



**NORTHWEST TERRITORIES  
LEGISLATIVE ASSEMBLY**

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**HANSARD**

**Friday, November 2, 2012**

Pages 1543 - 1576

**The Honourable Jackie Jacobson, Speaker**

# Legislative Assembly of the Northwest Territories

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### Speaker

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(Nunakput)

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**YELLOWKNIFE, NORTHWEST TERRITORIES****Friday, November 2, 2012****Members Present**

Hon. Glen Abernethy, Hon. Tom Beaulieu, Ms. Bisaro, Mr. Blake, Mr. Bouchard, Mr. Bromley, Mr. Dolynny, Mrs. Groenewegen, Hon. Jackie Jacobson, Hon. Jackson Lafferty, Hon. Robert McLeod, Mr. Menicoche, Hon. Michael Miltenberger, Mr. Nadli, Hon. David Ramsay, Mr. Yakeleya

The House met at 10:00 a.m.

**Prayer**

---Prayer

**SPEAKER (Hon. Jackie Jacobson):** Good morning, colleagues. Before we get started today, I'd like to start by saying the Beaufort-Delta has had a very difficult time in the past week and a half. I'd like to give condolences to our former Premier, Nellie Cournoyea; Gayle, Hershel, Lillian, Weddel and Dale Hvatum on the loss of their mother, Maggie Hvatum, who passed away.

I'd like to give condolences to Kathy Paul's children of Aklavik, Savannah and Lance Paul.

Adam Ruben of Paulatuk, condolences to his sister Mary Ruben-Green and brothers Charlie and Alex Ruben.

Natalie Simpson of Aklavik, condolences to mother Liz Simpson and sisters Kathy Conley, Louise McLeod and Cora Simpson.

And one of my good friends growing up, the loss of a good friend, Stanford Harry of Inuvik, condolences to his partner Clara Day and to his family.

To the family of Winnie Elanik of Aklavik, condolences to Margaret and Marjorie Elanik, Sadie Whitbread, Frank, Archie, Tom and Sandy Elanik, Sally Kasook and Beverly Elanik. Sorry for the loss of your mother.

Paulousie Ittungna of Inuvik, condolences to Brenda Samson and Kyle Ittungna. Paulou had just graduated from SHSS in Inuvik and went back to upgrade to an academic level to enter university, where he wanted to play volleyball with hopes of joining Team Canada. He was the captain of the volleyball team at SHSS. The community of Inuvik, especially the youth, have shown much strength and will attend the volleyball tournament in Yellowknife this weekend in Paulou's honour. He was kind and an exceptional athlete with great ambitions. Paulou was respected and loved by all his peers and elders alike. He will be sadly missed, not only in the community of Inuvik but here in Yellowknife as well. He has a lot of friends all over the territory.

Across the North we lose loved ones in the Beaufort-Delta and we all feel sorrow. It's not easy, but we may find comfort and strength in each other. My thoughts and prayers go out to all the families who lost loved ones in the territory over the past two weeks. Our thoughts and prayers are with you from the Legislative Assembly.

Item 2, Ministers' statements. The honourable Minister of Industry, Tourism and Investment, Mr. Ramsay.

**Ministers' Statements**

**MINISTER'S STATEMENT 87-17(3):  
RELEASE OF THE NWT ENERGY PLAN  
DISCUSSION PAPER**

**HON. DAVID RAMSAY:** Mr. Speaker, later today at the appropriate time, I will table a public discussion paper, entitled A Vision for Energy in the Northwest Territories: Developing the 2013 Northwest Territories Energy Plan. This paper is the first component of a multi-step process that will lead to the development of the 2013 Energy Plan. Residents, business, municipal governments, Aboriginal organizations and community groups are all invited to read this document and submit their comments to the government. The paper lays out five key questions on which the Government of the Northwest Territories is asking the public for their input.

We have been working with the Standing Committee on Economic Development and Infrastructure throughout this process and appreciate their input and advice. We look forward to your continued involvement as we move forward with the development of the Energy Plan.

As part of the feedback process, we are also asking the public to fill out a brief survey on what government should prioritize in the maintenance and future development of our energy systems. The survey is available on the Industry, Tourism and Investment website.

As a key part of our engagement and feedback process, the GNWT will host the 2012 Northwest Territories Energy Charrette on November 20, 2012, in Yellowknife. This stakeholder engagement and policy development event will include two open sessions, which will allow the public the opportunity

to interact with energy experts, energy utility representatives, public servants and other charrette delegates. MLAs Mr. Bob Bromley and Mr. Michael Nadli have been invited to this event and we are looking forward to their participation and input.

Outside of the open sessions, delegates from various levels of government, Aboriginal development corporations, energy utilities, non-government organizations, as well as energy experts will all collaborate to help the GNWT create its energy agenda for the 17<sup>th</sup> Legislative Assembly and beyond. The delegates will share ideas, suggest investment criteria, and map out an implementation plan for the GNWT's consideration. All of this work will be summarized in the charrette final report, which will be publicly released in mid-December 2012.

After this important stakeholder engagement process is finished, the GNWT will use the results of the energy charrette to finalize the Energy Plan, which will be released in March 2013. The Energy Plan will firmly lay out the energy vision and policies of the GNWT, as well as provide details on spending initiatives and government priorities.

Mr. Speaker, this government has invested heavily and made a great deal of progress in the past four years to increase the availability of local and renewable energy options for the residents and businesses of the Northwest Territories, while diminishing the role that imported, expensive diesel fuel plays in our energy supply mix.

I am confident that the government's collaborative approach, which focuses on stakeholder engagement and a transparent policy development process, will reinvigorate this vital sector of the NWT's economy, and continue to create sustainable and reliable energy systems for all of the territory's 33 communities.

Working together, we can, and will, develop an Energy Plan aimed at stabilizing the costs of energy for our communities and reducing our carbon footprint. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Ramsay. The honourable Minister of Public Works and Services, Mr. Abernethy.

#### MINISTER'S STATEMENT 88-17(3):

#### ENVIRONMENTAL REMEDIATION PROJECTS

**HON. GLEN ABERNETHY:** Mr. Speaker, when we meet here in the Legislative Assembly, we often talk about the opportunities for our communities and residents provided through the GNWT's infrastructure programs. However, today I would like to bring your attention to work that the Department of Public Works and Services is doing as part of the GNWT's Environmental Remediation Program, and the opportunities that this work is creating for our smaller communities.

In support of the 17<sup>th</sup> Legislative Assembly's goal of ensuring that our environment will sustain present and future generations, Public Works and Services chairs the GNWT's Interdepartmental Granular and Environmental Remediation Committee whose members include representatives from the departments of Municipal and Community Affairs, Transportation, Environment and Natural Resources and the NWT Housing Corporation.

For its part, Mr. Speaker, Public Works and Services has been busy remediating current and former fuel storage and distribution facilities, as well as contaminated sites on behalf of other departments in communities across the NWT.

To date, PWS has completed 32 environmental site assessments in 18 communities where the GNWT provided fuel storage and distribution.

Major environmental remediation projects have now been completed in Sachs Harbour, Gameti, Deline, Lutselk'e and Tulita, with work continuing in Tuktoyaktuk and planned for Trout Lake next summer.

At the community level, coordination and cooperation between departments makes it possible for multiple sites to be remediated in a single community. This creates more local and northern business and employment opportunities while improving the efficiency of delivering the Environmental Remediation Program. A win-win for communities and government.

Other benefits being achieved through these important remediation projects include:

- the restoration of land for government and community use such as municipal infrastructure and recreation;
- new more cost-effective remediation technologies are being piloted in the NWT to demonstrate their effectiveness and ability to reduce costs;
- job creation and training opportunities as well as economic stimulus at the community level by using local and northern contractors and consultants to carry out projects;
- developing local skills for future remediation projects in our smaller communities; and
- wherever possible, the return of remediated granular material to communities so that it can be recycled and used for other community projects.

Concrete examples of how these benefits are being enjoyed by our communities can be seen by looking at just a few of the department's recently completed remediation projects, including:

- the removal and treatment of 5,000 cubic metres of contaminated soil from the old tank farm site in Tulita using local labour and

contractors. The remediated soil from this project was recycled back to the community.

- the removal of 2,500 cubic metres of contaminated soil from the old tank farm site in Gameti using local equipment and labour to complete the work and to maintain the bio pile. The old contaminated tank farm site was located in the middle of the community and has now been backfilled and landscaped. We understand that the community is now proposing to develop a baseball field in this location.
- the removal and treatment of 6,000 cubic metres of material from two sites in Sachs Harbour using a contractor from Tuktoyaktuk along with local labour. This has addressed GNWT and community concerns with regard to the contamination from these sites potentially spreading to the ocean or contaminating adjacent property.

Mr. Speaker, through the Interdepartmental Granular and Environmental Remediation Committee, Public Works and Services is helping to ensure that our communities and land are safe and sustainable. Using local and northern contractors, labour and consultants not only engages communities in restoring our environment, but helps build capacity and strengthen the partnerships which will help define our government's environmental stewardship legacy. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Abernethy. The honourable Minister of Health and Social Services, Mr. Beaulieu.

#### MINISTER'S STATEMENT 89-17(3): SYSTEM ACCOUNTABILITY

**HON. TOM BEAULIEU:** Mr. Speaker, in 2011 the Auditor General of Canada recommended improvements to the department's ability to evaluate and report on performance. Specifically, the Auditor General recommended that we implement system-wide indicators, develop a program evaluation plan for the health and social services system, and regularly inform this Assembly about the performance of the system. Mr. Speaker, later today I will table the first annual report on the strategic plan.

Mr. Speaker, we take recommendations from the Auditor General very seriously. Last year we published an updated strategic plan for the health and social services system, Building on Our Foundation. It contains specific activity targets for each of the next five years, and includes a commitment to annual reporting on broader health and social services system outcomes. Reporting progress on the activities that will lead to change demonstrates movement towards our long-term

goals, while reporting on outcomes provides the baseline against which we can measure long-term meaningful change in the health and well-being of our residents.

The department is working in partnership with the health and social services authorities to develop a system-wide accountability framework. It will include indicators and an evaluation planning framework, and will be complete early next year.

Enhanced reporting on performance indicators will allow for timely informed decision-making across our system and will help to ensure efficiency and value. But most importantly, it will help us to monitor the health and well-being of our residents, to know where our programs and services are having a positive impact and where we need to do more.

Mr. Speaker, providing for the health and well-being of all NWT residents is a priority for this government. We remain committed to reporting to this Assembly and to the public about how well we are doing. Thank you.

**MR. SPEAKER:** Thank you, Mr. Beaulieu. Item 3, Members' statements. The honourable Member for Nahendeh, Mr. Menicoche.

### Members' Statements

#### MEMBER'S STATEMENT ON FIDDLER WESLEY HARDISTY WINS ABORIGINAL PEOPLE'S CHOICE AWARD

**MR. MENICOCHÉ:** Thank you, Mr. Speaker. Today I rise to acknowledge the accomplishment of a young man from Fort Simpson, Mr. Wesley Hardisty. Wes is only 18 years old. He took up the fiddle just five years ago through the outreach work of the Kole Crook Fiddle Association. His talent was obvious. As a young teenager he moved to Salt Spring Island, BC, to develop that talent at the Gulf Islands School of Performing Arts.

He has since performed at fiddle camps and festivals all across Canada, billed as a fiddling sensation. In 2011 he played for the Duke and Duchess of Cambridge on their northern tour, and made his first CD called 12:12, meaning life is good, appreciate it and enjoy it. He continues to return home to Fort Simpson to perform at our own Open Sky Festival. Northerners have also been treated to his music at Folk on the Rocks in Yellowknife and the Truth and Reconciliation Commission hearings in Inuvik.

Last night Wesley Hardisty received national recognition by winning the Aboriginal People's Choice Award for Best Fiddle CD at the RBC Ohshkii Awards Night. Congratulations. For these awards, the music industry nominates the performers, but hundreds of ordinary people vote on-line for the winners.

The communities of the Deh Cho region, with their Dene and Metis heritage, have always been known for their excellent fiddlers. Now I can boast the best fiddler in the country comes from my riding.

**MR. SPEAKER:** Thank you, Mr. Menicoche. The honourable Member for Hay River South, Mrs. Groenewegen.

#### MEMBER'S STATEMENT ON QUITTING SMOKING

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. I want to congratulate the Hay River Health and Social Services Authority for going entirely smoke-free. Of course, smoking has only been allowed outside the Hay River hospital for quite a while now, but it was time to take the next step. Let's not forget that the main goal here is to help people quit smoking altogether and greatly reduce the risk of cancer, lung disease and heart disease.

There is a lot of help and support available to anyone who wants to quit smoking or kick their tobacco addictions. For starters, telephone counselling and personal support is available through the NWT Quitline. Doctors and nurses can help you get a prescription for anti-smoking aids of various types: the nicotine patch, gum, and even two medications, Zyban and Champix. The cost is covered for these prescriptions for all NWT residents.

I highly encourage anyone who's thinking about quitting, to take the big step. Don't forget, it's also a step for all the young people who look up to you. It is the most important thing you can do to prevent our youth from taking up this terrible and addictive habit.

I welcome the news that the Health department is re-launching the Don't Be a Butthead Campaign after Christmas. I hope that all of our young people will pledge to go smoke-free each year. There is strength in numbers and I have often marvelled at the strength of our next generation.

We have a long way to go and we have to keep our efforts and awareness of tobacco addiction high. The smoking rate in the Northwest Territories is more than twice the national average, and as of three years ago, 36 percent of our entire population over the age of 15 was a smoker. We have to kick the habit. I hope the next numbers we see and the next generation will be healthier.

Since I have a few minutes left on the clock, I would also like to just mention some of my own observations about smoking.

Have you ever sat outside a department store or Canadian Tire or someplace and watched the smokers walking in there, flicking their cigarettes on the ground? It's just something that's curious to me. If smokers think their butts are invisible, if they think someone else is going to pick them up, if they think

they're biodegradable, if they think it's okay to take their ashtray and dump it on a parking lot while they're sitting in their car waiting for somebody, so you come and you see these little mountains of cigarette butts everywhere; it's just curious to me. It's littering. It's disgusting. I've always been puzzled by that.

**MR. SPEAKER:** Thank you, Mrs. Groenewegen. The honourable Member for Range Lake, Mr. Dolyunny.

#### MEMBER'S STATEMENT ON POWERSCHOOL SOFTWARE

**MR. DOLYNNY:** Thank you, Mr. Speaker. By now if your son or daughter hasn't talked about the new PowerSchool student information system, with report cards already done or coming next week, you'll soon be seeing what this new technology is all about.

This new school technology has been used all over North America and is now making its debut in NWT school systems. In essence, this multi-faceted data management tool will allow school boards and schools to manage student data and create reports to monitor and plan for student success.

PowerSchool will do the following: attendance, emergency medical data, scheduling, timetables, grading and report cards, just to name a few of its functions. As well, the new PowerTeacher tools will be able to link assignments to grades, track students' progress, link grades to calculations directly to report cards and monitor on-line attendance. There will also be a parent portal for PowerSchool made available as soon as the pilot is done. I am sure many parents are eagerly awaiting to find out what options will be at their disposal in real time and accessible with their mobile devices. So be careful kids, as mom and dad will now be plugged into your performance.

Training started in May of 2012 with a webinar orientation with only formal training a couple weeks ago for over 900 educators throughout the Northwest Territories. Training was either face to face with a PowerSchool trainer or, in some cases, through web-based options.

Although change is always difficult, these data management systems will ultimately provide a much needed source of information and robust reporting options in the education system, and will no doubt improve student success in academic achievement.

How did we do with getting this new technology into the hands of educators? How was this transition overall? I had the pleasure of speaking to a number of teachers and school board officials and I have to say, for the most part, the Department of ECE did not a bad job. However, there were some common

issues that arose and which I will be addressing later today with the Minister of Education.

**MR. SPEAKER:** Thank you, Mr. Dolyunny. The Member for Deh Cho, Mr. Nadli.

#### MEMBER'S STATEMENT ON DIABETES AWARENESS AND TREATMENT

**MR. NADLI:** Thank you, Mr. Speaker. November is Diabetes Month, but every month is Diabetes Month for 2,000 or 3,000 of our residents. Most of us, maybe all of us, know someone who struggles to manage their diabetes. People with this disease do not properly absorb sugars and starches from their blood. They typically suffer from severe thirst and produce a lot of urine. It is really important to detect diabetes early on because it is much easier to manage with exercise and a healthy diet. If diabetes is not managed, blindness and even death can result.

Diabetes is a relatively new disease among Aboriginal peoples of the NWT. A few decades ago it was almost unheard of among us, but changes in our lifestyle and diet have led to the rise of diabetes rates. These are all reasons that we must raise awareness of diabetes and what to do about it in our small communities.

Yesterday I was glad to hear the Health Minister talk about pilot project to manage diabetes in Deline and a couple other communities. However, none are in my riding and I urge the Minister to expand the program into the Deh Cho region.

Right now diabetes patients in Fort Providence are sent to Yellowknife for support services, counselling, or to see a nutritionist even though Hay River is much closer. It would be much more convenient and probably less expensive to send diabetes patients from my home communities to Hay River. Surely the Health Department can at least give them that option.

The closer health services are to a community, the better people will understand their conditions and the more involved they will be in their own care. In the case of diabetes, it is important for the patients' families to understand the disease and how they can help. I hope our Health department and authorities will expand services in this way.

**MR. SPEAKER:** Thank you, Mr. Nadli. The Member for Frame Lake, Ms. Bisaro.

#### MEMBER'S STATEMENT ON LATE INCOME SUPPORT PAYMENTS

**MS. BISARO:** Thank you, Mr. Speaker. October was a tough month for Yellowknifers on income support. It seems that the income support division at Education, Culture and Employment in late September and early October had a staff shortage, computer problems, who knows what other

problems, and they got more than a little behind in the processing of income support payments. One of my constituents dutifully sent in all the necessary documents early in September, the usual time, expecting a bank deposit at the usual time. A week into October the bank deposit had not appeared. There was a polite but cryptic e-mail from a client service officer advising that they were "currently experiencing a staff shortage and processing times for applications were taking longer than usual."

Income support clients have bills just like the rest of us – rent, phone and so on – and I don't know many landlords who will wait for their rent cheques, or phone companies who will extend credit for months at a time. Income support clients also need to buy food, and generally have a very small margin of error in their monthly cash flow. A late income cheque means payments will be in arrears and the fridge and the cupboards will be empty.

How does the Department of Education, Culture and Employment expect people to survive any month without their anticipated revenue? My constituent waited patiently. This was not the first time he had encountered this problem. Yet a week later, halfway through the month, he still had not received his payment.

This is totally unacceptable. We can be sure that if GNWT staff paycheques were two weeks late, the problem would have been rapidly fixed much earlier. Why then can't we do the same for our residents, our NWT clients? I can appreciate that departments run into staffing problems periodically, unforeseen circumstances and all that. But when the work is time sensitive, when people are relying on the end result of the work, a payment to manage their lives, surely we can find temporary workers or supervisors or managers, someone from another area to fill in and meet the deadline that looms.

I have said it before and I am sure I will have to say it again, the GNWT must develop a better customer service attitude and mentality. Our staff have internal and external clients. All clients deserve proper treatment. We are, after all, a public service. Good service from government has to become priority one across the board. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Ms. Bisaro. The honourable Member for Weledeh, Mr. Bromley.

#### MEMBER'S STATEMENT ON "MADE IN THE NORTH" LITERACY FORUM

**MR. BROMLEY:** Thank you, Mr. Speaker. I want to salute the work done last week at Made in the North, a three-day forum on adult learning, literacy and skills development organized by the NWT, Yukon and Nunavut literacy councils. More than 150 participants representing the three territories, Newfoundland and Labrador and other provinces,

and the Government of Canada attended. Minister Lafferty welcomed the forum members and gave much appreciated remarks on the importance of literacy and skill development.

Forum attendees shared innovations in adult learning practices, policies and programs through four moderated discussions including workforce and workplace skills development, non-formal community-based skills and development programs, literacy and essential skills in our multi-cultural and multi-lingual regions, and the challenges of formal adult education programs. General discussions and detailed break-out sessions allowed participants to pool knowledge and creativity towards partnerships and innovative suggestions for action.

Participants learned about programs in such areas as culinary skills, sewing courses and greenhouse building where educators achieved the greatest success by taking inventive literacy and overall skills development as the basis of program design. They shared the lessons of building student achievements into early parts of course delivery, making people feel successful and motivated to continue learning.

The need for flexibility in the development and delivery of programming and the need to seize local opportunities with a practical focus were major conclusions agreed upon at the event. The range of needs and opportunities considered at the forum emphasized the idea that adult learners are often the most marginalized clients of education programming. Well educated people are already well able to learn, but it is the people who need basic learning to unlock their potential that often represent the greatest challenges to the formal systems we currently use to deliver education.

Adult learners' ineligibility under the Student Financial Assistance Program is a problem that must be addressed. I will be looking for innovative solutions such as those developed by Yukon College as part of our Student Financial Assistance review.

Congratulations to our NWT Literacy Council for hosting this success story and to all organizing partners for the quality and success of this ground-breaking event. Mahsi.

**MR. SPEAKER:** Thank you, Mr. Bromley. The honourable Member for Sahtu, Mr. Yakeleya.

#### MEMBER'S STATEMENT ON SUPPORT FOR TRAPPERS

**MR. YAKELEYA:** Thank you, Mr. Speaker. I want to acknowledge the hardworking trappers that are in the Northwest Territories. I was in Fort Good Hope and the people there are happy that winter is finally coming. They were quite concerned because of the late snowfall and the warm weather they

have been having around the Sahtu region. Now that they are out there trapping, they noticed that the fuel prices have increased almost to \$40 per gallon of gasoline. The trappers are saying that the way of life is very hard. They need close to \$1,000 now to check their traplines. Some of them have 700 traps out there, 200 to 400 miles that they run their lines every trapping season. Even skidoos now, the trappers are saying about \$10,000. People are having a hard time.

We also know from the Minister of ITI in his reports, that international countries such as China and Russia look to the Northwest Territories for the fine quality of furs that they can get, and they go at a very high premium price to get these furs from the Northwest Territories.

I want to ask the Minister what other types of support – I have a binder full of information – provides support for the trappers, as there's nothing that supports for the fuel subsidy for the trappers that they can go out and make their way of life and train their children and do their business.

The trappers need our help. This is a dying art, it's a fine art and it's a lot of hard work and they teach their youngsters. There's actually one young man in Colville Lake and we asked him a couple of years ago what he wanted to be when he grew up, and his eyes were smiling and his face was pumped up and he said, I want to be a trapper. So we need to support kids who want to be trappers.

I'll have questions for the Minister of ITI later on. Thank you.

**MR. SPEAKER:** Thank you, Mr. Yakeleya. The Member for Hay River North, Mr. Bouchard.

#### MEMBER'S STATEMENT ON COST OF LIVING FOR SENIORS IN THEIR OWN HOMES

**MR. BOUCHARD:** Thank you, Mr. Speaker. As you know, in the North we have a lot of respect for our seniors and elders, but in Hay River I often get the opportunity to visit with a lot of seniors and many of them live in their own homes. They are proud that they live in their own homes; however, the increasing cost of living in those homes is making it more and more difficult to stay there. Some are considering moving south, which I think is shameful. I think we need to keep all Northerners in the North. Some are looking to sell their homes and apply for seniors housing and to use seniors facilities.

I have many seniors that are fighting to keep their homes as long as they possibly can, for financial reasons or for health reasons. They want to stay there as long as they can. I believe that we need to help those people stay in their homes. I would like to see the government assist with increased costs of living for seniors in their own homes.

Our population is getting older, our demand on senior facilities is naturally increasing and we need to find more ways to help those seniors. The issues of seniors span across many government departments. Health is an obvious one, but Health is also involved in continual care at their homes. Education, Culture and Employment monitors the Fuel Subsidy Program. Housing obviously controls housing issues. MACA controls tax breaks for those seniors that are in their own homes.

I believe that this government needs to increase their support to seniors that are in their own homes.

I will have questions for the Minister responsible for Seniors to see where they are choreographing all of the GNWT departments in this area. Thank you.

**MR. SPEAKER:** Thank you, Mr. Bouchard. The Member for Mackenzie Delta, Mr. Blake.

#### MEMBER'S STATEMENT ON EMERGENCY AND AMBULANCE SERVICES ON HIGHWAYS

**MR. BLAKE:** Thank you, Mr. Speaker. In the Mackenzie Delta we have 300 kilometres of highways with only one ambulance service in Inuvik. Many times we have had major accidents on the highway, at which time members of the public have had to act to save lives.

In this day and age, we should have trained personnel in our communities. For example, Fort McPherson and Tsigehtchic could provide ambulance services. This would help keep our communities and our highway system safe and also provide many jobs in our communities.

I'll have questions for the Minister of Health and Social Services later today. Thank you.

**MR. SPEAKER:** Thank you, Mr. Blake. The Member for Tu Nedhe, Mr. Beaulieu.

#### MEMBER'S STATEMENT ON CONGRATULATIONS TO FORT RESOLUTION 12 AND UNDER BOYS SOCCER TEAM

**HON. TOM BEAULIEU:** Thank you, Mr. Speaker. Today I would like to recognize and congratulate the Fort Resolution Road Runners Boys 12 and Under Soccer Team who won a gold medal in Grande Prairie, Alberta, back in May of 2012. Although belated, I would like to acknowledge this team since I am proud of the team's achievements.

The Fort Resolution Road Runners Boys 12 and Under Soccer Team also included a couple of girls 12 and under since there were not enough boys to complete the team. The team travelled to Grande Prairie, Alberta, for an annual children's soccer tournament from May 27<sup>th</sup> to June 1, 2012. The team travelled under the supervision of their coach and chaperone, Wilfred Simon, also known as Rabbit.

The Fort Resolution Road Runners boys under 12 soccer team are no strangers to the children's soccer tournament in Grande Prairie. The first year they travelled to Grande Prairie, Alberta, the Fort Res Road Runners won a bronze medal. The second year they won a silver medal. This year they won the gold medal.

I would like to individually acknowledge and congratulate the team members. They are: Isaac Simon, Darryl Balsillie, Ethan McKay, Johnny Bailey, Brendan Bourke, Jlyn Boucher, Samantha King, Chaslyn McKay, Kayliegh Hunter, and Bailey Chaplin.

I believe since the community of Fort Resolution gained a recreation centre, the children and community members alike have been very involved and active in sports. The recreation centre and the above is just an example of many more future achievements to be recognized.

**MR. SPEAKER:** Thank you, Mr. Beaulieu. The honourable Member for Monfwi, Mr. Lafferty.

#### MEMBER'S STATEMENT ON CONGRATULATIONS ON ABORIGINAL SPORT CIRCLE AWARD FOR MS. ROSA MANTLA

**HON. JACKSON LAFFERTY:** Mahsi, Mr. Speaker. [Statement delivered in an Aboriginal language and then in English.]

I'd just like to, first of all, congratulate Ms. Rosa Mantla of Behchoko for receiving one of the prestigious awards, I would call it Cultural Award, last night at the Aboriginal Sports Circle event. I'd just like to say 30-plus years of experience, contribution, commitment and dedication goes a long way. She continues her commitment towards these important matters for the Tlicho region. My congratulations to her for her continued interest and commitment, and for making us proud.

**MR. SPEAKER:** Thank you, Mr. Lafferty. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. The honourable Deputy Premier, Mr. Lafferty.

#### Recognition of Visitors in the Gallery

**HON. JACKSON LAFFERTY:** Mahsi, Mr. Speaker. It gives me great pleasure to recognize some of the visitors in the gallery here. I would like to recognize, first of all, Mr. David Mitchell, the president and CEO of the Public Policy Forum. With him is Vice-President Jill Baker, and also project coordinator Ryan Conway. Our visitors are from Ottawa. Accompanying them is David Brock, Chief Electoral Officer.

I would also just like to recognize the students that are here with us, along with Arthur Osborne, an instructor with Aurora College, as part of the

Business Administration Program. He has brought his Introduction to Government class to view today's session. I would like to welcome him.

**MR. SPEAKER:** Thank you, Mr. Lafferty. The honourable Member for Inuvik Twin Lakes, Mr. Robert McLeod.

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. It is a great honour to recognize my wife of 33 years, Judy, who is with us in the gallery today. It's nice to have you here.

**MR. SPEAKER:** Thank you, Mr. McLeod. The honourable Member for Range Lake, Mr. Dolynny.

**MR. DOLYNNY:** Thank you, Mr. Speaker. It gives me great pleasure and honour to introduce to the House the newest and hardest working person to join me in the office of Range Lake, the lovely Ms. Norma Giovanetto.

**MR. SPEAKER:** Thank you, Mr. Dolynny. The honourable Member for Weledeh, Mr. Bromley.

**MR. BROMLEY:** Thank you, Mr. Speaker. I'd also like to welcome David Brock, a resident of Weledeh, to the House today.

**MR. SPEAKER:** Thank you, Mr. Bromley. I'd like to welcome all visitors in the public gallery here today. Thank you for taking an interest in our proceedings here today.

Item 6, acknowledgements. Item 7, oral questions. The honourable Member for Range Lake, Mr. Dolynny.

### Oral Questions

#### QUESTION 294-17(3): POWERSCHOOL STUDENT INFORMATION SYSTEM SOFTWARE

**MR. DOLYNNY:** Thank you, Mr. Speaker. As discussed in my Member's statement earlier today, the new PowerSchool student information system was recently launched across NWT school systems. After talking to a number of teachers and board officials, there was a common theme of questions that I wish to share today with the Minister of Education. Arguably, the most common issue discussed was the frustration of the importing of data into the new system. Transfer of data in most cases failed, resulting in administration having to commit excess human resources to make this work. This added undue stress to all staff.

Could the Minister of Education offer an explanation as to why this transfer of data was not better tested earlier to avoid such massive stress across the entire NWT in this conversion?

**MR. SPEAKER:** Thank you, Mr. Dolynny. The honourable Minister of Education, Culture and Employment, Mr. Lafferty.

**HON. JACKSON LAFFERTY:** Mahsi, Mr. Speaker. With any new changes and new system, it will take some time. It's a learning curve during the transition period.

The data transfer occurred during the summer months when the school board and staff were unavailable. We had no choice but to replace the former electronic student information system that's been placed upon us as a department. The work of transferring data fell to the staff of my department at that time, and they worked long hours to ensure its integrity.

We are confident, as the Department of Education, Culture and Employment, that the PowerSchool is an excellent resource for teachers, parents, schools and school boards, and my department, to make it a true success, but it will take some time and we are going through some hurdles. We will find solutions to that.

**MR. DOLYNNY:** The training for educators did occur according to the required access to the different levels of the system, while a reasonable amount of support was provided from ECE but it happened too late in the school year, thus not allowing users the time to learn and prepare for the report card turnaround. Many teachers were found holding the bag and scrambling to use the system while trying to maintain their teaching agenda.

Could the Minister explain why this system training did not occur at the beginning of the school year and why it occurred only seven to 10 days out before report cards?

**HON. JACKSON LAFFERTY:** The training for PowerSchool attendance and grade book occurred at the beginning of the school year. My department worked with the school boards, as we do on any new system, to coordinate a half-day training for every teacher in the Northwest Territories. This is an area that we've embarked on. It's a new system. There's also a request for a second tier of training. We are in the process of training that's been rolled out to the school prior to report card writing so that teachers would have additional training. So there is additional training that's been requested and we have provided that.

**MR. DOLYNNY:** Having support during such a changeover requires the ability to have the proper access for help. Allegedly, schools were supposed to have a school support person assigned at each school, and ECE did promise to make sure teachers had access to what is referred to as PowerSource. It was a technical Internet website where teachers could get such help or support. However, many teachers were unaware of such access and were somewhat upset that they could have definitely used such a service.

Could the Minister explain why this PowerSource support offering was not better communicated with all educators?

**HON. JACKSON LAFFERTY:** I totally agree that we need to have a better communication plan and dialogue with the teachers and school boards. That's what we're doing as we speak. The PowerSchool implementation team is comprised of staff from my department and also the board from each of the eight regions. It is a coordinated effort, and also the team works together to roll out the PowerSchool tools and information to all teachers across the Northwest Territories. Also, the boards are encouraged to provide PowerSource access to every teacher at the beginning of the school year. That is a coordinated effort by the school boards along with the teachers and my department. We will continue to make that a true success.

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

**MR. DOLYUNNY:** Thank you, Mr. Speaker. Finally, the report card part of PowerSchool is being implemented at the same time that teachers are working on report cards. This is not an ideal situation. ECE is not communicating with parents, and school districts are left taking the initiative to inform and work with parents during a very stressful transition into this new system.

Could the Minister commit to immediately work with his department to initiate a proper communication announcement and inform parents more about PowerSchool and what to expect with this new system?

**HON. JACKSON LAFFERTY:** Yes, again, I do agree there needs to be better communication dialogue from my department with the school boards, and most especially the teachers. Those are areas that we are going to improve on. We will continue to work constantly and be in contact with Pearson, where we got the product from, and the eight boards lead to find solutions to these technical issues and challenges that we're faced with. I'm very encouraged, in spite of all the obstacles and challenges that we're faced with, that teachers, school boards and the department recognize that PowerSchool will be an incredible tool for our educators. We are looking forward to having this success throughout the schools in the Northwest Territories.

**MR. SPEAKER:** Thank you, Mr. Lafferty. The honourable Member for Sahtu, Mr. Yakeleya.

QUESTION 295-17(3):  
SUPPORT FOR TRAPPERS

**MR. YAKELEYA:** Thank you, Mr. Speaker. I have talked about the trappers in the Northwest Territories. In 2008 and 2009 there were 812 trappers. Of those 812 trappers in that year, 161

were in the Sahtu. People in the Sahtu understand the high cost of living, and trapping is a business. There is a market out there with the Russians and Chinese, who all want northern furs for their own product. Trapping is a business.

I want to ask the Minister of ITI, with the recent increase of petroleum products in the Northwest Territories, especially in the Sahtu where there is gas, trappers are asking if there's any type of initiative that would help them go out to their traplines to continue supplying the high demand for northern furs.

**MR. SPEAKER:** Thank you, Mr. Yakeleya. The honourable Minister of Industry, Tourism and Investment, Mr. David Ramsay.

**HON. DAVID RAMSAY:** Thank you, Mr. Speaker. I thank the Member for raising the concern over the trappers. It is something that the department is reacting to and something we've heard. We've addressed that and have \$1.1 million that we earmarked through the Community Harvesters Assistance Program. Also \$610,000 on an annual basis to the Genuine Mackenzie Valley Fur program.

I must say, the Genuine Mackenzie Valley Fur program is a unique program in this country. No other jurisdiction in this country offers a program like that that encourages and supports trappers getting out on the land. Last year we had sales of just over \$1.5 million in furs. The Member mentioned it in his statement that demand is high in places like China and Russia. We're getting top dollar for our furs and we are providing supports to the trappers to get them out to harvest those furs.

**MR. YAKELEYA:** Trapping is a unique skill, and to be a trapper requires a lot of hard work, a lot of smarts, a lot of heart. I want to ask the Minister of ITI, in his role as the Minister, to look at if there is a type of discussion happening within his department to support the trappers and to initiate a type of apprenticeship program for the young trappers that want to come out to be a trapper. That is an honourable position that should be supported, and I commend this government for doing all it can to help these trappers.

Is there any type of discussion happening within the Department of ITI to have a sort of conference that would look at trapping as an honourable job that any young school kid can get into?

**HON. DAVID RAMSAY:** The department fully appreciates the role that the traditional economy plays, and that of trapping. We do have a program like the Take a Kid Trapping program. I mentioned it in the House earlier during this session that we've had 12,000 young people across the Northwest Territories go through the Take a Kid Trapping program. It's been very successful. That's how

we're going to get young people interested in trapping here in the Northwest Territories.

I mentioned the \$1.5 million in fur sales. That's the money that goes directly back into the small communities and the local economies in those small communities. It's something we support. It has a place in the economy here in the Northwest Territories, and we will continue to provide support to trappers across the Northwest Territories.

**MR. YAKELEYA:** I've always supported the take the youth trapping. As I said, a young lad in Colville Lake, when we asked the young kids what they want to be and some were saying nurses and doctors and teachers, this young guy spoke up and said I want to be a trapper. That tells you that trapping is alive and well in the Northwest Territories, especially in our small communities. It's an honourable position.

I want to ask the Minister, through the Take a Kid Trapping program, is that like an apprenticeship program where kids can apply for an apprenticeship to learn under the professors in the university of life on the land. Is that a program that is being looked at by this government?

**HON. DAVID RAMSAY:** Definitely, the Take a Kid Trapping program is where the seeds are sown for young trappers to learn the skills required to get into the trapping business. Last year in the Northwest Territories we had 706 active trappers that participated in the Genuine Mackenzie Valley Fur program. It's an active industry here and it's one, again, that we need to encourage young people across the Northwest Territories and those that are skilled in the trapping trade to take some kids under their wing and show them how to trap, how to get out on the land. That's something that should happen in all the small communities.

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

**MR. YAKELEYA:** Thank you, Mr. Speaker. The other part of being a trapper is to be a businessman, entrepreneur. Are there any courses that are offered to trappers, say, in the off-trapping season where they learn to be a businessman, thinking on their feet and thinking quick, in terms of how to put together a budget, what things they need and what tools they would need to be a successful business person? Is there any type of trapping business program we can offer the trappers off-season, so they can prepare for the fall season when the trapping opens up again?

**HON. DAVID RAMSAY:** We have very knowledgeable staff not only here in headquarters but in the regions. If trappers have some need for getting questions answered on how to conduct their business affairs, we'd have information available for trappers in that regard, and it's something that we'd look to support trappers. We have courses on

trapping and I can certainly bring this up with the department and perhaps the next time we put on a session we could look at offering some course work on how to operate it as a business. That may be something that's useful, and I thank the Member for his suggestion.

**MR. SPEAKER:** Thank you, Mr. Ramsay. The Member for Hay River North, Mr. Bouchard.

QUESTION 296-17(3):  
SUPPORTING SENIORS TO  
REMAIN IN THEIR HOMES

**MR. BOUCHARD:** Thank you, Mr. Speaker. In my statement I spoke of seniors and trying to keep them as long as we can in their homes. My questions are for the Minister responsible for Seniors.

What systems does the GNWT have in place to link all those seniors' issues? I had indicated in my Member's statement that lots of the seniors' issues are in different departments, so that is a question I have for the Minister.

**MR. SPEAKER:** Thank you, Mr. Bouchard. The Minister responsible for Seniors, Mr. Beaulieu.

**HON. TOM BEAULIEU:** Thank you, Mr. Speaker. The Department of Health and Social Services does work with MACA and the NWT Housing Corporation to come up with ways to try to keep seniors in their home as long as possible, and to provide services to the seniors in order to remain in their home. I think it's just a matter of collaboration. I guess that would be the system that we're collaborating on, trying to make sure that seniors can remain in their homes as long as possible.

**MR. BOUCHARD:** That collaboration is something I would like to see go forward as much as possible. I am looking to see what the Minister and the departments are doing to deal with the increased costs associated with staying in their own homes. Have they looked at what the CPI is and are some of our funding programs tied to that type of increase? Because from my understanding, some of those increases haven't been seen over many years.

**HON. TOM BEAULIEU:** In recognition that it is fairly costly to operate a home ownership unit, the Department of Education, Culture and Employment has a seniors home heating subsidy. That has been targeted to be sufficient to heat the home during the winter months. Also, the Housing Corporation has a preventative maintenance program targeted to seniors that has gradually climbed up from the beginning of approximately \$800-some-odd, and a different program has evolved into a more elaborate program, and now they can provide up to \$2,000 for seniors to do preventative maintenance in their home.

**MR. BOUCHARD:** I appreciate that information from the Minister. I guess my question was about the linking of those expenditures and those funding programs to some sort of index that shows that they're going to see increases. Like I indicated, some of those have not seen increases for several years. Is there a way that the government is looking at implementing this to a CPI index to increase those amounts for seniors?

**HON. TOM BEAULIEU:** I thought I did indicate that those programs had seen increases. I recognize that if the individual needed to live in their home, to make it more barrier-free for the seniors to remain in their home longer, then that's a larger program that's offered by the Housing Corporation called CARE that can do that. But in as far as looking at the Consumer Price Index and how that impacts the seniors, then definitely, the Housing Corporation has made appropriate increases in the preventative maintenance program and the Department of Education, Culture and Employment has made appropriate increases in the seniors home heating subsidy to account for that.

**MR. SPEAKER:** Thank you, Mr. Beaulieu. Final supplementary, Mr. Bouchard.

**MR. BOUCHARD:** As I have indicated, many seniors are struggling to keep up to these increased costs, and some believe that they're in a situation of poverty. Is the department looking at adding any new incentives for seniors to keep them off the demand of our facilities, which we know is going to be increasing over the next few years? Is there anything that the government is doing to implement new programs for seniors to stay in their homes?

**HON. TOM BEAULIEU:** I guess, in addition to the preventative maintenance program and the home heating subsidy, the Department of Municipal and Community Affairs offers the homeowner a complete tax break, 100 percent tax relief on their home on an annual basis, which is a program that the senior must apply for. There are other areas, such as cost of living, for groceries and so on. This government has some programs in some communities where they would reduce the cost of their service to the seniors and to others in the communities, but targeted specifically to the seniors, I think those are the three programs the government is proposing to assist the seniors with costs. Thank you.

**MR. SPEAKER:** Thank you, Mr. Beaulieu. The honourable Member for Nahendeh, Mr. Menicoche.

QUESTION 297-17(3):  
PARKING AT FORT LIARD SCHOOL

**MR. MENICOCHÉ:** Mr. Speaker, I wanted to ask the Minister of Education some questions. I was recently, through my constituency tour, in Fort Liard. I often visit the schools. I am not too sure

about the design of the school and parking area, but residents have been stating over the past three years that there is limited parking space at the Echo-Dene School in Fort Liard. I would like to know if the Minister is aware of this situation. Thank you.

**MR. SPEAKER:** Thank you, Mr. Menicoche. The honourable Minister of Education, Culture and Employment, Mr. Lafferty.

**HON. JACKSON LAFFERTY:** Mahsi, Mr. Speaker. This particular issue has not been brought to my attention, but I definitely will check with my department on what the status is on this particular issue or challenge that we are faced with. Mahsi.

**MR. MENICOCHÉ:** Mr. Speaker, due to the increased number of vehicles, it is actually becoming an unsafe issue there. I think there are 10 stalls available for staff there, but there are more than 10 vehicles. They are actually parking on the road. It is creating a hazard.

Can the Minister take a serious look at it? Like he said, he can check with the department officials. Perhaps there is already a plan in place, but perhaps the resources aren't there. If the Minister can do that, thank you.

**HON. JACKSON LAFFERTY:** Mr. Speaker, obviously, the safety is always our first priority. We will be looking into this. If there has been a plan in place to deal with these 10 stalls, there are more vehicles, what kind of other arrangements are being made? That is information that I need to follow up on the latest status. I will be sharing that with the Member. Mahsi, Mr. Speaker.

**MR. MENICOCHÉ:** Mr. Speaker, I think the importance of this is that it should be looked into as soon as possible, because we do have a budget session coming up in February/March and the time for planning is now.

This is going to be my final question. Can the Minister give it a priority item, assess the situation and come up with, hopefully, a plan to have that in this upcoming budget? Thank you.

**HON. JACKSON LAFFERTY:** Mr. Speaker, as I stated, this is news to me, as well, as the Minister responsible, but I will be looking into this further in Fort Liard, the status. What is the initial plan, if there is a plan in place? How can we resolve that issue? I will definitely follow up after session today. Mahsi, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Lafferty. The honourable Member for Weledeh, Mr. Bromley.

QUESTION 298-17(3):  
REPORTING ON COST OF TRAVEL  
BY MLAS AND PUBLIC SERVANTS

**MR. BROMLEY:** Thank you, Mr. Speaker. In the interests of transparency and accountability for the

expense of major public dollars, I will ask the Deputy Premier questions on the significant cost of travel by elected officials and public servants.

Travel by Ministers alone in 2009-2010, in the first three months of 2012 totalled three-quarters of a million dollars. Quarterly reports are publicly available, which document the travel costs of Ministers, but we know that committee members also travel with Ministers. Whether these costs come from ministerial or committee budgets is all the same to the taxpayer. They are expressing concerns about travel costs.

What are the Minister's views on widening the reporting parameters to include the cost for all elected Members travelling with Ministers, in the interest of transparency? Mahsi.

**MR. SPEAKER:** Thank you, Mr. Bromley. The honourable Deputy Premier, Mr. Lafferty.

**HON. JACKSON LAFFERTY:** Mahsi, Mr. Speaker. The Member is referring to 2009-10 is the last government's budget. At the same time, the transparency and accountability is our foremost priority for this government. We do table those documents as well for the general public to be aware of what our expenditures are as Cabinet Ministers, the Premier and also Regular Members that do tag along to let's say various meetings that happen in other parts or jurisdictions. We do invite them. They are part of the discussion that we have at the territorial level as well. We will continue to press that issue, where transparency is a first priority and also accountability. Mahsi, Mr. Speaker.

**MR. BROMLEY:** Mr. Speaker, the data I quoted was through early parts of this fiscal year. I certainly don't see those figures. I only see figures for the Ministers' travel, but I stand to be corrected. I would appreciate if the Minister could confirm that, by doing a little bit of research. The travel figures are a good start, but only report the expenses incurred by the Minister.

We know Ministers seldom travel alone. They are accompanied by their executive assistants, often by one or many department officials who wouldn't normally be travelling without the Minister. Their costs should be included.

Will the Deputy Premier take action to begin including not only the Ministers' costs, but the travel costs of all support workers travelling with the Minister? Mahsi.

**HON. JACKSON LAFFERTY:** Mr. Speaker, this particular area that we table those documents, Ministerial travel, we do have staff travel as well, deputies or EAs that are required at these meetings. We can obviously discuss that further with the standing committee and also Caucus, because the Member is referring to MLAs' expenditures as well. We need to discuss that with the standing committee, maybe Caucus. We are

open as a government, as the Executive, to produce any document that is required for the general public if that is the wish of the Regular Members. We are more than willing to work with that. Mahsi, Mr. Speaker.

**MR. BROMLEY:** Mr. Speaker, I appreciate the Deputy Premier's remarks there. They are right on. I appreciate that commitment. I am, indeed, interested in all MLAs' travel but, once again, many things are left out frequently. For example, when the Minister travels, there are events hosted by the Minister and also, of course, when that happens, there are consultants there to help arrange those and so on.

Will the Premier commit to also looking at including all of those costs so that when we report Ministerial travel costs, we really do have the full costs? I ask this because constituents and the public are expressing concerns about travel costs, given all of our demands on our resources these days. Mahsi.

**HON. JACKSON LAFFERTY:** Mr. Speaker, yes, definitely we are open to those ideas. We will be sharing that with the standing committee and also Caucus. Mahsi, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Lafferty. The honourable Member for Deh Cho, Mr. Nadli.

#### QUESTION 299-17(3): DIABETES PROGRAMS

**MR. NADLI:** Thank you, Mr. Speaker. Earlier today I made a statement on November being Diabetes Month. I wanted to follow up with questions to the Minister of Health and Social Services.

What counselling is available for the families of diabetes patients? How would a family in Fort Providence go about getting that counselling?

**MR. SPEAKER:** Thank you, Mr. Nadli. The honourable Minister of Health and Social Services, Mr. Beaulieu.

**HON. TOM BEAULIEU:** Thank you, Mr. Speaker. As I indicated in response yesterday, we are starting to work in the diabetes field. As the Member indicated earlier, it is relatively new. We are still about 2 percent under the national average in the Northwest Territories. Diabetes is a chronic disease. It is becoming an issue. We are starting off setting up the diabetes programs by doing pilot projects in Norman Wells, Yellowknife and Behchoko. Also, there is a Diabetes Program in Yellowknife that is available and through YK Health and Social Services. Recognizing that Fort Providence is part of Deh Cho Health and Social Services, however, the authorities can work together and provide support for each other for individuals to go to where the programs actually exist. Thank you.

**MR. NADLI:** I think it's quite clear that we do have a very serious matter in terms of diabetes affecting mostly Aboriginal communities and people. So would the Health Minister arrange for diabetes patients in Fort Providence to have a choice of receiving care either in Hay River or Yellowknife? Mahsi.

**HON. TOM BEAULIEU:** Thank you. Yes, I think that is a good way to go. As you know, we are building a new health centre and a modern health centre in Hay River. We're hoping that that could encompass more than what they are currently providing, and to not only the community, but to surrounding communities such as Fort Providence. We think it would be much more efficient for the communities of Providence, Kakisa and the Hay River Reserve to get their services in Hay River. It's definitely an idea that we are working towards.

**MR. NADLI:** I'd like to thank the Minister for agreeing to the idea of at least having diabetes patients having these care services provided from Hay River.

Just building upon that, will the Minister also perhaps commit to the idea of a pilot project to be expanded to Fort Providence?

**HON. TOM BEAULIEU:** Thank you. Yes, the intention is to roll the program out. So Fort Providence will be a good candidate. I think a medium-sized community is what we want to expand into. So, yes, I will commit to expanding the program into Fort Providence. Thank you.

**MR. SPEAKER:** Thank you, Mr. Beaulieu. Final, short supplementary, Mr. Nadli.

**MR. NADLI:** Thank you, Mr. Speaker. What is being done in small communities to raise the awareness about being tested for diabetes?

**HON. TOM BEAULIEU:** Thank you. I think that the authorities basically have the information available, such as posters and so on and being aware of diabetes, what you have to do to prevent diabetes and so on. I don't have a complete script of what each authority has to do in order to get the message out to individuals on the prevention of diabetes or what to do if you have diabetes, so I can get that information for the Member through the department. No problem. Thank you.

**MR. SPEAKER:** Thank you, Mr. Beaulieu. The Member for Frame Lake, Ms. Bisaro.

#### QUESTION 300-17(3):

#### DELAY IN INCOME SUPPORT PAYMENTS

**MS. BISARO:** Thank you, Mr. Speaker. My questions today are addressed to the Minister of Education, Culture and Employment and I'd like to follow up on my Member's statement. I spoke about the difficulties that one of my constituents had in getting an income support cheque for the month of

October and the delay that occurred. He applied well in advance of the end of the month, and yet didn't receive his income support cheque until the 15<sup>th</sup> of October.

I'd like to know from the Minister at the outset, delays appear periodically, I can accept that, but I'd like to know from the Minister what length of delay does the Minister or the department consider acceptable for a delay in income support payments. Thank you.

**MR. SPEAKER:** Thank you, Ms. Bisaro. Minister of Education, Culture and Employment, Mr. Lafferty.

**HON. JACKSON LAFFERTY:** Mahsi, Mr. Speaker. Client service officers work closely with the clients and we try to avoid most delays as much as possible, but there are times where we are challenged with the clientele producing valid documents, such as bank statements or other sources of income. At times we have to wait until we receive that documentation. So part of the process is we want to expedite the process, but at the same time we require those documents, according to our policies and legislation that we have in place. Mahsi.

**MS. BISARO:** To the Minister, the problem in this case was not that the documentation was missing. This client is extremely particular and would have had all the documents in order. The problem in this case was a staff shortage, and that was admitted to my constituent in an e-mail, that there was a staff shortage and things were behind. So I don't think we can lay this particular delay in payments at the feet of the constituent.

This was definitely a department problem and I didn't hear an answer to what the Minister accepts as an acceptable delay. But since there are delays and since there are staff shortages, which was the problem in this case, I'd like to know from the Minister what procedures, what policies, what customs are in place when there is a staff shortage for the division of income support to get cheques out on time. Thank you.

**HON. JACKSON LAFFERTY:** Mahsi. When there is a staff shortage due to maybe illness or vacation and whatnot, we do have individuals covering those bases as well. Again, we try to avoid those delays. There are different unique circumstances that we're faced with. I need to look into further to the clientele that the Member is referring to. If it's not the documentation that's due to the lateness, then we need to find out exactly what happened within the staffing area at that time and we need to avoid that. We need to be proactive and having those resources, client service officers in those communities, not only Yellowknife but other communities, dedicated to serve that clientele. That's our priority. Mahsi.

**MS. BISARO:** Thanks to the Minister. I appreciate that we want to provide the best service, but it's not happening. The Minister referenced that the client service officers deal with their clients, they try to have a relationship with them and that's all well and good, but in several instances now, I have had constituents tell me that their client service officer has changed and they have not been advised. They don't know that that's happened until they present their documents the next month for the next month's payment, things get held up and somebody tells them oh, by the way, I'm not your client service officer anymore.

So to the Minister, I'd like to know if customer service officers are on top of their clients, if it is the goal of the division to provide good customer service, why then when a customer service officer is changed from a particular client, why is that client not advised in advance. Thank you.

**HON. JACKSON LAFFERTY:** Mahsi. I do agree that we need to have better communication dialogue with clientele, and we are improving in those areas. We will be providing training for the client service officers starting at the end of this month, early next month, having all of those client service officers across the Northwest Territories come in and provide training to them on best customer service satisfaction. That's our priority and we'll continue to improve in those areas. Mahsi.

**MR. SPEAKER:** Thank you, Mr. Lafferty. Final, short supplementary, Ms. Bisaro.

**MS. BISARO:** Thank you, Mr. Speaker. Thanks to the Minister. I'm really glad to hear that training is going to be happening. I hope it's ongoing. I would just suggest that the Minister consider mentoring as a training tool.

My last question to the Minister has to do with late fees. If an income support cheque is late and a client is paying late fees on, say, rent or a phone, are those late fees paid for by the department because it's not the fault of the constituent? Thank you.

**HON. JACKSON LAFFERTY:** Mahsi. That particular area I need to look into with my department and I'll definitely get back to the Members on the outcome of that. Mahsi.

**MR. SPEAKER:** Thank you, Mr. Lafferty. The Member for Mackenzie Delta, Mr. Blake.

QUESTION 301-17(3):  
EMERGENCY RESPONSE TRAINING

**MR. BLAKE:** Thank you, Mr. Speaker. In my Member's statement I mentioned many times my constituents step up and take responsibility in emergency situations, many of which do not have training in first aid. I'd like to ask the Minister of Health and Social Services, will the Minister provide

emergency response training in Fort McPherson, Aklavik and Tsiigehtchic? Thank you.

**MR. SPEAKER:** Thank you, Mr. Blake. The Minister of Health and Social Services, Mr. Beaulieu.

**HON. TOM BEAULIEU:** Thank you, Mr. Speaker. In response to a recent incident in Fort McPherson, the department has committed to supporting the community, specifically that community, it's something that can be expanded. It was also requested in Tsiigehtchic. First responder training is something that we commit to providing to the communities.

**MR. BLAKE:** I thank the Minister for that assurance. I'd also like to ask the Minister if he will provide adequate funding to Fort McPherson, Aklavik, and Tsiigehtchic to provide ambulance services.

**HON. TOM BEAULIEU:** We're going to have to determine what adequate funding is initially. Right now there is an interdepartmental advisory committee led by MACA that's looking at this. There are no program standards for the delivery of ambulance services in the Northwest Territories, and we recognize that standards have to be developed for liability purposes. We have a plan, along with the other departments, to regulate emergency medical service providers through the Health and Social Services Professions Act.

**MR. SPEAKER:** Thank you, Mr. Beaulieu. Mr. Blake.

**MR. BLAKE:** Thank you, Mr. Speaker. I have no further questions at this time.

**MR. SPEAKER:** Thank you, Mr. Blake. The honourable Member for Sahtu, Mr. Yakeleya.

QUESTION 302-17(3):  
INCREASED FUEL COSTS

**MR. YAKELEYA:** Thank you, Mr. Speaker. My question is for the Minister of Public Works and Services on petroleum products. I have talked about the trappers and the increase in fuel costs to do the trapping. I want to ask the Minister why the prices are so high in the Sahtu. Other smaller communities just had a 10 cent increase, I think, in Tulita. The trappers are asking why the prices are so high again this year.

**MR. SPEAKER:** Thank you, Mr. Yakeleya. The honourable Minister of Public Works and Services, Mr. Glen Abernethy.

**HON. GLEN ABERNETHY:** Thank you, Mr. Speaker. The means by which fuel prices are determined hasn't changed. Costs are based on what it actually costs to buy the product by the GNWT, the cost to ship it to the communities, and there is an admin fee put on it so that individuals in the communities who are distributing it have the

money to cover their services, and there are some taxes as well. The means by which these numbers are determined hasn't changed, but it does result in a higher cost as the product gets more expensive for us to buy.

**MR. YAKELEYA:** There are two price lists that we have in the community of Tulita: non-government customers pricing of gasoline in Tulita at \$1.76 a litre, and then we have the government customers pricing, which is \$1.61. What is the difference?

**HON. GLEN ABERNETHY:** I will commit to getting that information to the Member and being able to explain it in more detail, but I do have to get the specifics on that before I can respond to the question.

**MR. YAKELEYA:** When the Minister provides the information, I want to ask the Minister if he would take it to his colleagues and maybe they could designate the trappers into the government customers pricing so the trappers can pay the \$1.61 per litre rather than the non-government customers paying \$1.76. I ask if they would consider categorizing the trappers into that item where government customers are only paying \$1.61.

**HON. GLEN ABERNETHY:** I'd certainly be interested in talking to Cabinet and committee about that possibility and discussing it in more detail with the Member.

**MR. SPEAKER:** Thank you, Mr. Abernethy. Final, short supplementary, Mr. Yakeleya.

**MR. YAKELEYA:** I look forward to the Minister's end results of that discussion. I guess I'm going to ask what type of commitment he can make here in the House that he will get back to me and other Members who also have trappers in their regions that could possibly benefit from this type of discussion, and what type of numbers we are looking at.

**HON. GLEN ABERNETHY:** I will have the department look into the possibilities of that right away and get the information to the Member, and we can move from there to discussing it possibly with committee and Cabinet.

**MR. SPEAKER:** Thank you, Mr. Abernethy. Final supplementary, Mr. Yakeleya. The honourable Member for Weledeh, Mr. Bromley.

QUESTION 303-17(3):  
MAINTENANCE OF ACCESS ROADS  
ON INGRAHAM TRAIL

**MR. BROMLEY:** Thank you, Mr. Speaker. My questions today are for the Minister of Transportation. The Minister of Transportation is aware of the condition of roads leading to and from recreational properties along the Ingraham Trail. These leases have been in existence for almost

three decades. The roads from the properties to the trail traverse federal Crown lands. In many cases the roads accessing these lots have fallen into disrepair. Since they aren't an official part of the territorial road system, the GNWT doesn't maintain them, at least not all of them. I realize this is a complicated situation of jurisdictions, but for the record, could the Minister state the territorial policy regarding maintenance of these roads?

**MR. SPEAKER:** Thank you, Mr. Bromley. The honourable Minister of Transportation, Mr. David Ramsay.

**HON. DAVID RAMSAY:** Thank you, Mr. Speaker. We only maintain roads that are included in the NWT highway regulations. Those are the only roads that the Department of Transportation maintains.

**MR. BROMLEY:** I know that includes some exceptions to the general rule. For example, into Prelude East and so on that are clearly Crown land. The reality is here, however, territorial citizens and residents have cabins with long-term leases. After devolution we will adopt responsibility for these lands and land routes, bringing forward the issue of incorporating the roads into the official road system and beginning to maintain them. Obviously, a modicum of support now would go a long way to avoiding further deterioration in roads we will inherit. Can the Minister tell us that he will begin dialogues with residents to proactively deal with this emerging issue?

**HON. DAVID RAMSAY:** As we move forward with devolution, that will ultimately be a discussion that we will have to have, but certainly as it stands today, those roads that the Member talks about in his riding aren't roads the Department of Transportation maintains. Is there a way that we can try to bridge that gap between now and when devolution does come in? There's a possibility we could sit down with the Member and residents to discuss how that will happen, but we're going to have to find some dollars between now and then to make that happen.

**MR. BROMLEY:** I appreciate the Minister's commitment there. These are modest dollars, I'll note right away. Although federal leases to property improvements on these lots are taxable land improvements relative to services provided, the tax revenues are a windfall to the GNWT. Once these leaseholders become territorial tenants surrounded by territorial lands, we can reasonably expect they will be seeking an increased degree of territorial services given the taxes they pay.

In preparation for devolution, has the Department of Transportation begun working with other departments such as MACA to consider the new costs and infrastructure requirements that will arise from the adoption of new lands and taxpayers?

**HON. DAVID RAMSAY:** The issue the Member talks about in his riding is not an issue that is only taking place in and around Yellowknife; it's also an issue in other locations throughout the Northwest Territories. It's an item that we have to pay attention to as we move towards devolution, and we do, certainly, discuss that item with MACA. We need to come up with a way to move this whole thing forward. We certainly intend to do that by working with MACA. Of course, the landscape is going to change post-devolution and we understand that, and we need to ensure that we are coordinating our approaches to deal with that as it all moves forward.

**MR. SPEAKER:** Thank you, Mr. Ramsay. Final supplementary, Mr. Bromley.

**MR. BROMLEY:** Thank you, Mr. Speaker. Thanks for the comments from the Minister. These leaseholders are a hardy bunch with a record of considerable work to maintain these access roads. Unfortunately, they lack the heavy duty equipment and volume of materials rarely needed but critical to replace, say, a culvert or deal with the consequences of major weather events.

Does the Minister think investing a few hours with a caterpillar or a few loads of gravel would go a long way towards supporting our residents and preventing greater costs down the road?

**HON. DAVID RAMSAY:** As I mentioned, if you do it for one, you've got to do it for everybody. There are a number of kilometres of highway or road in the Northwest Territories where folks understand that the Department of Transportation does not have responsibility for maintaining those roadways. It's an issue that as we move devolution forward, we will have to pay attention to, and certainly, like I said earlier, the landscape is going change and we're aware of that.

**MR. SPEAKER:** Thank you, Mr. Ramsay. The honourable Member for Frame Lake, Ms. Bisaro.

QUESTION 304-17(3):  
2016 ARCTIC WINTER GAMES

**MS. BISARO:** Thank you, Mr. Speaker. My questions are addressed to the Minister of Municipal and Community Affairs. I'd like to follow up on a statement that I made a little while ago with regard to some sports being dropped from the 2016 Arctic Winter Games. At the time, the Minister had just come back from a meeting with some of his other counterparts. He had met with the Arctic Winter Games International Committee. There was a certain amount of publicity around the whole dropping of sports issue, and there was publicity in the media as well.

I would like to know from the Minister at this point, considering there was publicity, considering it is an issue that is of concern to quite a few Northerners, I

would like to know if the Minister has heard from the sport governing bodies, the territorial sport organizations for the five sports that were dropped for 2016.

**MR. SPEAKER:** Thank you, Ms. Bisaro. The honourable Minister of Municipal and Community Affairs, Mr. Robert McLeod.

**HON. ROBERT MCLEOD:** We had the opportunity to meet with the presidents of the affected sports organizations. It was a very productive meeting. They had expressed their concerns on the sports that were excluded from the games. We had committed to them that we were going to have a meeting again with the Arctic Winter Games International Committee again this spring to look at the options that the Arctic Winter Games International Committee has come up with, and compare them to our options to see if we can find some common ground. It was a very productive meeting, and they had many good suggestions from the territorial sports organizations.

**MS. BISARO:** Thanks to the Minister for the information. I guess I would like to know, and I imagine many of the people who might hear this, our conversations in the House, would also like to know, what some of the options are that have been presented by these sports to give their kids, their athletes an opportunity for a major event in 2016.

**HON. ROBERT MCLEOD:** Due to the lack of facilities in the host community in 2016, the six sports that were dropped, some of the options that we came up with – and it's a discussion we had with the Arctic Winter Games International Committee – is possibly having a satellite location where these six affected sports would have an opportunity to compete as Arctic Winter Games athletes, and flying the Arctic Winter Games colours and using the Arctic Winter Games uniforms. The TSOs had suggested that would be their main priority, is to ensure our kids have the Arctic Winter Games experience and that's one that we will be presenting to the Arctic Winter Games International Committee. They are aware of that and they are following up with that, also, to see if there's some way we can make it happen.

**MS. BISARO:** Thanks to the Minister. That's really good to hear. I think the sports that have been dropped, that they have an opportunity to be a part of the Arctic Winter Games, even if it's in a different jurisdiction, is a great thing. I hope the Minister follows up and pushes for that, which I think is what I'm hearing from him.

My question goes to the hockey that's going to be held in 2016. At the moment, from what I understand, there will be two divisions of hockey held in Iqaluit. Midget hockey will be held maybe someplace else. I'd like to ask the Minister if it's on the radar for the sports Ministers that hockey, all

three divisions, be held in the same place or are they going to keep them split.

**HON. ROBERT MCLEOD:** The bantam hockey and female hockey will be held in Iqaluit. That was an agreement that the host society had made with Iqaluit. One of the suggestions that we made during our meeting with the TSOs is if we were to have hockey as part of our satellite games, then we would like to see all divisions of hockey, whether it be in Iqaluit or any other jurisdiction, but we would like to see all divisions of hockey be held at the same time as the other sports that have been excluded. They're very receptive to that, and that would be their preference also.

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

**MS. BISARO:** Thank you, Mr. Speaker. Thanks to the Minister. I'm really glad to hear that hockey will be all together. I think that only makes sense.

My last question is a statement, I suppose, a comment to the Minister. I hope that he will keep the pressure on, and with the other sports Ministers that he's already working with that he will keep the pressure on the Arctic Winter Games International Committee, and I would ask him if he could keep us up to date as things progress in the spring.

**HON. ROBERT MCLEOD:** One of the concerns we heard from the TSOs was the fact that they'd be losing almost six years of development as far as our young athletes go. This may affect some of their funding also. We have to recognize that and we have to ensure that we don't lose this group of athletes.

As far as the hockey goes, they have an agreement with Iqaluit to host those two events. We would like to have all hockey events in the same location if we do have a satellite game. We are in regular contact with our counterparts in Nunavut and the Yukon. They have the same concerns we have. Alaska and Northern Alberta have the same concerns we have.

I have committed to the TSOs that I would like to meet with them again before my spring meeting and after my spring meeting, and I will continue to keep Members of the House updated as to the discussions that we have.

**MR. SPEAKER:** Thank you, Mr. McLeod. The Member for the Sahtu, Mr. Yakeleya.

QUESTION 305-17(3):  
WINTER ROAD BETWEEN  
FORT GOOD HOPE AND TSIIGEHTCHIC

**MR. YAKELEYA:** Thank you, Mr. Speaker. Yesterday the Minister of ITI had an exchange on the Sahtu oil and gas exploration and the amount of hundreds of millions of dollars that are going to be spent in the Sahtu in the next couple of years. In Fort Good Hope, they actually closed off the bid

there and Shell Canada won. I think it's just over \$90 million worth of exploration.

I want to ask the Minister, in regard to the Mackenzie Valley Highway, we're going to do this in steps and, certainly, we in the Sahtu support the Inuvik-Tuk highway to go through. We're also looking forward to some support to build a highway into the Sahtu. I want to ask specifically to the Minister, is there any discussion up around Fort Good Hope to building a winter road up to the Dempster Highway. I know people in Fort Good Hope were talking about this. Is there any type of discussion with the department?

**MR. SPEAKER:** Thank you, Mr. Yakeleya. The Minister of Transportation, Mr. Ramsay.

**HON. DAVID RAMSAY:** Thank you, Mr. Speaker. The two leases near Fort Good Hope totalled \$92 million. I thank the Member for bringing that up.

On the discussion regarding connecting the Mackenzie Valley winter road between Fort Good Hope and Tsiigehtchic, it's something that was brought up at meetings. I was on a constituency tour with Member Blake in the spring and it's something that came up at a number of his communities. It is also something that I've instructed the department to include in the business plan that was before the House just a couple months back.

It does require a great deal of permitting. It's certainly not something that could occur this coming winter, but something I see happening next winter, perhaps, if the permitting can get done. It would really, to me, make a statement about the Mackenzie Valley and the fact that the Northwest Territories is open for business. We don't have an all-weather highway down the Mackenzie Valley yet, but if we could connect the valley with a winter road, I think that's a step in the right direction, and it says the right things about the economy here and our intent to get an all-weather highway down the Mackenzie Valley at some point in time.

**MR. SPEAKER:** Thank you, Mr. Ramsay. Item 8, written questions. Item 9, returns to written questions. Item 10, replies to opening address. Item 11, petitions. Item 12, reports of standing and special committees. Item 13, reports of committees on the review of bills. Item 14, tabling of documents. Mr. Ramsay.

### Tabling of Documents

TABLED DOCUMENT 89-17(3):  
A VISION FOR ENERGY IN THE NORTHWEST  
TERRITORIES – DEVELOPING THE 2013  
NORTHWEST TERRITORIES ENERGY PLAN,  
OCTOBER 2012

**HON. DAVID RAMSAY:** Thank you, Mr. Speaker. I wish to table the following document, entitled A

Vision for Energy in the Northwest Territories – Developing the 2013 Northwest Territories Energy Plan, October 2012.

**MR. SPEAKER:** Thank you. Mr. Abernethy.

TABLED DOCUMENT 90-17(3):  
ACTION PLAN 2012-2016,  
20/20: A BRILLIANT NORTH  
NWT PUBLIC SERVICE STRATEGIC PLAN

**HON. GLEN ABERNETHY:** Thank you, Mr. Speaker. I wish to table the following document, entitled Action Plan 2012-2016, 20/20: A Brilliant North – Public Service Strategic Plan, July 2012.

**MR. SPEAKER:** Thank you, Mr. Abernethy. Mr. Bromley.

TABLED DOCUMENT 91-17(3):  
LETTER DATED AUGUST 16, 2012 -  
GNWT SAFE ADVANTAGE PROGRAM RESULTS

**MR. BROMLEY:** Thank you, Mr. Speaker. I'd like to table a letter from the Minister of Human Resources to myself, dated August 16, 2012, on the GNWT's Safe Advantage program results.

**MR. SPEAKER:** Thank you, Mr. Bromley. Mr. Yakeleya.

TABLED DOCUMENT 92-17(3):  
LETTER DATED OCTOBER 31, 2012 -  
FIPA – FINANCIAL INVESTMENT PROTECTION  
ACT “FIRST NATIONS LANDS AND TREATY  
TERRITORIES CANNOT BE SOLD OUT TO  
FOREIGN INVESTORS”

**MR. YAKELEYA:** Thank you, Mr. Speaker. I'd like to table a letter to Prime Minister Harper regarding the Financial Investment Protection Act, “First Nations lands and treaty territories cannot be sold out to foreign investors.”

**MR. SPEAKER:** Thank you, Mr. Yakeleya. Item 15, notices of motion. Mr. Menicoche.

### Notices of Motion

MOTION 19-17(3):  
CHILD TAX BENEFIT CLAWBACK

**MR. MENICOCHÉ:** Thank you, Mr. Speaker. I give notice that on Monday, November 5, 2012, I will move the following motion: I move, seconded by the honourable Member for Sahtu, that the NWT Housing Corporation immediately cease treating child tax benefits as income for the purpose of calculating public housing rents;

And further, that the Government of the Northwest Territories work to identify and eliminate other similar inconsistencies in its subsidy programs;

And furthermore, that the Government of the Northwest Territories provide a response to this motion within 120 days.

At the appropriate time I will be seeking unanimous consent to deal with this motion today.

**MR. SPEAKER:** Thank you, Mr. Menicoche. Mr. Yakeleya.

MOTION 20-17(3):  
MENTAL HEALTH AND  
ADDICTIONS RESOURCES

**MR. YAKELEYA:** Mr. Speaker, I give notice that on Monday, November 5, 2012, I will move the following motion: I move, seconded by the honourable Member for Yellowknife Centre, that this Legislative Assembly strongly urges the Government of the Northwest Territories to include sufficient new funding, of at minimum \$2 million, in the Health and Social Services 2013-14 Main Estimates for the department to substantially enhance addictions and mental health services;

And further, that these funds be added to the department's base for future years and be directed at program delivery to address service gaps identified in the Mental Health and Addictions Action Plan, 2012-2015, rather than further evaluation and studies, with the ultimate objective of creating a seamless, integrated system of addictions and mental health programs delivered within the Northwest Territories;

And furthermore, that the government provides to the Standing Committee on Priorities and Planning, before the February-March 2013 sitting of the Legislative Assembly, a list of the proposed new addictions and Mental Health Program delivery investments to be implemented in 2013-14;

And furthermore, that the government provides a comprehensive response to this motion within 120 days.

**MR. SPEAKER:** Thank you, Mr. Yakeleya. Mr. Bromley.

MOTION 21-17(3):  
FEDERAL CHANGES TO  
ENVIRONMENTAL LAW

**MR. BROMLEY:** Thank you, Mr. Speaker. I give notice that on Monday, November 5, 2012, I will move the following motion: I move, seconded by the honourable Member for Sahtu, that the Government of the Northwest Territories inform the federal government of our dissatisfaction both with the dismantling of the federal environmental protection regime and with the federal government's failure to consult and inform this government on changes directly affecting our interests, the ensured integrity of our environment

and the content of devolution negotiations that are currently underway;

And further, that the Government of the Northwest Territories immediately begin to determine the cost of repairing and maintaining the environmental management regime post devolution in order to restore it to the responsible standards expected by our public;

And furthermore, that the Government of the Northwest Territories begin to identify the means through which such costs could be funded;

And furthermore, that the Government of the Northwest Territories provide a comprehensive response to this motion within 120 days.

**MR. SPEAKER:** Thank you, Mr. Bromley. Item 16, notices of motion for first reading of bills. Item 17, motions. Mr. Menicoche.

**MR. MENICOCHÉ:** Thank you, Mr. Speaker. I seek unanimous consent to deal with the motion I gave earlier today.

---Unanimous consent granted

**MR. SPEAKER:** Thank you, Mr. Menicoche. You may proceed.

### Motions

#### MOTION 19-17(3): CHILD TAX BENEFIT CLAWBACK, CARRIED

**MR. MENICOCHÉ:** Thank you very much, Mr. Speaker. Thank you very much, colleagues, for allowing me to continue on with this motion.

WHEREAS the NWT Housing Corporation implemented new public housing rent scales on July 1, 2012, including new criteria for determining tenant household income in order to assess their rent;

AND WHEREAS the new criteria for household income includes child tax benefits which were not previously assessed as income;

AND WHEREAS federal and territorial tax benefits are intended to help eligible families with the cost of raising children under 18 years of age;

AND WHEREAS the Government of the Northwest Territories Income Support Program does not include child tax benefits other than the National Child Benefit Supplement for the purpose of its household income assessments;

AND WHEREAS by clawing back child tax benefits, the NWT Housing Corporation is working at cross-purposes with other territorial and federal programs;

NOW THEREFORE I MOVE, seconded by the honourable Member for Sahtu, that the NWT Housing Corporation immediately ceases treating

child tax benefits as income for the purpose of calculating public housing rents;

AND FURTHER, that the Government of the Northwest Territories work to identify and eliminate other similar inconsistencies in the subsidy programs;

AND FURTHERMORE, that the Government of the Northwest Territories provide a response to this motion within 120 days.

**MR. SPEAKER:** Thank you, Mr. Menicoche. There is a motion on the floor. The motion is in order. To the motion.

**SOME HON. MEMBERS:** Question.

**MR. SPEAKER:** Mr. Menicoche, to the principle of the bill.

**MR. MENICOCHÉ:** Thank you, Mr. Speaker. I just wanted to add some context to the motion. I love our consensus-style government. This issue was raised by a young lady from Fort Simpson in July or August when she wanted to give her income statements to the Housing Corporation for public housing rent. She contacted me right away, as her MLA, and said, they started using my child tax benefit as income. She said she doesn't understand. That money is for milk and pampers; it's not for rent.

That is the whole purpose of our subsidy programs territorially and federally. It is about assisting those that need it. Here we have a case, because we made a change to our housing program, we are including it as income. Technically, that is clawing back a subsidy that eligible families are getting. That is just not right at all.

One of the goals of our 17<sup>th</sup> Assembly is about reducing the cost of living. In this case, we are actually increasing the cost of living because we are using that little Child Tax Benefit and calling it income. Therefore, her rent would go up. That is inconsistent with the goals we as the Assembly set when we were elected in 2011. In fact, we should be lowering it.

With that, that just sets the context of this. It wasn't there before. The corporation is not going to lose any revenue, because they weren't getting any revenue off of it if anyway, so I say take it out and ask my colleagues on this side of the House to support me in asking the government to remove this one little thing to make life a little easier for our residents in the Northwest Territories. Mahsi cho, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Menicoche. Mr. Yakeleya.

**MR. YAKELEYA:** Thank you, Mr. Speaker. I want to thank the honourable Member for Nahendeh for bringing this motion to the floor and having some discussion on it this afternoon. I have also been contacted by some people in the Sahtu region. I

didn't quite understand the issue until I looked into it further.

Regarding the rent scale, I applaud the Minister. We have worked through the issue of how to reduce the cost of living in our smaller communities up in the Sahtu, of Fort Good Hope, Deline, Norman Wells and Tulita. Further north the cost of living is very high. Actually, I was up in Ulukhaktok. I couldn't believe it. Minister Ramsay and I were up there at one time. We were walking through the store. We couldn't believe the prices they were paying up there in Ulukhaktok, in terms of the Northern Store. It is just ridiculous. A box of Pampers we looked at – we took some pictures, actually – a box of Pampers in the Northern Store was well over \$60 or \$70. That is ridiculous for the cost of living in the Northwest Territories.

We know that Housing is putting a lot of money into accommodating single mothers, the parents. It is tough enough for them to survive even in Sachs Harbour. There was a study done that you had to make at least \$90,000 a year just to make it by, just to have your head above the poverty line. That is ridiculous for the families in our small communities, single parents, where unemployment is sometimes 80 percent.

In Fort Good Hope the unemployment rate is about 80 percent. People are struggling. They get a child tax benefit that goes to help them with the children, with the family, the clothes, and yet they are being used as a means to calculate their rent through household income. That policy is from the federal government. We have made some efforts to change that in the past Assemblies, but we couldn't get it. We couldn't get to make that change because that is a federal government policy. We are following the federal government's rules.

We have to, through this motion, do what we can to help the single mothers, the single families and the children in regard to this small benefit they get from the federal government and not have it included in the rental assessment.

One department does it; another department doesn't. There is no consistency. I ask, through this Assembly, to take some serious consideration, look at the costs, look at the comparison and give that benefit to the young families in our smaller communities. It is very difficult. When we leave here and when we go back to our communities, we know the struggles that they go through and how hard it is to live in our small communities.

Like I said, I will ask the Members to think about this. Think about the children. Think about the families. Think about this issue here that we are bringing forward and ask the government if they would consider strongly to remove this from the NWT Housing Corporation policy and see if we can get some support. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mr. Yakeleya. To the motion. Ms. Bisaro.

**MS. BISARO:** Thank you, Mr. Speaker. I rise in support of this motion. I believe very strongly in the comments that have been made by my colleagues already. This is a small amount of money which does have a huge impact on families. It does allow them to provide for their children in ways that they would not be able to if their rent has been increased. I am particularly concerned about the inconsistencies that we have in our policies across government. We assess our income for a particular program one way in one department. We assess it differently in a different department. It is no wonder that our residents are confused about what documents they need when they go to apply for a program.

I think that both parts of this motion are equally important for me. Personally, I think the second part of the motion is more important. We need to look across government to determine how we are assessing income. There is no reason, in my mind, why it needs to be different for one program than for the other. I think it will make it easier for our residents certainly. It will make it easier for our staff, I think. If they changed departments, for instance, they don't need to relearn all over again how to calculate or make an assessment for income.

I am fully supportive of the motion. I would like to thank the Member for bringing it forward and the seconder for also supporting the motion. I would urge my colleagues to vote in favour. Thank you.

**MR. SPEAKER:** Thank you, Ms. Bisaro. To the motion. Mr. Nadli.

**MR. NADLI:** Thank you, Mr. Speaker. I rise on this occasion to also speak in favour of this motion. I think in small communities it is very hard just getting by, especially when circumstances have you being a single mother with children to look after. Unfortunately, the system sometimes doesn't work for people that struggle. Sometimes we need to make a decision to respond to the needs of people.

In this case, I applaud the mover and the seconder on this motion for taking the initiative and the stand, and being the voice of people that really need assistance on this case. With that, I support this motion. Mahsi.

**MR. SPEAKER:** Thank you, Mr. Nadli. To the motion. Mr. McLeod.

**HON. ROBERT MCLEOD:** Thank you, Mr. Speaker. We respect the intent of this motion. However, we have made a number of changes over the last number of years, I think, that made it a lot easier for those that are struggling to maintain their residence.

Somebody talked about making life easier. I think we've done that. Somebody mentioned a single

mother and we use the example of a single mother who's working, under the old system she was paying close to \$900. Under the new system she's paying just over \$300, so that's a significant savings that she could apply back to putting food on the table for her family. So we have made a lot of progress as far as that goes.

We can make an argument that all other types of income should not be included and that's the reason why we got into the shotgun approach rent scale that we had before where we had 442 different rents. Now we have, probably, 22. This makes it fairly consistent for all people and the reception out there has been very good.

The Members talk about the inconsistencies of the programs offered by the government, and we have some programs in the Housing Corp where we don't assess particular incomes that may be assessed somewhere else. There is a point there that we may have to have a look at. As far as the Housing Corporation goes, I think we've made a lot of changes and we continue to make changes that benefit people.

One of the things we've made a commitment to doing – and I've had this discussion with committee – is we try to stay out of the day-to-day financial lives of our tenants. Before, anything, if you made a bingo, that would be assessed and that's why we got into the trouble we were in. So we decided to stay out of that and make the rents very consistent. You know from up to a certain amount that you're only going to be paying this set amount of rent and I think it's been well received out there.

Again, we respect the intent of the motion and we hear where Members are coming from. If we start making exemptions for all other income, we'll get back to the place that we were in before. I know folks out there are not going to be too pleased with that.

Mr. Speaker, because this is direction to Cabinet, we will be abstaining from the vote. Thank you.

**MR. SPEAKER:** Thank you, Mr. McLeod. I will have closing remarks by the mover, Mr. Menicoche.

**MR. MENICOCHÉ:** Thank you, Mr. Speaker. I'm actually appalled by the resistance of the Minister on this motion to make changes. In fact, Cabinet shouldn't abstain, they should vote against it if they are that adamant that they don't want to make another change. The motion is quite simple, Mr. Speaker. They didn't have it as income before. The ECE subsidy program doesn't include the child tax benefit. So we are just asking them to revisit this, look at it. If you want to be consistent, reasonable and fair to our constituents and residents of the Northwest Territories, then you should apply the rules right across. Let them keep that little benefit. That's all we're asking. Review the programs and

make them consistent so that all people understand.

With those closing remarks, I'd like to thank colleagues for granting me unanimous consent to deal with this motion today. As well, I'm looking for a recorded vote. Mahsi.

#### RECORDED VOTE

**MR. SPEAKER:** Thank you, Mr. Menicoche. The Member is seeking a recorded vote.

**SOME HON. MEMBERS:** Question.

**MR. SPEAKER:** Question has been called. All those in favour, please stand.

**CLERK OF THE HOUSE (Mr. Mercer):** Mr. Menicoche, Mr. Bromley, Mr. Yakeleya, Mr. Bouchard, Mr. Blake, Mr. Dolynny, Ms. Bisaro, Mr. Nadli.

**MR. SPEAKER:** All those opposed, please stand. All those abstaining, please stand.

**CLERK OF THE HOUSE (Mr. Mercer):** Mr. Beaulieu, Mr. Abernethy, Mr. Miltenberger, Mr. Lafferty, Mr. Ramsay, Mr. McLeod.

**MR. SPEAKER:** Thank you, Mr. Clerk. Those in favour, eight; abstentions, six. The motion is carried.

---Carried

Item 18, first reading of bills. Mr. Bouchard.

#### First Reading of Bills

##### BILL 15: AN ACT TO AMEND THE HUMAN RIGHTS ACT, NO. 3

**MR. BOUCHARD:** Thank you, Mr. Speaker. I move, seconded by the honourable Member for Kam Lake, that Bill 15, An Act to Amend the Human Rights Act, No. 3, be read for the first time. Thank you, Mr. Speaker.

**MR. SPEAKER:** Bill 15 has had first reading.

---Carried

The honourable Minister of Finance, Mr. Miltenberger.

##### BILL 16: SUPPLEMENTARY APPROPRIATION ACT (INFRASTRUCTURE EXPENDITURES), NO. 2, 2012-2013

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. I move, seconded by the honourable Member for Great Slave, that Bill 16, Supplementary Appropriation Act (Infrastructure Expenditures), No. 2, 2012-2013, be read for the first time. Thank you.

**MR. SPEAKER:** Bill 16 has had first reading.

---Carried

Item 19, second reading of bills. The honourable Minister of Finance, Mr. Miltenberger.

### Second Reading of Bills

BILL 16:  
SUPPLEMENTARY APPROPRIATION ACT  
(INFRASTRUCTURE EXPENDITURES), NO. 2,  
2012-2013

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. I move, seconded by the honourable Member for Great Slave, that Bill 16, Supplementary Appropriation Act (Infrastructure Expenditures), No. 2, 2012-2013, be read for the second time.

Mr. Speaker, this bill makes supplementary appropriations for infrastructure expenditures for the Government of the Northwest Territories for the 2012-2013 fiscal year. Thank you.

**MR. SPEAKER:** Bill 16 has had second reading.

---Carried

Item 20, consideration in Committee of the Whole of bills and other matters: Bill 5, Legal Aid Act; and Bill 7, An Act to Amend the Judicature Act, with Mr. Dolynny in the chair.

### Consideration in Committee of the Whole of Bills and Other Matters

**CHAIRMAN (Mr. Dolynny):** I'd like to call Committee of the Whole to order. What is the wish of committee? Mr. Menicoche.

**MR. MENICOCHÉ:** Thank you, Mr. Chair. The committee wishes to consider Bill 5, Legal Aid Act, and Bill 7, An Act to Amend the Judicature Act.

**CHAIRMAN (Mr. Dolynny):** Thank you, Mr. Menicoche. Does committee agree?

**SOME HON. MEMBERS:** Agreed.

**CHAIRMAN (Mr. Dolynny):** Agreed. We will commence just after a short break. Thank you.

---SHORT RECESS

**CHAIRPERSON (Mrs. Groenewegen):** Okay, Members. I'd like to call Committee of the whole back to order. I guess, before the break, committee indicated they'd like to deal with Bill 5, Legal Aid Act, and Bill 7, An Act to Amend the Judicature Act. So we will proceed with Bill 5 first. Committee agreed?

**SOME HOME MEMBERS:** Agreed.

**CHAIRPERSON (Mrs. Groenewegen):** Agreed. I'd like to ask the Minister responsible to introduce the bill. Mr. Abernethy.

**HON. GLEN ABERNETHY:** Thank you. Did you say Bill 7 or Bill 5 to start?

**CHAIRPERSON (Mrs. Groenewegen):** Bill 5 to start with, please.

**HON. GLEN ABERNETHY:** I am pleased to be here today to talk to you about Bill 5, Legal Aid Act.

Firstly, I would like to thank the Standing Committee on Social Programs for their review of this bill and for all of the constructive feedback they have provided in a very collaborative manner. A number of motions were made in committee and I am pleased the bill has improved as a result.

The Legal Aid Act will replace the existing outdated Legal Services Act. This new act provides the framework for the operations of the Legal Aid Program here in the Northwest Territories. It is not intended to set out the details of the day-to-day operations, nor to set policy, but to give a strong framework for the new commission to provide efficient and effective services for our residents seeking access to justice.

The Legal Services Board currently provides legal representation and services to persons eligible for its legal aid services. Over the last 30 years, the legal aid system provided by the board has changed, but the governing legislation has not been updated to reflect these improvements and modernizations. The new Legal Aid Act will bring the legislation in line with the way legal aid is delivered in the Northwest Territories in 2012.

The main changes to be incorporated into the new Legal Aid Act include:

- renaming of the Legal Services Board of the NWT as the NWT Legal Aid Commission;
- specifying the powers and composition of the members of the commission;
- clarifying the status of the executive director and commission employees;
- changing choice of counsel and resident counsel provisions;
- updating the list of services provided;
- eliminating regional committees;
- emphasizing the independence of the commission; and
- building into the act a requirement for review every 10 years.

We should be proud of the services provided by people who work in our legal aid system. Our court workers are well respected and have long-standing and deep ties within our communities. They are familiar with the resources in their regions and work to assist those who are often in crisis to deal with issues. They provide full and immediate assistance and advice to people dealing with family violence, and work closely with our legal staff on a daily

basis. Our legal counsel are dedicated, committed and proficient in the work they do. They carry heavy caseloads and spend many days of the year on the road. Their passion is evident.

I would be pleased to answer any questions the committee members may have regarding Bill 5. Thank you.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Abernethy. At this time I will call upon the deputy chair of the Standing Committee on Social Programs, who reviewed the bill, to make comments. Mr. Dolyunny.

**MR. DOLYUNNY:** Thank you, Madam Chair. The Standing Committee on Social Programs conducted its public review of Bill 5, Legal Aid Act, on August 23 and October 29, 2012. The committee thanks the Minister and his staff for presenting the bill.

The bill repeals and replaces the Legal Services Act. In the proposed act, the Legal Services Board continues to operate under the new title, the Legal Aid Commission.

The committee received substantial and thoughtful public input, both written and in person. This, combined with committee's work, resulted in 12 proposed amendments to strengthen the bill. The Minister concurred with all but one of these amendments during the committee's clause-by-clause review on October 29, 2012.

Access to justice is an important issue across the Northwest Territories, particularly in small communities and regional centres. Most communities have no resident lawyer. The nearest courthouse is often hundreds of kilometres away.

Legal aid is a crucial component of our justice system and it was stressed in public submissions. The committee received comments from the NWT Branch of the Canadian Bar Association, the Law Society of the Northwest Territories, the Hamlet of Aklavik, the Town of Hay River, Ms. Emerald Murphy and Ms. Elizabeth Portland. The committee is grateful for their considered input and service to the people of the Northwest Territories.

One presenter requested that the act provide for legal aid to persons with disabilities who file complaints with the NWT Human Rights Commission. The committee judged this blanket coverage to be beyond the scope of the Legal Aid Act. However, Members note that the Legal Aid Commission will have great latitude to provide coverage in exceptional cases of all types. Moreover, the commission will have the authority to make guidelines to assist the executive director in such decisions.

The basic understanding of the law, one's rights, and how to exercise them is the key aspect of fair access to justice for all citizens. Under the proposed Legal Aid Act, one of the commission's

duties is to promote public knowledge of the law and the administration of justice. This is one of the 11 constructive amendments made with the Justice Minister's consent. The committee thanks Minister Abernethy and his officials for their collaboration in approving Bill 5.

In addition to the areas already mentioned, amendments were made to:

- explicitly include legal aid coverage for child protection, family and civil matters;
- highlight the Minister's duty to table the commission's annual report in the Assembly;
- include explicit mention of court workers in the act;
- forbid the commission from delegating certain duties to the executive director, including deciding of appeals;
- strengthen provisions against potential conflicts of interest;
- preserve some choice of counsel for persons accused of crimes carrying a potential life sentence; and
- protect solicitor-client privilege as well as the integrity of the legal aid system.

Following the committee's review, a motion was carried to report Bill 5 as amended and reprinted to the Assembly as ready for consideration in Committee of the Whole. This concludes committee's opening comments on the proposed Legal Aid Act. Individual Members will likely have additional questions or comments as we proceed.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Dolyunny. At this time I would like to ask Mr. Abernethy if he would like to bring witnesses into the Chamber.

**HON. GLEN ABERNETHY:** Yes, please, Madam Chair.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Abernethy. Is the committee agreed?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mrs. Groenewegen):** I'll ask the Sergeant-at-Arms to please escort the witnesses to the table.

Mr. Abernethy, for the record, could you please introduce your witnesses?

**HON. GLEN ABERNETHY:** Thank you, Madam Chair. With me today on my left is Lucy Austin. She is legislative counsel and former executive director of the Legal Services Board. Ian Rennie is on the far side. He is legislative counsel. Beside me is the assistant deputy minister of the Attorney General branch, Mark Aitken.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Abernethy. I would like to ask Members if

they have any general comments regarding Bill 5. Mr. Bromley.

**MR. BROMLEY:** Thank you, Madam Chair. Really, just a question. In considering this bill I've run into the terms "staff lawyers" and "panel lawyers." I'd just like some clarity on whether those are the same thing. Are there lawyers who do not provide legal aid who are part of this division or not?

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Bromley. Mr. Abernethy.

**HON. GLEN ABERNETHY:** Thank you, Madam Chair. For clarity, staff lawyers are the lawyers by the Legal Services Board – future Legal Services Commission – to actually provide services on behalf of the GNWT. They are employees. Panel lawyers are lawyers who happen to be members of the private Bar or private practice that are contracted to provide services to the clients of the Legal Services Board.

**MR. BROMLEY:** Do we typically have staff lawyers? What would the component be that we have on staff?

**HON. GLEN ABERNETHY:** I believe the number is 14. During the last budget session, Members requested that we increase that number. I think it's gone up to 14 now that are actually GNWT employees and employees of the commission itself.

**MR. BROMLEY:** The commission itself meaning the Legal Aid Commission, correct?

**HON. GLEN ABERNETHY:** Yes. The old method or the new method. Under the new act, it's going to be the commission which is what is now the board. They are the individuals that are setting some direction as per the terms and conditions of the proposed act. On that commission, the new act suggests that one of them be a lawyer. Then we have the administrative office of the Legal Aid Commission which has the executive director and some admin staff that are providing overall direction to commission lawyers, who are also staff, and the commission lawyers are the GNWT employees who are providing front-line services to clients. They are staff of the GNWT, as well, but we also go out to members of the private Bar to provide legal services to clients as well. So we use our staff lawyers and private Bar lawyers to provide services. In the admin office there is only one lawyer and that is the executive director and that person is responsible for providing some direction to legal counsel that are employees, but also legal counsel who aren't our employees on specific files.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Abernethy. General comments. Mr. Yakeleya.

**MR. YAKELEYA:** Thank you, Madam Chair. The Minister's presentation, page 2, he talked about the elimination of regional committees. I want to ask the

Minister, in light of this elimination of the regional committees, what type of mechanisms are in place that would ensure that the regional concerns and voices of matters of importance to the people in the communities that they would be heard with this new commission?

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Yakeleya. Mr. Abernethy.

**HON. GLEN ABERNETHY:** Thank you, Madam Chair. The provision that the Member is talking about existed in the original Legal Services Act. It was mostly in existence when Nunavut was still part of the Northwest Territories. Those regional bodies haven't existed in a large number of years and there is no plan to bring them back. What we would like to see is a commission that is representative of the Northwest Territories. So membership on that commission would include people from regional offices, regional areas so we can make sure that we have a good cross-section of Northerners sitting on that commission providing guidance and direction.

**MR. YAKELEYA:** The Minister speaks to a territorial commission with regional representation from the Northwest Territories. I'd like to ask, if once this commission is in place, if there will be specific requirements that members are appointed or if it's pretty well someone from the region that's very passionate about this work and want to see this type of legal aid service in our communities emphasize in regards to the types of service now we are seeing from the legal aid services when they come to our communities for specific court issues. There are too many complaints from our region about the legal aid body not being there long enough, quick enough, or taking the actual time to sit with clients before they attend court.

**HON. GLEN ABERNETHY:** We want to ensure that we have a commission that represents people of the Northwest Territories. If you look at clause 4(5) it says, "The Minister shall, in appointing Commission members, consider the diversity of the population and the gender balance of the Northwest Territories..." So we intend to take into consideration and make sure we have regional representation, gender representation, so that all people of the Northwest Territories are fairly represented. The commission will then have an opportunity to work with the executive director to set some priorities in how services will be provided. This act will give the commission the tools they need to make the changes in the office to improve the access to justice in the Northwest Territories.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Abernethy. General comments. If there are no further general comments, is the committee agreed that we're ready to move onto the clause-by-clause review of the bill?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mrs. Groenewegen):** So we will stand down the table of contents and go, please, to page 5 of the bill. Clause 1.

---Clauses 1 through 5 inclusive approved

**CHAIRPERSON (Mrs. Groenewegen):** Clause 6. Mr. Dolynny.

COMMITTEE MOTION 40-17(3):  
AMEND CLAUSE 6(1), BILL 5, LEGAL AID ACT -  
APPOINTMENT OF EXECUTIVE DIRECTOR,  
DEFEATED

**MR. DOLYNNY:** Thank you, Madam Chair. I wish to present a motion to the committee.

I move that subclause 6(1) of Bill 5 be deleted and the following substituted under the term "Appointment."

6. (1) The Commissioner, on the joint recommendation of the Minister and the Commission, shall appoint an Executive Director, who must be either

- (a) a lawyer; or
- (b) a person with significant management and financial experience.

**CHAIRPERSON (Mrs. Groenewegen):** The motion is being distributed. The motion is in order. To the motion. Mr. Dolynny.

**MR. DOLYNNY:** Thank you, Madam Chair. I appreciate committee and colleagues for allowing me to bring this motion to the House. This debate occurred much before we are speaking to it today, so I appreciate bringing it here today.

This was by far the most contentious and most debated amendment to the proposed Legal Aid Act, and for good reason, as the premise of having the executive director being a non-lawyer has shaken the foundation of stagnant thinking. Many may ask, why should one care to challenge this concept? What is the point? The answer is simple: We are here to listen to the people and to create the most modern and useful legislation for the betterment of people and by the people. As the Minister indicated, we may not be revisiting this legislation for another 10 years.

During the public hearings on this act, the committee received a submission holding a lens to the concept that it was not necessary for the executive director to be a lawyer. Upon extensive review and with legal counsel the following advantages to this claim were substantiated.

The first observation with the position of the executive director in itself was a position of significant skill set and mastery of organizational excellence. In the broader sense, many potentially good managers would be screened out by the requirement of being a lawyer. I can assure

everyone here today that this troubled many committee members.

Second, this position could be tied to more of an administrative role and less confined to legalistic thinking as the act already makes provisions in paragraphs 6(3)(d) of Bill 5, which reads, "The Executive Director may (d) delegate any of his or her duties to a staff member." This in itself would relieve the so-called requirement of the executive director to actually have to practice law, and thus further supports this premise.

Third, the legislation could be permissive, allowing but not restricting the executive director to be a lawyer. Again, the intention of the and/or clause is to modernize this act and accepting what we are seeing in other jurisdictions across Canada. I will note the Minister may try, in good measure, to give compelling arguments that the circumstances with other provinces cannot be compared due to the size and caseload difference, but in reality, many committee members believe these arguments to be mute.

Finally, the duties of the executive director requiring legal input could be delegated to a commission staff lawyer or legal advisor to the commission as is seen in other jurisdictions. Many committee members are satisfied with this statement and it has been confirmed by our legal counsel. Evidence is found throughout the act which this delegation authority would be of sound acceptance within the framework of the act.

Of course, you're going to hear the Minister or his designate repudiate the concept of a non-lawyer executive director with the suggestion that this will require huge costs to legal aid to administer such change, that this expense will be taken away from clients' needs, and that the executive director requires to be a lawyer to fulfill a myriad of other operational functions. Again, taken in the narrowest of context within the act, yes, the Minister may have limited merits, but we are talking about change and with change comes fear, and we should not fear and cloud our decision-making through fear.

Again, we are attempting to change the thinking that has been enshrined for over 33 years and, yes, change is difficult to swallow. However, we need to think about opening the doors of opportunity with the inclusion of this option and/or clause to allow inclusive behaviour to the act and not rubberstamp exclusive thinking. As a government, we need to lead by example, and by not allowing inclusion of a non-lawyer executive director clearly breeds contempt for the very concept we're trying to uphold, which is openness and justice to the people.

I will be seeking, hopefully, Madam Chair, support from my fellow colleagues to this motion.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Dolynny. To the motion. Mr. Bouchard.

**MR. BOUCHARD:** Thank you, Madam Chair. I will not be supporting this motion. The department has given us the justification of why this position needs to be a lawyer and the clause opens us up to potential difficulties in hiring this position. When we're looking to hire the position there may be opportunities, if there are no lawyers, that the people with lesser qualifications could fulfill this position, but in essence, the department has indicated that there are legal issues that this position does and is responsible for. Then if we don't have a lawyer in that position, there will be additional costs to the system to hire a lawyer to do that person's job.

Currently, the way it's set up, that person is a lawyer and that work is being done in-house on that salary, so I'm concerned. It's not a matter of not listening to the people; it's a matter of qualifications and we're setting the minimums that we have. We have a minimum qualification for this position. In a lot of professional industries where doctors of whoever cannot do certain items, cannot do certain things because there's a minimum criteria for the safety, for the public's concern, that's where I feel that we need to make sure that this position remains a lawyer.

I understand where my colleagues are coming from in the way of wanting to have flexibility. I'm usually the first person to justify flexibility, but when you're talking about the law, sometimes there's a minimum requirement and flexibility is not an issue. The minimum qualifications are the issue here. I will not be supporting this motion.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Bouchard. To the motion. Mr. Yakeleya.

**MR. YAKELEYA:** Thank you, Madam Chair. Thank you, Mr. Dolynny, for bringing this motion to the floor for discussion. It speaks to a modernization and improvement of the justice that we have specific to the communities that I represent. This modernization bill here is 33 years old. The new way of thinking is to look at a motion that Mr. Dolynny has brought to the floor here. Either the commission works with the Minister and the commission works with the executive director who's a lawyer or a person with significant management and financial experience. I think that's the way to go.

I think that the Department of Justice, even through their justification, hasn't swayed my heart to say yes, this is the way to go. That, for me, is narrow thinking. That, to me, is you're locking in a system that we are so desperately trying to get out of, which is a colonial system that's saying only certain people with certain qualifications. That, for me, shuts out a lot of applicants from my region who may have exceptional executive director skills and

organization, and so the pool of applicants becomes very elite. There is a very, very small pool of people to choose from if we leave it to lawyers only. There are only a small number of people who would be able to qualify, and that discriminates against other people who may have exceptional skills as an executive director. That is almost saying that to the hospitals or the health boards, that if you have a doctor's degree that you could also apply for an executive director with the doctor because you have medical skills and the business is of a medical nature and the doctors give advice to other doctors or nurses.

We're going backwards on this bill here, on this specific clause, and for me, that is not good for our government. It's one step, two steps forward and two or three steps backwards. We are leaving out, potentially, some very exceptional people who have really good managerial skills.

Madam Chair, not all lawyers make good managers. That's something we need to look at. I believe that more flexibility needs to be adapted to the changing future circumstances of the law in the Northwest Territories, especially in our small communities. How many lawyers know what it's like to manage justice in our communities? I just spoke to it earlier at the opening comments to the Minister of the legal aid that comes into our communities and they have a huge number of clients. Their work is incredible. But they spend five or 10 minutes with the client and then they go to the court. That is not justice. We need to have a really good system.

I ask the question to the Justice: Why are we limiting ourselves now? The job may require a lawyer but, potentially, the duties and focus of the job could change in the future. Mr. Dolynny said in 10 years from now we're going to look at this bill again. That is incredible. That is outrageous. Why are we locking ourselves into the shackles of having the executive director be a lawyer? That doesn't go good with me. Something's not right. We're supposed to modernize this here. As I said before, we are stepping back into a very narrow, fearful way of doing business with justice.

There are only a limited number of lawyers in the Northwest Territories. Why not let those lawyers actually practice law and help us, and not run organizations? Let them do what they're trained to do. I think that's the way to go. With this motion, it leaves an opening to the government. You never know. Maybe at the end of the day there might be a lawyer that has exceptional managerial skills and may want to be the executive director; maybe not. But right now this department here is shutting the door on future potential executive directors that may want to work in this field, who have a passion to help people, who have a passion to work with people in the communities. We are not giving them a chance. The Department of Justice should put up

a sign outside their door: You need not apply if you aren't a practicing lawyer, a law degree. Save us some time.

This motion here looks at modernization. It is a forward-thinking motion. It is a motion that supports the Northwest Territories. I'm very confused and very perplexed as to why the Department of Justice would corner itself with this executive director only to have to be a lawyer to work in that department. For me, we are taking a step back in this bill here with this type of legislation going forward. We are going to make a law. That is the scary part about it. I really don't understand the department's rationale. They have given us some information. It still hasn't clicked inside me to say yes, this is the way we should be going. If we are going to do that, we're sending a strong message right across the Northwest Territories. Then what's next? Health? Education? All the different other jobs that are key to running a good functional government organization.

Legal Aid is an organization that helps a lot of people in our small communities and to only have it open only for lawyers is not right. Justice isn't done here in this bill. Certainly justice has been denied to a lot of people. I'm going to support this motion 110 per cent. Thank you.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Yakeleya. To the motion. Ms. Bisaro.

**MS. BISARO:** Thank you, Madam Chair. The debate that committee had and the work that committee did on this bill as a whole was really interesting. There were over 10 amendments made by committee to which the Minister, over time, concurred. We found middle ground on a couple of them, but, in general, there were some very good amendments that were made which made the act a better act.

This one particular amendment or change that was suggested at committee was hotly contested. We had quite a good debate around the whole issue. Committee was split; we could not agree. I think the opening remarks by the deputy chair indicated that. Therefore, it's come to the floor of the House in an attempt to get the change made at this juncture.

I am not in support of the motion. I have gone back and forth. I've heard the arguments on both sides. But I think at this point in time, the size of our jurisdiction, the size of our legal aid office is such that we do not need to hire a lawyer if we hire an executive director who is not a lawyer. I think the financial implications are such that it would be a negative impact and I prefer to leave the act as it is for the time being.

It's interesting that Mr. Yakeleya suggests that a review in 10 years is a bad thing. I see the fact that we are required to review this act in 10 years as a

good thing. I think, at that time, our circumstances may be such that we can make this change.

That said, basically the arguments on the part of the Minister have convinced me that we should leave the act as it is. So that's where I'm at. I will not support the amendment. Thank you, Madam Chair.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Ms. Bisaro. To the motion. Mr. Abernethy.

**HON. GLEN ABERNETHY:** Thank you, Madam Chair. I appreciate the intent of this motion to create flexibility within the Legal Services Board when it comes to hiring an executive director. However, I do have to say that there are a number of compelling reasons that the executive director should be a lawyer. The bottom line is, if that non-lawyer is recruited as an executive director, a senior lawyer would have to be hired to perform those functions that the executive director is required to provide as a result of this legislation. At a time when federal contributions to the Legal Aid Program are frozen, we cannot afford to spend more money on the administration of the legal aid office.

Right now, under the proposed legislation, there is a commission which consists of people from over the Northwest Territories who are providing direction to the legal aid office, which has the executive director and some admin staff. They are responsible for the administration of services across the territory, and then there's a whole bunch of legal aid lawyers who are employees of the GNWT, who are out providing the front-line work that Member Yakeleya has described.

We need to make sure that there is a legal presence within that administrative office so that they can do proper reviews of the legislative work and the legal work that the staff lawyers and the public lawyers are doing. If you take the requirement for the executive director away to be a lawyer, you're still going to have to insert another layer of administration, which is going to have to be a lawyer that is going to do the work that the executive director currently does.

Given that we do have a flat line of revenue or money coming from the federal government, increasing the cost of administration is only going to take away from the provision of legal aid in the Northwest Territories. Someone doing the legal work in the administrative office of the commission of what is now the board, a lawyer would probably be evaluated around pay range 22, which means it's going to be \$150,000 to \$160,000 on top of what we are already spending. Given that recently in the last budget process we were asked to put more money into legal aid so that we can have more front-line lawyers, it seems complicated or counterproductive to put another layer of management in the administrative office when what

we really need to do is get more lawyers in the front end providing work.

I would like to thank the standing committee for its careful and very productive review of Bill 5. Eleven motions were brought that amended the bill in committee. I was happy to concur in those motions because, in my opinion and in the opinions of others, they actually are really good and improved the bill and they are directed towards enhancing the delivery of services to residents of the Northwest Territories. Our objective is to improve access to justice, and those motions help accomplish that goal.

This motion, I'm afraid, moves in the opposite direction. It is intended to increase flexibility, which I understand, but its ultimate result will be to require an expensive new lawyer of the administration at the cost of the front-line delivery of justice services.

It is difficult to determine precisely what portion of the executive director's work involves the practice of law, but the present executive director and her predecessor estimate that it takes up to one-third of their working time. So there would have to be a creation of a position to cover that one-third legal time. Some would argue, well then only create a one-third position and let the lawyer that you hire do front-end work. That might sound good, but we also have a situation where the legal work of the executive director is to review the work of the staff lawyers to make sure that it is legally sound. They do verifications, they provide advice. You can't have a lawyer doing that to themselves. The executive director doesn't provide the front-end legal work that the staff does, so you would have to create a full-time position to do that, because you wouldn't be able to utilize them on the front end.

The proposed Legal Aid Act includes provisions that require the executive director to concur in legal advice and legal opinions prepared by the panel and staff of lawyers, and to test potential assignments to ensure the lawyer concerned would not be placed in conflict of interest. These functions require legal analysis and can only be performed properly by a practicing lawyer. If the executive director is not a lawyer, he or she will have to delegate these functions to a member of the staff who is a lawyer, as I have already described, which would be another layer in the administrative office of the commission.

The executive director works closely with judges, the public prosecution services and the RCMP. The executive director needs to appear in court on occasion, and he or she also sits on the Bench and Bar committees of the Territorial and Supreme Court. These committees are exclusively made up of judges and lawyers. If this position was not a lawyer, they would not be able to sit on our behalf in that capacity.

The executive director will be the commission's delegate and will be responsible for the ongoing operation of four separate legal aid clinics. The executive director ensures that both staff and panel lawyers provide quality legal services to clients, and comply with the act and regulations, and adhere to the ethical and practice standards required by the Law Society and the Code of Conduct governing lawyers and by courts. If the executive director was not a lawyer, they could not do that. It would have to be delegated to the position that would have to be created under it. Once again, creating more administrative work, another administrative lawyer and not assisting the front-line delivery. The proposed Legal Aid Act only requires that one member of the new commission be a lawyer. The commission will rely heavily on the legal knowledge and the experience of the executive director.

To Mr. Yakeleya's point, the commission will still be providing direction from the commission. The commission will consist of members from around the Northwest Territories who can provide direction to help find ways to improve the front-line delivery that the Member was talking about, but by taking the legal requirements for the executive director away, we would have to, once again, create a new layer of management, which would actually take money away from the front-line provision. I don't believe this is what any of us want to do. I believe we want to enhance front-line delivery.

The present Legal Services Act requires that the executive director be a lawyer, and this has been the case since 1979. This isn't something new that we're trying to ram through today. This is consistent. I understand the desire for change, but we also have to ensure the integrity of the office. The Member mentioned earlier the public health officer. In the Northwest Territories the public health officer must be a doctor, they have to be a doctor. It's not much different of a requirement for our executive director who is responsible for these legal services to be a lawyer.

The executive director in 11 of the 13 provinces and territories is a lawyer. The two jurisdictions with a non-lawyer executive director are New Brunswick and Newfoundland and Labrador. We don't have the information from Newfoundland, but the executive director in New Brunswick is supported by two senior lawyers in head office, the first being the director of criminal law service and the second being the director of family law service. That's kind of the model that I was explaining a couple of minutes ago, whereas if you have an executive director who is not a lawyer, you have to create a second level of management to provide those legal functions. In New Brunswick, they don't have a lawyer so they have a separate branch, a separate level, which costs money to provide those services that our executive director does. I think that demonstrates that there would be additional costs

to the government if we ended up with somebody who was not an executive director, which would take away from the front-line provision, which is what we believe we all want to support.

The executive director works closely with both staff and panel lawyers to monitor representation of clients. The lawyers are required to provide the executive director with legal opinions on the merit of applications for civil legal aid and on the merit of appeals in both criminal and civil matters. The executive director determines whether the application is approved, and in cases where legal opinion is rendered, he or she must carefully review that opinion. This requires that the executive director have the fundamental understanding of criminal and family law. If the person did not, if they were just a finance or a management employee, they would have to delegate those responsibilities to another layer of management within the organization; therefore, costing the administration of this particular service more money and taking away from the front line. Once again, we want to make sure that we're enhancing the front line in support that we're providing clients, not taking away, not duplicating services within the office.

The executive director cannot delegate the review of panel lawyers' opinions to senior staff lawyers and legal aid clinics due to conflicts. Someone needs to be able to review legal opinions in the administrative head office, which is separate from our legal aid clinics. The executive director is the only lawyer in the administrative office. If this motion were to pass, we would have to have someone who is not a lawyer, but we would still have to create that secondary layer in the administrative office because that service would still need to be conducted.

Given the public nature of legal aid operations, the executive director must be able to respond to requests for information from the media while protecting the legal privilege of the services provided. Having the executive director mentor and supervise staff and panel lawyers provides a consistent, efficient and cost-effective approach. If Bill 5 is changed to make non-lawyers eligible for employment as the executive director, we'll also have to change the job description to amend the present requirement for them to be a lawyer.

In the Government of the Northwest Territories, all positions are evaluated based on knowledge, problem solving, accountability, as well as working conditions. If you take the requirements for them to be a lawyer out, you would be affecting the evaluation position. It would likely go down, which means we wouldn't be able to compensate the executive director coming in at the same level that we are compensating the current one, which might actually hinder our ability to get the high quality candidates that have been identified as the ones

we would be seeking not being lawyers, but then we would also have to create the position below it, which we know would be a lawyer, and if you look at the evaluation of lawyers based on knowledge, problem-solving and accountability, we know that they're all around pay range 22, which pays about \$130,000 plus all the benefits. It would probably cost us about \$160,000. So the executive director would go down a little bit, but we'd also have to create the position that would cost what lawyer's cost, which is significant. So you're definitely going to be increasing the cost of administration of justice in the Northwest Territories.

This could well lower and make it more difficult to find the high-calibre candidates for the executive director position that we're talking about. Madam Chair, I'm out of time.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Abernethy. Did you have anything to add to the 10 minutes that you've already taken to respond to the motion? Do you have anything else you'd like to say, because I do have the prerogative to grant you more time if you'd like.

**HON. GLEN ABERNETHY:** Madam Chair, I was actually just coming to my last bullet. The bottom line is we understand the flexibility. We get that, but this jurisdiction isn't a larger jurisdiction where there is significant capacity. Our budgets are incredibly limited in legal aid. We have very little money and that money is not increasing. The feds haven't increased their contribution. They're not going to increase the contribution, yet the costs continue to go up. Every time the costs go up and the federal contribution stays the same, that money has to come from the Government of the Northwest Territories. We know our budgets are limited. So if we create a secondary layer of administration regardless of the cost, that can only come from one place, and that comes from the front-line delivery. We believe that would be inappropriate. We want to focus on the front-line delivery.

In closing, there is a significant number of high-calibre lawyers out in the Northwest Territories currently, who have both administrative and legal skills. By way of example, our current acting executive director is an indigenous Aboriginal lawyer from the Northwest Territories, from the Beaufort-Delta, I believe, who has solid management skills. If we were to change this position so this person didn't need to be to be an executive director, that person may not even be interested in the job if they don't require a lawyer to do it. We would be losing. We have good-calibre people out there. We will continue to find good-calibre Northerners who are lawyers, who are interested in doing this work. So we don't want to take that opportunity away as well.

In closing, we feel this motion is bad and we will be voting against it. Thank you, Madam Chair.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Minister Abernethy. To the motion. Any final comments from the mover of the motion? Mr. Dolynny.

**MR. DOLYNNY:** Thank you, Madam Chair. Thanks to the Minister for walking us through I think what we've already heard a number of times already. It was good to get that on the record. A good debate yields good dialogue, and hopefully today we can actually then do some wise decision-making from what we've heard here today.

I'm sure what we're bringing forward today into the House is an amendment of not only what's best for this act, but for the ideologies that it represents and those ideologies of inclusiveness, fairness and accountability. I want to thank the Member for Sahtu for supporting this motion. I also want to thank my other Members here who spoke and brought good points forward to this motion. With that, Madam Chair, I will be seeking a recorded vote. Thank you.

#### RECORDED VOTE

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Dolynny. The Member is seeking a recorded vote on this. All those in favour of the motion, please stand.

**CLERK OF THE HOUSE (Mr. Mercer):** Mr. Dolynny, Mr. Menicoche, Mr. Yakeleya.

**CHAIRPERSON (Mrs. Groenewegen):** All those opposed to the motion?

**CLERK OF THE HOUSE (Mr. Mercer):** Ms. Bisaro, Mr. Nadli, Mr. Bouchard, Mr. Blake, Mr. Beaulieu, Mr. Abernethy, Mr. Miltenberger, Mr. Lafferty, Mr. Ramsay, Mr. McLeod - Inuvik Twin Lakes.

**CHAIRPERSON (Mrs. Groenewegen):** All those abstaining? This is the results of the voting: three in favour, 11 opposed.

---Defeated

**CHAIRPERSON (Mrs. Groenewegen):** Clause 6.

---Clauses 6 through 9 inclusive approved

**CHAIRPERSON (Mrs. Groenewegen):** Clause 10, Ms. Bisaro.

COMMITTEE MOTION 41-17(3):  
AMEND CLAUSE 10(3), BILL 5, LEGAL AID ACT -  
ADDING "CHILD PROTECTION",  
CARRIED

**MS. BISARO:** Thank you, Madam Chair. I have an amendment. I move that subclause 10(3) of Bill 5 be amended by adding the words "child protection" before the words "family or civil matter" in that portion preceding paragraph (a).

**CHAIRPERSON (Mrs. Groenewegen):** The motion is being distributed. The motion is in order. To the motion. Ms. Bisaro.

**MS. BISARO:** Thank you, Madam Chair. I would just like to explain why this is being done here. When committee went through the Legal Aid Act we did feel very strongly as a committee that we wanted to make sure that legal aid did cover matters of child protection. So we amended a different clause to add the words "child protection" in another clause elsewhere in the bill. At the time that the bill was being reprinted it was noticed that in this particular clause, Clause 10, there was a reference to family or civil matters but there was not a reference to child protection. So child protection is being added here to make it consistent with the amendment which committee has already done and which is in the act already, and it's just to make sure that we have child protection anywhere in the bill where we also reference family or civil matters. The committee did agree on this amendment.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Ms. Bisaro. To the motion. Mr. Abernethy.

**HON. GLEN ABERNETHY:** Thank you, Madam Chair. We agree with this motion as well. We think this is important for improving the bill.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Abernethy. To the motion.

**SOME HON. MEMBERS:** Question.

**CHAIRPERSON (Mrs. Groenewegen):** Question is being called.

---Carried

**CHAIRPERSON (Mrs. Groenewegen):** Clause 10 as amended.

---Clauses 10 through 26 inclusive approved.

**CHAIRPERSON (Mrs. Groenewegen):** Return to the preamble and table of contents, Bill 5, Legal Aid Act, as amended.

---Preamble and table of contents approved

**CHAIRPERSON (Mrs. Groenewegen):** Does committee agree that Bill 5 is ready for third reading as amended?

---Bill 5 as amended approved for third reading

**CHAIRPERSON (Mrs. Groenewegen):** I'd like to thank the Minister and his witnesses for their help with this bill today. I'll ask the Sergeant-at-Arms if he would please... Is it the same people for the next one? I don't know.

The next item on our agenda is Bill 7, An Act to Amend the Judicature Act. I would like to ask Mr. Abernethy if he would, please, like to introduce the bill.

**HON. GLEN ABERNETHY:** Thank you, Madam Chair. I am pleased to appear before the committee today to review Bill 7, An Act to Amend the

Judicature Act. I would like to start by thanking members of the Standing Committee on Social Programs for their careful review of the bill.

The Judicature Act governs the jurisdiction of the Supreme Court of the Northwest Territories.

There are two substantive changes to the act. The first adds a new section providing that trade orders obtained against the NWT under the Agreement on Internal Trade may be filed with the clerk of the Supreme Court of the Northwest Territories. Once filed, the order would then be enforceable against the government in the same manner as other orders of the court. The addition of this provision will bring the NWT into line with all other signatories to the Agreement on Internal Trade.

The second substantive amendment expands the authority to make regulations under the act. The current jurisdiction to make regulations is limited to authorizing the reimbursement of expenses of interpreters and witnesses. Although the current regulations allow for fees to be paid to interpreters and witnesses for their services, there is no express authority for those regulations. With the amendments, fees would be authorized for interpreters and witnesses, as well as all others who provide services in the court process.

In addition to the changes I have mentioned, a number of minor housekeeping amendments have also been made.

I would be pleased to answer any questions that the committee members may have regarding Bill 7.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Abernethy. I'll now ask the deputy chair of the Standing Committee on Social Programs, who reviewed this bill, to make opening comments. Mr. Dolynny.

**MR. DOLYNNY:** Thank you, Madam Chair. The Standing Committee on Social Programs conducted its public review of Bill 7, An Act to Amend the Judicature Act, on August 23 and October 29, 2012. The committee thanks the Minister and his staff for presenting the bill.

The bill provides for the enforcement of orders stemming from the national Agreement on Internal Trade in the Supreme Court of the Northwest Territories. The government has been committed to this change since 2009. The bill also allows the Commissioner, on the recommendation of the Justice Minister, to regulate fees and expenses related to court processes.

The committee initiated one amendment to the bill which was adopted during the public hearing with the Minister's concurrence. This amendment provided for the Minister to consult with the Supreme Court before setting fees to help ensure that all citizens have fair access to justice.

Following the committee's review, a motion was carried to report Bill 7, An Act to Amend the Judicature Act, to the Assembly as ready for consideration in Committee of the Whole as amended and reprinted.

This concludes the committee's opening comments on Bill 7. Individual Members may have additional questions or comments as we proceed.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Dolynny. At this time I would like to ask the Minister if he has witnesses that he would like to bring into the Chamber.

**HON. GLEN ABERNETHY:** I do, Madam Chair.

**CHAIRPERSON (Mrs. Groenewegen):** Does the committee agree?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mrs. Groenewegen):** I'll ask the Sergeant-at-Arms to please escort the witnesses to the table.

Mr. Abernethy, for the record, could you please introduce your witnesses?

**HON. GLEN ABERNETHY:** Thank you, Madam Chair. On my right is Mark Aitken, the acting assistant deputy minister for the attorney general branch. On my left is Kelly McLaughlin, the acting director of legislation.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you. General comments. Mr. Dolynny.

**MR. DOLYNNY:** Thank you, Madam Chair. I wish to take just a minute here to clarify in general comments, as indicated in both opening addresses and the one we did from committee, regarding the amendment of the bill which allowed the Minister to consult with the Supreme Court before setting fees or court fees. That reference is to, later on as we'll note in detail, Section 24 of the act and number 2.

What we see within that amendment is a compromise to the true intention of what many in committee were striving to achieve. This concept was fair and reasonable court fees. Now, the department was adamant that this simple concept of fair and reasonable could not be included within the fabric of the act, as it would have had disastrous consequences for a number of other acts that could be challenged in the courts. So again, why the fuss?

In simple terms, court fees which are unreasonably high may pose a barrier to access of the courts and to justice and, as such, can be deemed unconstitutional. Courts should not be run on a cost recovery basis, and seeking to do so would more than likely dissuade the average person from seeking justice.

The committee recognized that some fees are appropriate, but it was important to have some scrutiny of the fees the government charged and to

make sure they do not become real barriers to justice. In essence, the court cannot fulfill its democratic function as an independent and impartial arbiter between government and individual or between individuals if the government limits those who come before the court by means of financial deterrence such as significant, unfair, or unreasonable fees.

The committee could not leave this amendment in the same position; therefore, the oversight of compromise was established with the Supreme Court who deals with average citizens on a daily basis. The committee felt that they were the best able to review the proposed fees and provide advice to government as whether the fees sought to be charged are fair and reasonable, taking into consideration not only the economic needs of government but the circumstances of the average member of the general public.

I would like to thank the committee for allowing me to qualify this amendment in the proposed line that we'll be discussing later on today.

**CHAIRPERSON (Mrs. Groenewegen):** Thank you, Mr. Dolynny. General comments. Does committee agree that we're ready to proceed with clause-by-clause review of the bill?

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mrs. Groenewegen):** We will stand down the title page and preamble. Clause 1.

---Clauses 1 through 24 inclusive approved

**CHAIRPERSON (Mrs. Groenewegen):** Committee, I will return to the title page of this bill. Bill 7, An Act to Amend the Judicature Act, to the bill as a whole.

**SOME HON. MEMBERS:** Agreed.

**CHAIRPERSON (Mrs. Groenewegen):** Agreed. Does committee agree that Bill 7, An Act to Amend the Judicature Act is now ready for third reading?

---Bill 7 approved for third reading

**CHAIRPERSON (Mrs. Groenewegen):** I would like to thank the Minister and his witnesses for their help with Bill 7. Thank you.

**HON. GLEN ABERNETHY:** Thank you, Madam Chair.

**CHAIRPERSON (Mrs. Groenewegen):** Mr. Menicoche.

**MR. MENICOCHÉ:** Madam Chair, I move we report progress.

---Carried

**CHAIRPERSON (Mrs. Groenewegen):** Thank you. I will now rise and report progress.

**MR. SPEAKER:** Can I have the report of Committee of the Whole, Mrs. Groenewegen?

## Report of Committee of the Whole

**MRS. GROENEWEGEN:** Thank you, Mr. Speaker. Your committee has been considering Bill 5, Legal Aid Act, and Bill 7, An Act to Amend the Judicature Act, and would like to report progress with one motion being adopted, and that Bill 7 is ready for third reading, and that Bill 5 is ready for third reading as amended. Mr. Speaker, I move that the report of Committee of the Whole be concurred with. Thank you, Mr. Speaker.

**MR. SPEAKER:** Thank you, Mrs. Groenewegen. Do we have a seconder to the motion? Mr. Menicoche.

---Carried

Item 22, third reading of bills. Mr. Miltenberger.

## Third Reading of Bills

BILL 16:  
SUPPLEMENTARY APPROPRIATION ACT  
(INFRASTRUCTURE EXPENDITURES),  
NO. 2, 2012-2013

**HON. MICHAEL MILTENBERGER:** Thank you, Mr. Speaker. I move, seconded by the honourable Member for Great Slave, that Bill 16, Supplementary Appropriation Act (Infrastructure Expenditures), No. 2, 2012-2013, be read for the third time. Thank you, Mr. Speaker.

**MR. SPEAKER:** Bill 16 has had third reading.

---Carried

Mr. Clerk, orders of the day.

## Orders of the Day

**CLERK OF THE HOUSE (Mr. Mercer):** Orders of the day for Monday, November 5, 2012, at 1:30 p.m.:

1. Prayer
2. Ministers' Statements
3. Members' Statements
4. Returns to Oral Questions
5. Recognition of Visitors in the Gallery
6. Acknowledgements
7. Oral Questions
8. Written Questions
9. Returns to Written Questions
10. Replies to Opening Address
11. Petitions
12. Reports of Standing and Special Committees
13. Reports of Committees on the Review of Bills
14. Tabling of Documents

## 15. Notices of Motion

## 16. Notices of Motion for First Reading of Bills

## 17. Motions

- Motion 18-17(3), Appointment of Two Members to the Human Rights Adjudication Panel
- Motion 20-17(3), Mental Health and Addictions Resources
- Motion 21-17(3), Federal Changes to Environmental Law

## 18. First Reading of Bills

- Bill 17, Supplementary Appropriation Act (Operations Expenditures), No. 2, 2012-2013

## 19. Second Reading of Bills

- Bill 15, An Act to Amend the Human Rights Act, No. 3

## 20. Consideration in Committee of the Whole of Bills and Other Matters

- Bill 12, An Act to Amend the Human Rights Act, No. 2
- Bill 13, An Act to Repeal the Credit Union Act

## 21. Report of Committee of the Whole

## 22. Third Reading of Bills

- Bill 5, Legal Aid Act
- Bill 7, An Act to Amend the Judicature Act

## 23. Orders of the Day

**MR. SPEAKER:** Thank you, Mr. Clerk. Accordingly, this House stands adjourned until Monday, November 5, 2012, at 1:30 p.m.

---ADJOURNMENT

The House adjourned at 1:44 p.m.

