a recognition that there were some clear structural system problems that had to be fixed in order to improve our ability to provide services to individuals. We have, as was widely recognized, high turnover. We had retention-recruitment issues. We had organizational relationship problems where the boards, the authorities, and the department were not working as cooperatively together as they could be or should be. We had significant...what is the term I like to use...we had significant systems problems in terms of how we did human resource management, how we did our staffing. We have a high turnover rate, not only in nurses and doctors, but in staff across the board. We were not very effective. There was significant confusion over the type of model that was being used for trustees when they sat on boards. I speak specifically of the confusion over Carber, not Carver, and how things were to be run.

When I came on board, we dealt with issues of significant deficits because we have financial systems that were not clearly compatible. Simple things like common chart of accounts, so we had to make sure that we had the trustees on line in support of the process. We have to acknowledge that they turnover regularly. We have to provide a system to provide them training.

We have come up with ways to integrate our services, or our management functions with the joint senior management committee, that brings senior managers from the authorities and the department together to start doing some of the systems-wide planning.

We are coordinating better our recruitment and retention issues. In addition to this, there are a whole bunch of other just systems issues in terms of financial systems that are not all the same. Not all people, not all authorities are on the same human resource system.

We are trying to put some of these systems in place, fixes in place at the same time as we put money in towards long-term care, addictions, and all other funding for foster care and all the other program costs. We have to start fixing the system as well. That is what some of these dollars are focused towards doing. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Braden.

**MR. BRADEN:** Thank you, Mr. Chairman. I think the Minister has demonstrated a great deal of familiarity with the many layers of the system. I have to give him credit that he is being diligent and is, I think, taking a strong and a hands-on approach to it.

It is still a lot of money to be putting into fixing something that has been in place for a while, that we are spending a lot of money on already. Is the money asked for a here a one-time, one-shot allocation, Mr. Chairman, or are we seeing an increase in the base funding that we are going to have to continue to put into our bureaucracy? Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Handley.

**HON. JOE HANDLEY:** Mr. Chairman, I will refer that to the Minister of Health.

**CHAIRMAN (Mr. Krutko):** Mr. Miltenberger.

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Chairman. Mr. Chairman, our budget in Health and Social Services has been growing about 9 percent a year. It has grown 21 percent since division, almost \$34 or \$35 million. The cost of health and social services is not diminishing, as you can see by this supplementary appropriation. We are trying to keep our system costs, once we get things fixed, down. We want to focus as much money as possible at the program level, which is why we are trying to move towards an integrated service delivery model at the community level.

But very clearly, Mr. Braden has been here now, like I have, for this whole term, and you have seen the growth, just since 1999. There is a significant ongoing growth in health and social services, and this is not unique to the Northwest Territories. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Braden.

**MR. BRADEN:** Thank you, Mr. Chairman. One more piece of detail. There is a line in the allocation here detailed as communications plan for the action plan. There is \$100,000 identified there. Is this actually going to see a new generation of communication launched? Are we going to see brochures or videos or workshops or this kind of thing coming out of this \$100,000, or is this just more money going into yet another strategy on how to communicate? Is it really going to deliver? Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** Mr. Miltenberger.

**HON. MICHAEL MILTENBERGER:** Mr. Chairman, these are funds that are going to be expended for updating this Assembly, the communities and the people on the work that has been done with the action plan. In fact, I have, in my files here, a draft update that is just about ready to be finalized -- hopefully it will be sent out before the end of session -- that will be done as economically as possible across the Northwest Territories. We would like to be able to do this on a regular basis, because there are so many fundamental issues being addressed in the action plan. One of the commitments was to be accountable, so it will show the dates we have missed, the dates we have hit, and how we are proceeding on accomplishing meeting the goals of those 45 action items.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. Similar concerns as to what was just raised in regard to the amount of expenditures here. When you look at just the amount that is going directly to services for people, it is interesting that we would be spending so much in the support of, and when you look at it in the headquarter section, ministry and corporate services, that to me would be deemed, those actions directly being conducted out of the headquarters section, and then again in the other section, program delivery and support. Maybe there is the area I can sort of understand that a bit. Maybe the Minister can elaborate on what actually is going to happen in the Ministry

and corporate services section that would improve system-wide management. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Miltenberger.

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Chairman. Mr. Chairman, the two big fundamental shifts have been with the setting up of the Joint Leadership Council and the structuring of the senior management and the joint senior management committee that brings together the CEOs and the deputy ministers, ADMs and directors of the department to meet on a regular basis to start to do some of the systems planning that was not done.

As awkward as it could have been in the past, those are the two major shifts that I would say there is a cost towards being able to do that, to provide that kind of coordination. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. Mr. Chairman, then is that, for example, system-wide improvement management, \$195,000 a portion of that \$611,000? Is that travel costs? Because right now CEOs, deputy ministers are already fully paid. There should not be, I do not see any other management. They have all the paper in the offices, they have fax machines, computers, so is this strictly increased travel? Thank you.

**CHAIRMAN (Mr. Krutko):** The honourable Minister responsible for Health and Social Services, Mr. Miltenberger.

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Chairman. Mr. Chairman, travel is one of the costs. We have also set up a working group on a host of issues that have to be dealt with, funding models, service delivery models, core service issues. It is bringing other services, resources to the table that may be needed to help these working groups. So there is a range of activities involved with this.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. I am starting to get a little nervous here. This sounds like maybe consulting fees, something of that nature. More studies. I hear an echo of "no more studies" ringing through the walls of this Assembly. Is that the case here, potentially consultant fees, study fees, things like that? Thank you.

**CHAIRMAN (Mr. Krutko):** The honourable Minister responsible for Health and Social Services, Mr. Miltenberger.

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Chairman. Mr. Chairman, we are using a minimum of consultants and we are not doing studies, we are trying to come up with how we are going to implement the action items. For example, the documents on the table now in terms of the integrated service delivery model that speak to addictions and mental health, family violence, continuing care issues, the recruitment and retention work that was done, bringing people together to do that, trying to coordinate and pile on that extra work, there is a cost to that.

There have been some consultants used. They tend to be from within the North, from south of the lake, north of the lake, to help on the various projects, service delivery model, integrated service delivery models, but it has been a bare minimum and it

is to get work done that is now on the table before the Social Programs Committee. Thank you.

**CHAIRMAN (Mr. Krutko):** Mr. Roland.

**MR. ROLAND:** Thank you, Mr. Chairman. The Minister touched on something about retention and recruitment, that work has been piled up on individuals, so is this going to hire new staff? My concern, for example in retention and recruitment, Mr. Chairman, is that that portion of the budget has grown substantially over the years when it first was created to ease the burden we are finding ourselves in when it came to the nursing shortage which we have not managed to ease, but that budget and the personnel in that section has bloomed like in a very well watered situation. Maybe the Minister can be a little more clear on that, as to what he intends to do with \$195,000 in that system-wide management section. He has run off quite a few things that seem to be touched on in this area, but if we spread that out then it just sounds like we are topping up the department so it has a little more money to maneuver. Will we see something come out of this and see services actually improved to individuals? Thank you.

**CHAIRMAN (Mr. Krutko):** The honourable Minister responsible for Health and Social Services, Mr. Miltenberger.

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Chairman. Mr. Chairman, we are working on a whole range of issues tied into the day-to-day operations of Health and Social Services as well as to the action plan. There is no intention to add more staff in headquarters. Of that I can assure my colleague from Boot Lake, and the whole issue of recruitment and retention is one that we are looking at very carefully. We have the recruitment and retention draft that is with the social programs that has just been returned to us from the Social Programs Committee which we want to get ready to take to Cabinet.

We are working on a whole host of issues, things like the core services document. We are trying to come up with a self-care handbook for the Northwest Territories and it has a cost attached to it. We are trying to work on an on-call centre for the Northwest Territories that would be 24 hours a day. The MLAs have come down with us to look at the Capital Health Authority. We are trying to come up with ways to make sure that we have an accountability framework, that we get a way to get an evaluation of customer satisfaction.

We are trying to do work on a delivery model for Health and Social Services that makes sense across the North which is very time consuming. We are working on other basic things like coordinated discharge and planning so that we can avoid a lot of issues that have been raised in this House in terms of glitches that happen when people travel for medical and other appointments. Thank you, Mr. Chairman.

**CHAIRMAN (Mr. Krutko):** At this time I would like to recognize the clock. It is 6:00 p.m. so I will rise and report progress. I would like to thank the Minister and his witness.

**MR. SPEAKER:** The House will come back to order. Item 20, report of the committee of the whole. The honourable Member for Mackenzie Delta, Mr. Krutko.

#### ITEM 20: REPORT OF THE COMMITTEE OF THE WHOLE

**MR. KRUTKO:** Mr. Speaker, your committee has been considering Bill 27, An Act to Amend the Elections Act, No. 2;

Bill 25, Supplementary Appropriation Act, No. 4, 2001-02; and Bill 27, Supplementary Appropriation Act, No. 2, 2002-03, and would like to report progress with one motion being adopted, and that Bill 25 is ready for third reading, and that Bill 27 is ready for third reading as amended. Mr. Speaker, I move that the report of the committee of the whole be concurred with.

**MR. SPEAKER:** Thank you, Mr. Krutko. Do we have a seconder for the motion? The honourable Member for Inuvik Boot Lake seconds the motion. The motion is in order. All those in favour? Thank you. All those opposed? The motion is carried. Item 21, third reading of bills. Mr. Clerk, may we have the orders of the day?

#### ITEM 22: ORDERS OF THE DAY

**CLERK OF THE HOUSE (Mr. Hamilton):** Mr. Speaker, meetings for tomorrow morning at 9:00 a.m. of the Standing Committee on Accountability and Oversight; at 10:30 of Governance and Economic Development; and at 12:00 noon of the Board of Management.

Orders of the day for Wednesday, October 23, 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
  - Bill 20, Legal Registries Statutes Amendment Act

- Bill 28, An Act to Amend the Workers' Compensation Act, No. 2

#### 18. Second Reading of Bills

#### 19. Consideration in Committee of the Whole of Bills and Other Matters

- Tabled Document 35-14(5), Social Agenda: A Draft for People of the Northwest Territories
- Bill 1, Human Rights Act
- Bill 22, An Act to Amend the Child and Family Services Act
- Bill 26, Supplementary Appropriation Act, No. 2, 2002-2003
- Committee Report 10-14(5), Report of the Standing Committee on Social Programs on Bill 1, Human Rights Act

#### 20. Report of Committee of the Whole

#### 21. Third Reading of Bills

- Bill 25, Supplementary Appropriation Act, No. 4, 2001-2002
- Bill 27, An Act to Amend the Elections Act, No. 2

#### 22. Orders of the Day

**MR. SPEAKER:** Thank you, Mr. Clerk. Accordingly, this House stands adjourned until Wednesday, October 23, at 1:30 p.m.

-- ADJOURNMENT

The House adjourned at 6:00 p.m.