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The Honourable Jackson Lafferty, Speaker

Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES**Tuesday, March 12, 2019****Members Present**

Hon. Glen Abernethy, Mr. Beaulieu, Mr. Blake, Hon. Caroline Cochrane, Ms. Green, Hon. Jackson Lafferty, Hon. Bob McLeod, Hon. Robert McLeod, Mr. McNeely, Hon. Alfred Moses, Mr. Nadli, Mr. Nakimayak, Mr. O'Reilly, Hon. Wally Schumann, Hon. Louis Sebert, Mr. Simpson, Mr. Testart, Mr. Thompson, Mr. Vanthuynne

The House met at 1:32 p.m.

Prayer

---Prayer

SPEAKER (Hon. Jackson Lafferty): Good afternoon, Members. Ministers' statements. Minister of Education, Culture and Employment.

Ministers' Statements

**MINISTER'S STATEMENT 170-183:
FOSTERING RELATIONSHIPS IN INCOME
SECURITY**

HON. CAROLINE COCHRANE: Mr. Speaker, income security programs are a vital piece of the societal safety network that together help address the needs of NWT residents. Those who access programs within this complex network are often at a point of vulnerability in their lives. It is good government practice to continually review and evaluate programs, especially social ones, to ensure that those in need are being provided appropriate supports and services.

Over the past three years, the department has implemented a number of enhancements to its suite of income security programs to better support NWT residents. By seeking input through fostering positive partnerships and having solutions-based conversations with important stakeholders, we continue to gain valuable insight for further improvements.

I am pleased to advise that, in December, I met with people who have accessed programs along with non-government social organizations to hear their priorities and solutions for the Income Assistance program. People accessing services and those working directly with people accessing income assistance have the experience and the knowledge to know what's working and what is not, as well as provide invaluable solution-based recommendations.

Mr. Speaker, I am accountable for ensuring that the programs and services offered by the Department of Education, Culture and Employment are helpful to the populations they are intended to serve. I

have heard from our stakeholders that the Income Assistance program can be difficult to understand and navigate. As a result, the department is working on improved communication products and ensuring staff have the right tools to help clients understand available programs and their requirements.

I have also conducted a survey of front-line staff and invited Indigenous governments and Members of the Legislative Assembly to provide their input and views on suggested changes to the Income Assistance program. All of these suggestions and solutions I hear will inform our approach to any future program changes.

I remain committed to ensuring that the priorities and suggestions that have been identified by program recipients and those who work closely with them will be considered. Department staff have already begun to identify potential changes that can be made immediately and to develop a plan to consider the more complex medium- and long-term priorities. In the spirit of transparency, the department has shared a "what we heard" report from our meeting in December with the public, on the ECE website.

Mr. Speaker, I am pleased to have started this conversation with staff, partners, and stakeholders. It is my intention to incorporate what we have heard when making changes to the Income Assistance program so that Northwest Territories residents receive the highest-quality service when accessing income security programs and services. Mahsi, Mr. Speaker.

MR. SPEAKER: Ministers' statements. Minister responsible for the NWT Housing Corporation.

**MINISTER'S STATEMENT 171-18(3):
NORTHERN HOUSING SUMMIT**

HON. ALFRED MOSES: Mr. Speaker, there have been many positive initiatives developed as we have worked to fulfill mandate commitments related to housing. Good-quality and affordable housing in our communities cannot be brought about just from the efforts from government. We need to engage all parties that have the capability and the willingness to improve housing conditions for our residents.

Mr. Speaker, I will be hosting a Northern Housing Summit in Inuvik on April 24 and 25, 2019, with the express intent of creating more housing partnerships. Invitees include representatives of all governments, development corporations, private industry, non-governmental organizations, political leaders, and other decision-makers.

We have made great strides in collaboration already through the Community Housing Support Initiative, the Community Housing Plan process, and the Northern Pathways to Housing projects. Through these initiatives, we are reaping the rewards of working together to meet community needs.

These initiatives are best practices in housing, Mr. Speaker. We need to share how we achieved these successes and move forward on implementing them in other communities. These approaches acknowledge that housing decisions and planning cannot be undertaken by one party alone. To truly lead the way with housing, we all need to work together.

Mr. Speaker, this Northern Housing Summit will also help position our stakeholders to take advantage of the unprecedented level of housing investments available now. For instance, with the National Housing Strategy, we are seeing funding that can be accessed at the local level. Speakers from the federal government in attendance at the Northern Housing Summit will give stakeholders the opportunity to learn more about how to access these investments. They will be able to sit down with multiple parties to explore their housing ambitions through the partnership-based National Housing Co-investment Fund. Participants will hear about investment opportunities under the Northwest Territories Housing Corporation's Community Housing Support Initiative. Additionally, there will be information on how to access funding to train youth and support apprentices.

Participants will not only be hearing from government. Community proponents will be speaking about their experiences with housing planning and developing housing projects. Other topics include developing the next generation of skilled trade workers, pan-northern housing construction practices, and Indigenous housing design. Invitations will also be going out to housing experts in other northern jurisdictions so that they can share their knowledge and experiences.

Further, we know that there are challenges for some Indigenous groups in the Northwest Territories in accessing federal funds identified under the Indigenous Housing Fund streams. I will meet with Indigenous leaders attending the summit to look at how we can ensure that all our Indigenous governments can access this funding.

We have had great success in our partnership with the Inuvialuit Regional Corporation, and I would like to see that success expand across the Northwest Territories.

The Northern Housing Summit is also forward-looking. We must all do our part to fight climate change, and action is needed in the housing field, as well. Attendees will be able to participate in a Green Energy Solutions session. Approaches and technology change and improve over time, and this event can showcase those advances and highlight efforts already undertaken in the North that have yielded results.

Mr. Speaker, the Northern Housing Summit will be a great opportunity for communities and stakeholders to come together, learn from each other, and forge a new and shared future for housing in the Northwest Territories. I am looking forward to hosting this event and to the opportunities and investments that will come from it. Marsi cho, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Minister of Infrastructure.

MINISTER'S STATEMENT 172-18(3):
UPDATE ON NEW TRANSPORTATION
CORRIDORS

HON. WALLY SCHUMANN: Mr. Speaker, the Government of the Northwest Territories has been working hard to fulfill its mandate commitment to secure funding to advancing planning and construction of priority transportation corridors in the Northwest Territories. This includes upgrading the winter road portions of the Mackenzie Valley Winter Road to an all-weather highway and planning for the Slave Geological Province Corridor. Today I am pleased to provide an update on the status of these strategic infrastructure projects.

In November 2018, the Honourable Francois-Philippe Champagne, Minister of Infrastructure and Communities and Member of Parliament for the Northwest Territories Michael McLeod joined me and other special guests in Norman Wells to celebrate the official opening of the Canyon Creek all-season access road. This road will become a segment of the Mackenzie Valley Highway and is another incremental improvement to this corridor.

This project provided meaningful training and educational experience for local residents. At the peak of construction activity in March 2018, 81 people were employed, of whom 36 were local Sahtu residents and 28 were Northerners from other parts of the territory.

The Canyon Creek all-season access road is a great example of a capacity-building exercise that will prepare residents to take advantage of the opportunities that will come as we continue construction on the Mackenzie Valley Highway.

Mr. Speaker, partnerships with Indigenous organizations are critical to the success of our strategic corridor projects, including the Mackenzie Valley Highway. The Department of Infrastructure commenced its engagement efforts this past month by holding initial community engagement sessions and meetings with community leadership in Norman Wells, Tulita, Wrigley, and Fort Simpson. Discussions focused on the way forward for environmental reviews and permitting of this project, and how to maximize benefits to the people of the region. Many supportive comments were received, with leaders and residents interested in understanding when construction could begin and what types of training, employment and business opportunities would be available.

Mr. Speaker, our government reached another landmark last week to advance the Slave Geological Province Infrastructure Corridor that includes transportation, communications, and energy transmission. While at the Prospectors and Developers Association of Canada Conference in Toronto last week, I joined Parliamentary Secretary Paul Lefebvre to announce funding to support this project. The funding will go toward the planning of the corridor, including the investigation of potential sources and planning and environmental studies to help advance this project as well as contribute to aerial geophysical surveys of the region. A total of \$6.8 million will be invested, with the Canadian Northern Economic Development Agency, also known as CanNor, providing \$5.1 million of the funding, and a further \$750,000 will come from academic institutions, and the remaining amount will come from the GNWT.

The Department of Infrastructure is currently finalizing a comprehensive project application for funding to advance the Slave Geological Province Corridor under the northern call for the National Trade Corridors Fund. If approved, funding will go toward environmental planning and engineering studies for the corridor and completing the environmental assessment and regulatory processes for the first segment to Lockhart Lake. As we await the funding announcement, the department will continue to pursue opportunities to partner with Indigenous groups on this transformative infrastructure project.

Mr. Speaker, an important component of the Slave Geological Province Corridor that the department is also advancing the replacement of the Frank Channel Bridge on Highway No. 3. Building a new bridge across the Frank Channel would eliminate a

major bottleneck in the resupply system from southern Canada to Yellowknife and the diamond mines.

When the bridge was constructed in 1960, it was designed for trucks weighing up to 32,000 kilograms. Structural improvements have been made to the bridge over the years to allow for commercial truck loads to 63,000 kilograms. However, the existing structure is nearing the end of its service life, and the through-truss design limits the size of loads.

The Department of Infrastructure is engaging with the community of Behchoko and the Tlicho Government on the required relocation of the bridge, and is continuing to assemble the required pre-engineering and environmental baseline work to prepare us for its replacement. The department is also finalizing a comprehensive project application to replace the Frank Channel Bridge under the northern call of the National Trade Corridors Fund.

Mr. Speaker, transportation corridor infrastructure plays a very important part in the health of our communities and the prosperity of the Northwest Territories, not just because of the connections that it will make, but also because of the skills, training, and economic opportunities that construction projects bring to the communities and residents. We look forward to continuing to work closely with our partners, including the federal government, and to building a safe, efficient, and resilient infrastructure system that meets the needs of the North. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Item 3, Members' statements. Member for Mackenzie Delta.

Members' Statements

MEMBER'S STATEMENT ON CONGRATULATIONS TO NEW CHIEF AND COUNCIL IN TSIIGHEHTCHIC

MR. BLAKE: Thank you, Mr. Speaker. Today I would like to take this opportunity to congratulate Chief Phillip Blake of Tsiigehtchic. Yesterday the community was busy with the election, with a total of four people running for chief. As for the council, they were all acclaimed, with an all-ladies council made up of Julie-Ann Andre, Charlene Blake, Jamie Benoit-Cardinal, Cindy McDonald, and Shelly Vanloon.

Mr. Speaker, I look forward to working with Chief Phillip Blake and his council throughout the rest of our term and wish them all the best throughout their term, as well. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements.
Member for Kam Lake.

MEMBER'S STATEMENT ON ONLINE SAFETY FOR CHILDREN

MR. TESTART: Mr. Speaker, our children's safety is always a concern for parents, especially when it comes to their interactions on social media. The next generation is growing up in a rapidly-changing technological environment, and although this has the possibility of reward and greater individual potential, not everyone or everything online will have your best interests in mind.

News of the "Momo Challenge" has been making the rounds, reportedly an online phenomenon where people, mainly children, are sent disturbing images on social media and are told to act out until a point of self-harm. Thankfully, this has been debunked as a hoax.

Mr. Speaker, in this ever-increasing complex age, we, as parents, teachers, and even our elders, in regard to our children, must remain eternally vigilant. This is because the Internet and all of the possibilities that come with it have the potential to expand an individual's capacity and ability to network, but it also carries the risk of spreading false, misleading, and truly frightful information. I am glad to hear of some school boards from across the country issuing tips and resources for child safety and parent awareness on social media and on other web-based applications.

Mr. Speaker, when used properly, the Internet is an incredible tool for learning and communication, but our most vulnerable need to know how to be safe online and how to scrutinize the information that they come across. Parents should discuss where online devices are kept at home and when kids are allowed to have access to them.

Mr. Speaker, it is important that all of us who use the Internet practice and hone our hoax detection skills, teach them to our children, and ensure that those who are most vulnerable in our society are aware of the devious tricksters, pranksters, and troubled persons who will try to take advantage without having fully pondered the consequences.

Mr. Speaker, the online world has created an interconnected society like no other in the history of the world. Our children are set to inherit the incredible possibilities of this world, and it is up to us to ensure that they are prepared to be responsible online citizens who know how to keep themselves safe. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements.
Member for Nahendeh.

MEMBER'S STATEMENT ON LONG-TERM CARE IN FORT SIMPSON

MR. THOMPSON: Thank you, Mr. Speaker. Long-term care facilities provide an essential and critical service to our elders population, along with society as a whole. Long-term care facilities, very much like the elders' home in Fort Simpson, provide our elders with 24-hour professional care in terms of their physical, mental, emotional, social, and often psychological needs. Many of our elders require 24-hour care, much of which the family is unable to provide. Consequently, making the decision to place loved ones in long-term facility is never an easy one.

When an elder moves from their place of residence to a facility, there is always a very stressful and emotional time of transition. More often than not, the elder is not able to express their personal autonomy in this decision. In these times, the professional staff offering the elder a great measure of compassion, kindness, and consideration in terms of this life-changing transition is critical.

Long-term care facilities not only meet the essential needs of the elderly population; they also assist with activities of daily living, medical help, monitoring and administration of medication, nutritious food, and the access to traditionally prepared food on a daily basis, with the health, safety, and wellness of our elders a continuous focus and priority. They often offer essential services which stimulate the fundamental need for socialization, independence, and interdependence.

Showcasing the Fort Simpson elders' home is exactly that; a home, not an institution, nor does it look or operate as such. The management and staff at the elders' home deliver exemplary, high-quality service to our elders, providing not only professional care, but compassionate, person-centred care with an optimal team approach to each resident's need. The staff is critically sensitive and aware of the culture of the residents who they serve and go out of their way to provide traditional food on an ongoing businesses. Family and community members are encouraged to participate in any and all activities and are warmly welcomed by all staff members.

A critical piece of this incredible service offered to our elders is the representation and delivery of the meals that they receive. The meals are prepared and placed on Bunsen burners to keep them warm, put on a trolley, and served to each resident in their individual seats. Residents can then choose what they would like to eat and the proportion size, hence encouraging independence and autonomy.

Mr. Speaker, I would like to take this opportunity to sincerely thank the management and staff of the

Fort Simpson elders' home for the generous love and care that they express to our elders each and every day. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Yellowknife North.

MEMBER'S STATEMENT ON
REGULATED MINIMUMS FOR MINERAL
EXPLORATION WATER LICENSES

MR. VANTHUYNE: Thank you, Mr. Speaker. At devolution, the GNWT finally acquired control of our waters. The idea was that the NWT could control our own resources and destiny. Upon devolution, the NWT enacted the Waters Act and Waters Regulations. These essentially mirrored the former federal acts. Since then, we have done very little to adapt those regulations to our local conditions.

Mr. Speaker, under the Waters Act, the "Commissioner in Executive Council," meaning the GNWT Cabinet, can amend the regulations. This authority could help us fulfill our mandate for growing our economy and reducing regulatory duplication. How? The most important thing that Cabinet could do is to change the thresholds for water use requiring a licence. Currently, if you use more than 100 cubic metres, you need a licence. That is the quantity that we inherited from the feds, and unlike our neighbours, we haven't updated that amount.

Mr. Speaker, after devolution in 2003, Yukon changed that threshold to 300 cubic metres. Later, Nunavut did the same. Now exploration in Yukon and Nunavut is outpacing us in the NWT.

We can change that limit, too, Mr. Speaker. We don't need repatriation of the MVRMA. We don't need new legislation. Cabinet can do this by regulation. That is what devolution intended, for us to be masters of our own house.

Why is this important, Mr. Speaker? Most of the water that I am talking about is critical for exploration projects. A limit of 300 cubic metres is enough water to operate six to nine drills. That amount strikes an appropriate balance between protecting our environment and reducing the regulatory burden. 300 cubic metres is a limit within which responsible exploration companies can operate. Beyond that, they would need a licence from one of our water boards, and Cabinet can also prescribe conditions for that licensing to go ahead.

Mr. Speaker, we compete for the same investment dollars as Yukon and Nunavut. We can offer more robust exploration capacity to resource companies by raising the water use threshold. Our sister territories have done this and still maintain very high environmental protection standards.

I am not suggesting that we allow unlimited use of our water or let developers go unregulated. Quite the contrary. They would still be required to report to inspectors and obtain land use permits. That is as it should be.

Mr. Speaker, a well-balanced regulatory system benefits us all. At the appropriate time, I will have questions for the Premier. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Sahtu.

MEMBER'S STATEMENT ON
DELINE GOT'INE SELF-GOVERNMENT

MR. MCNEELY: Thank you, Mr. Speaker. Today I want to talk about the importance of self-determination and the role of self-government in creating a strong and vibrant future for the communities of the Northwest Territories, specifically, Mr. Speaker, the Deline Got'ine Government.

On March 12, 2014, eligible voters overwhelmingly approved the Deline Final Self-Government Agreement. Mr. Speaker, 84 percent of the eligible voters said yes.

In September 2015, the Deline First Nation, the Deline Land Corporation, and the Deline Charter Community began the process of preparing on coming together underneath the Deline Got'ine Government structure.

The Deline Got'ine Government began operating on September 1, 2016, Mr. Speaker. This is the government that elders envisioned.

Today, Mr. Speaker, the Deline Got'ine Government is working with the Government of the Northwest Territories and the Government of Canada to implement self-government. The Deline Got'ine Government is an inclusive government that respects and serves all residents of the community. Their vision is to be able to provide quality programs and services to their own people. They are working with both governments of the NWT and Canada to do just that.

Mr. Speaker, part of self-determination is being responsible, building government-to-government relationships. Given this, the DGG is pursuing a bilateral relationship with the Government of the Northwest Territories.

Mr. Speaker, a memorandum of understanding between the Deline Got'ine Government and the GNWT is the logical first step. It will create the space for important issues such as caribou management and many others at the highest levels of leadership. The GNWT's own Respect, Recognition, and Responsibility Document commits

the government to negotiating and signing these agreements.

Later, Mr. Speaker, I will have progress questions of the Deline Got'ine Government and GNWT bilateral agreement to the Premier. Mahsi.

MR. SPEAKER: Masi. Members' statements. Member for Deh Cho.

MEMBER'S STATEMENT ON HOME CARE IN ZHATIE KOE

MR. NADLI: Thank you, Mr. Speaker. Taking care of elders is an important part of Dene culture, and we take it very seriously in Deh Cho communities. At a recent constituency meeting in Fort Providence, it was pointed out that two additional positions are needed for homecare. [English translation not provided]

Mr. Speaker, the Minister of Health and Social Services has informed me that two home support worker positions are filled, although the homecare nurse position is vacant. I am concerned that, with about 40 clients, the home support workers are booked solid and other elders who need service are unable to get help.

Mr. Speaker, the Deh Gah Gotie First Nation previously ran a successful homemaker program through an agreement with the GNWT. Unfortunately, this funding was cut off, and we no longer have the program.

I am also concerned that more of our elders will wind up living in regional centres where our government has concentrated its facilities for seniors. When this happens, it erodes the fabric of our small communities and our culture. If facilities cannot be built in small communities, we must have more homecare to help our elders stay in their homes.

Mr. Speaker, I wrote the Minister of Health and Social Services about this issue. I explained the need for two more homecare workers in Fort Providence. It is a small request, and there are people in the community who can do these jobs. To date, I have seen no progress. There is nothing to indicate that the voices of our elders in Zhatie Koe are being heard or that their needs will be met by this government.

Mr. Speaker, residents of our small communities are entitled to health services on par with those enjoyed by other Canadians. I know very well that we do not live up to that goal. I am not asking for a hospital in Fort Providence. I am asking for two homecare workers to help our elders live well in their final years. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Frame Lake.

MEMBER'S STATEMENT ON NORTHWEST TERRITORIES CONSUMER RIGHTS AND PROTECTIONS

MR. O'REILLY: Merci, Monsieur le President. The need for improved consumer rights and consumer protection remedies is a topic that all NWT residents have a stake in. I will raise a few points on this.

First is the lack of vigour and effectiveness of our consumer protection processes under our territorial Consumer Protection Act. The act lists areas of jurisdiction, but the real teeth that we're looking for, enforcement, is non-existent to weak at best. There is a process for complaints, investigations, and government intervention as an arbiter, but there is no final bite in the ability to issue binding orders, assign damages, or outlaw unfair practices.

We had the example of a local restaurant falsely describing its fish as locally caught. Media exposure was the only means that fixed the issue. We had testimony during review of the Municipal and Community Affairs budget, describing the department's follow-up on apprehensions of price fixing in the gasoline market. The MACA witness said that the department analyzed market price trends and then contacted gas vendors to discuss why prices never appeared to change. The MACA witness claimed that, as a result of this attention, gas stations' prices began to drop. Again, even if a full-blown price-fixing scheme had been uncovered, there was nothing in law the department could do to change such a situation.

I've raised these concerns before. As we near the end of this Assembly, we know that changes to the Consumer Protection Act are not on the legislative horizon. The Consumers Council of Canada cites an International Charter of Consumer Rights, which includes, "the right to be compensated for misrepresentation, shoddy goods, or unsatisfactory services." We must strive for that standard, Mr. Speaker.

Other major consumer protection issues include multi-jurisdictional authorities and remote sellers, major sources of grievance for our residents. In addition to giving our consumer law authority to allow for improved remedies, we need to align our processes with areas of federal authority -- complaints with air travel are an excellent example. Who hasn't missed a flight here because of air carriers -- and design law that has teeth in a world of on-line shopping. Big challenges, Mr. Speaker. I will have questions for the Minister on how we prepare the path forward for the 19th Assembly

towards improved consumer protection. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Hay River North.

MEMBER'S STATEMENT ON GROWING TOGETHER PARENTING PROGRAM

MR. SIMPSON: Thank you, Mr. Speaker. Today I want to talk about an organization that is near and dear to the hearts of many families in Hay River and has been for the last 22 years. Growing Together is a non-profit organization that offers free programs for parents and their children aged zero to five. Before Growing Together, there was very little in terms of parenting programs in Hay River. I believe there was one that parents could attend once or twice a month.

Today, Growing Together offers a variety of programs throughout the week, and they are always well attended. It is not uncommon to see two or three dozen children in attendance with their mothers, and some day-home operators, as well. When I visited, there were 50 kids, 19 adults, and three staff members. Last year, 275 mothers and children attended the program throughout the year. There is no doubt that it is popular.

However, ECE has decided to revamp its Healthy Children Initiative, which is the funding pot that has made these programs possible for the last 22 years. The new criteria has shifted focus and no longer supports parenting programs. Funding to programs like Growing Together will be phased out over the next three years. On April 1st, Growing Together will receive 25 percent less funding than it did this year. The year after, it will receive 50 percent less. The year after that, it will take another hit until it finally receives nothing in the fourth year.

Mr. Speaker, earlier I said that this program was near and dear to the hearts of many. That was a bit of an understatement. When the folks at Growing Together found out that their funding was going to be cut, they invited me to meet with some of the mothers who attend their programs so I could hear directly from them.

Mr. Speaker, I have been to quite a few public meetings, so I know that it can be tough to get people out. However, on a Tuesday evening when it was minus 30, over 20 mothers and day-home providers showed up to let me know just how important these programs are. It was quite a touching evening.

They spoke about what Growing Together means to them, about how valuable it is for their children, about how valuable the emotional support offered by the other mothers is, about how having these

programs and this community as a constant has helped their mental health, about how they can share stories and get advice from other mother who have been through the same things, and so on. Mr. Speaker, in the end we received 30 letters of support, which I have passed on to the Minister.

Mr. Speaker, this is a program worth saving. I will have questions for the Minister of Education, Culture and Employment about how we can do that. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Item 4, reports of standing and special committees. Member for Yellowknife Centre.

Reports of Standing and Special Committees

COMMITTEE REPORT 14-18(3): INTERIM REPORT ON INCREASING THE REPRESENTATION OF WOMEN IN THE LEGISLATIVE ASSEMBLY

MS. GREEN: Mahsi, Mr. Speaker. Your Special Committee to Increase the Representation of Women in the Legislative Assembly is pleased to provide its interim report on increasing the representation of women to the Legislative Assembly and commends it to the House.

Introduction

The Legislative Assembly of the Northwest Territories (NWT) has the lowest percentage of women Members of any Canadian legislature. NWT voters elected two women to the Assembly in 2015, or 10.5 percent of Members. By comparison, Nunavut has six women Members, or 27.3 percent, and Yukon seven, representing 36.8 percent.

On March 8, 2018, this Legislative Assembly adopted a motion to increase the representation of women in the Legislative Assembly to 20 percent by 2023 and 30 percent by 2027. The Assembly created the Special Committee to Increase the Representation of Women in the Legislative Assembly and tasked it with identifying a wide range of strategies to achieve these goals.

The special committee began work on November 28, 2018 and has since held several public hearings, received written submissions and additional requests for meetings with interest groups. Overwhelmingly, we heard that women face many obstacles to running for elected office in the Northwest Territories. In addition, we heard that initiatives to assist women prepare for participation in politics are far too few and infrequent. The special committee also heard that the Legislative Assembly should be more family-friendly.

Given this feedback, we decided to provide the public with an interim-report focused on systemic barriers to women's full participation in the NWT's political life.

While the Special Committee's work is not complete, we are sharing what we have heard and recommendations intended to improve conditions for women's engagement in politics. A final report will be tabled before the end of this 18th Legislative Assembly. It will include discussion and recommendations on electoral processes and legislative change.

Special Committee Mandate

On March 8, 2018, the Legislative Assembly unanimously passed Motion 13-18(3), Increasing Women's Participation in the Legislative Assembly. This motion calls on the Members of the Legislative Assembly to support "the goal of increasing women's representation in the Legislative Assembly to 20 percent by 2023 and 30 percent by 2027"; "work together and individually to identify and implement a wide range of strategies, including positive action, public debate, and training and mentoring for women as leaders, to achieve these goals."

On November 1, 2018, the Legislative Assembly adopted a motion and created the Special Committee to Increase the Representation of Women in the Legislative Assembly. The terms of reference detail the special committee's tasks and include the following:

- The special committee is committed to consult with relevant interest groups within the Northwest Territories, in Canada, and internationally, as appropriate.
- The special committee will consider relevant studies or reports aimed at increasing the representation of women, including Tabled Document 208-18(3), Discussion Paper - "Temporary Special Measures" To Increase the Representation of Women in the NWT Legislative Assembly.
- The special committee will prepare a report and present it to the House no later than the first day of the final sitting of the 18th Legislative Assembly.
- The report should identify, describe, and, where appropriate, make recommendations with respect to:
 - the barriers that prevent women from running, incentives that mitigate these barriers, along with incentives to increase the representation of women in the Northwest Territories

Legislative Assembly;

- solutions designed to increase women's representation in the 20th Legislative Assembly to 20 percent, and in the 21st Legislative Assembly to 30 percent; and
- changes to any current rules of the Legislative Assembly and the current and related legislation, or policies and programs of the Government of the Northwest Territories and the Legislative Assembly.

Discussion

The Speaker of the NWT Legislative Assembly tabled a report to generate discussion on how to increase women's representation. The discussion paper "Temporary Special Measures to Increase the Representation of Women in the NWT Legislative Assembly" presents a model based on the system used in Samoa, which amended its constitution to guarantee a minimum number of seats for women. The paper describes how this system could be applied to activate increased women's participation in our legislature.

Worldwide, governments and political parties have adopted various measures to increase representation by women. These range from constitutional or legislated requirements to voluntary targets set by political parties. Studies show that mandatory or guaranteed seats produce significantly higher numbers and quicker results than voluntary targets. Additionally, more women are elected in systems with proportional representation than in "first-past-the-post" systems such as Canada and the NWT has, where voters indicate on a ballot the candidate of their choice, and the candidate who receives the most votes, wins.

Taiwan (Republic of China) is an interesting example. The state adopted reserved seats for women in the 1950s and was one of the earliest countries in the world to do so. Of Taiwan's 113 seats, 73 represent single-member-districts elected much as they are in Canada; 34 are filled from party lists on the basis of a nationwide vote for proportional representation, and six seats are reserved for aboriginal representatives from the three districts.

Voluntary quotas are not an option in electoral systems without political parties, such as our own consensus government. If guaranteed seats are deemed necessary in the NWT, they would have to be legislated as suggested in the Speaker's discussion paper.

Before the creation of Nunavut in 1999, an appointed implementation commission recommended a gender-equal Legislative Assembly. A man and a woman would be elected by all voters in each district. The proposal was put to a non-binding public vote in May 1997, resulting in 57 percent of ballots against the idea. Had the system been implemented, Nunavut's Assembly would have been the world's first gender-equal, democratically elected legislature. Currently, six of 22 Members (or 27 percent) of Nunavut's Legislative Assembly are women.

Electoral systems cannot be the sole tool to increase women's representation because the social, cultural, political, historical, and economic realities of each jurisdiction will influence the effects that measures and incentives have on women's participation.

Changing the workplace by providing opportunities for work-life balance also can have a positive effect on increasing the share of women in Legislative Assemblies.

I'd like to now turn over the reading to the honourable Member for Range Lake.

MR. SPEAKER: Masi. Member for Range Lake.

HON. CAROLINE COCHRANE: Thank you, Mr. Speaker.

Political Participation

The percentage of women in national legislatures has become a standard measure of a country's achievement in women's political participation. The presence of women in legislatures is considered essential to encouraging citizen engagement and building a representative democracy because women represent half the population.

The number of women in legislatures is increasing throughout the world. The East African country of Rwanda tops the global list, with 49 women holding 61.3 percent of the seats in the national legislature. Cuba is second, with 53.2 percent; Bolivia third at 53.1 percent; and Mexico is fourth, with 48.2 percent. The 13 countries with representation of women above 40 percent include the Nordic countries Sweden, Finland and Norway, but also Grenada, Namibia, Costa Rica, South Africa, and Senegal. When looking at regional averages, the Nordic countries lead, with 42.3 percent; followed by the Americas, with 30.3 percent; and Europe, with 26.5 percent, excluding the Nordic countries.

In 2018, Quebec voters elected 52 women to its National Assembly of 125 seats, or 41.6 percent, the highest in Canada. In the same year, Ontario voters elected 49 women to take 39.5 percent of seats in Queen's Park. In British Columbia, where

111 women ran in the provincial election, 34 were elected, taking 38.5 percent of the seats. Canada's Parliament has 90 women Members, representing 26.9 percent, ranking 59th globally.

Research determined that more women are elected in systems with party lists, proportional representation, and large districts. Most political parties have introduced candidate quotas for women based on party internal decisions. However, obstacles reported in party systems include barriers in the candidate recruitment and selection process, party discipline, and gender-biased media coverage. Tactics such as assigning first-time women candidates to ridings with strong incumbents are a disadvantage to women.

In non-partisan systems like the NWT's and Nunavut's, the individual candidate cannot rely on party support nor expect the barriers mentioned above. In the absence of political parties, candidates run as independents in consensus government.

What Women Bring to the Table

The critical threshold of women required in a legislature to bring about significant and lasting policy change is 30 percent, according to the United Nations. Globally, 49 countries have exceeded that mark. As of November 2018, the percentage of women in legislatures worldwide was 24.1 percent.

Increasing the number of women in positions of political power affects many aspects of society. Differences in priorities have been studied, with findings that women members of parliament more often address issues of social policy, family policy, and care for the elderly or healthcare in their election campaigns than their male counterparts. Research literature suggests that women politicians are more likely than men to advance women's rights in areas such as pay equity, violence against women, healthcare, and family policy.

Researchers investigated the relationship between the growing number of women in Canada's 10 provincial governments and changes in population health over time. The authors conclude that women in government can bring about desirable changes in reducing mortality rates by triggering specific types of government spending, including medical care, preventive care, post-secondary education, and social services.

Not all women Members of the Assembly prioritize and find the same solutions to the same problems. While research suggests that women's leadership may reduce partisan combativeness and advance issues of gender equality, childcare, and pensions, it cannot be assumed that women and men implement leadership in the same way, or that

leadership styles are distinctly fixed to gender. One research project found women leaders tend to be more relationship-oriented, while their male counterparts were more task-oriented. However, women leaders also tend to abandon their styles when in male-dominated leadership roles.

Women in government appear to govern differently than men. Research suggests that women tend to interrupt less, pay closer attention to other people's non-verbal signs, and use a more collaborative governing style than men. Women also govern differently by behaviour, opinion, and attitude, with consequences such as change in internal working procedures or encouragement for more trust in government, according to research.

Women legislators continue to embrace women, children, and family as priority issues; men do not share these priorities as often. Research found that women and men legislators over time have been agreeing more on ideas on how to work and develop procedures and process improvements. However, when it comes to choosing subjects, women and men continue to have different priorities in the topics they wish to see addressed.

I would like to now hand the report over to the honourable Member for Tu Nedhe-Willideh. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Member for Tu Nedhe-Willideh.

MR. BEAULIEU: Thank you, Mr. Speaker.

A Slow Process

The United Nations (UN) Commission on the Status of Women exists since 1946. The 1953 Convention on the Political Rights of Women adopted by the UN General Assembly is the first international treaty guaranteeing that women be entitled to vote in all elections, be eligible for election to all publicly elected bodies, and be entitled to hold public office on equal terms with men.

In 1979, the Convention on the Elimination of All Forms of Discrimination Against Women was adopted by the UN General Assembly and ratified by 189 states, including Canada. One of its 16 core provisions guarantees women equality in voting and participation in government and organizations concerned with public and political life of a country.

The 2011 UN General Assembly Resolution on Women's Political Participation expressed concern that women worldwide continue to be marginalized from political activities due to "discriminatory laws, practices, attitudes, and gender stereotypes, low levels of education, lack of access to healthcare, and the disproportionate effect of poverty on women." This resolution reaffirms obligations of all

states to protect human rights, recognizes the role of UN women, its goal of gender equality and empowerment of women, and recognizes the important contributions "women have made toward the achievement of representative, transparent, and accountable governments in many countries."

Several indexes have been developed to measure gender equity worldwide. The UN Gender-related Development Index, the World Economic Forum Gender Gap Index, the International Save the Children Alliance Mothers' Index, and the Social Watch Gender Equity Index all rank countries by the number of women in parliament. The rankings are reported on the Inter-Parliamentary Union's website, <http://www.ipu.org>.

The pace at which women have been elected to legislatures worldwide has been called "glacial."

What We Have Heard

We heard that the essential voices of women are missing in the NWT Legislative Assembly, its committees, and Cabinet. The special committee received passionate and well-informed calls for the Assembly to take action to increase women's participation.

We also heard that equal representation can make a difference and that there is awareness that women's leadership gives strength to and improves political decision-making. When women are equally represented, multiple viewpoints are taken into account and conduct tends to be more respectful.

Cultural barriers, financial and other challenges to campaigning, access to information and knowledge on consensus government, and uncertainty about the responsibilities of Members of the Legislative Assembly were among the most common topics to arise during conversations in public hearings conducted by the special committee.

Encouragement and social support for candidates, more consideration for women's roles in the care of children and family, workshops on campaigning, helping young women to see politics as a career choice, and enhancing the Northern Studies curriculum were among the concrete suggestions to help overcome the obstacles women see on their path toward equal political participation.

The committee has received specific requests to identify how the NWT Legislative Assembly's building can be changed to better accommodate women, and how policies could be improved to create a more women- and family-friendly environment.

Women's Candidacy

Canadian federal elections show that the most important factor in women getting elected is the decision to run for office in the first place. In 2015, of all Parliamentary candidates, 29.9 percent were women. Today, nearly the same amount, 27 percent, of Canada's Members of Parliament are women.

Since 1999, NWT elections have had women candidates in only eight, nine, or 10 of the 19 ridings. The high was 10 candidates in 2007. In 2015, there were nine women candidates in nine of the 19 ridings, and two were elected.

Women must be willing to stand as candidates in order to be elected. The decision to become a candidate and run for a seat in an election is an individual choice, but women report many obstacles they must consider when choosing to run.

A 2014 study by the Inter-Parliamentary Union found that, globally, the top five factors deterring women from entering politics are:

- Domestic responsibilities;
- Prevailing cultural attitudes regarding the roles of women in society;
- Lack of support from family;
- Lack of confidence; and
- Lack of finance.

Media can also play a role in women's participation in public life and politics, whether at the local, regional, or national level. Gendered comments, sexist jokes, labelling of women politicians, focusing on a woman's physical attributes, and using stereotypes detract from women candidates' platforms and achievements.

Discussion is ongoing on how Indigenous communities are impacted by the gendered process of colonization, including the failure of mainstream Indigenous organizations to mobilize around these impacts. Indigenous women's experiences of colonization have had particularly negative impacts on their ability to achieve positions of power within Canadian or Indigenous governments or organizations, according to research.

Research has attempted to connect the historical stereotyping of Indigenous women to the current high numbers of unsolved crimes against them. Colonialist interpretations and misinterpretations based on ethnocentric views have contributed to stereotypes that, in turn, are said to have led to negligence in solving crimes against Indigenous women. Understanding how gender roles changed during the history of contact with a patriarchal European colonial society, how it has contributed to

today's high rate of violence against Indigenous women, and how this in turn has contributed to the low representation of Indigenous women in political leadership is at the heart of some most recent research.

I will now hand over the report to the honourable Member for Deh Cho. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Member for Deh Cho.

MR. NADLI: Thank you, Mr. Speaker.

Women as Caretakers

Women in the NWT said one of the biggest barriers to their participation in politics is their role as caretakers of household and family. Overall, there was a strong sense that women are expected, and often expect of themselves, to be the caretaker of extended families. Their professional work and caring for family often leaves little time for preparing to participate in politics.

The committee also heard about poverty and how it heightens the pressure on women to provide for children and family. We heard often that women provide financially for the extended family and have little to spend on themselves.

We have heard that men should not keep women at home to have babies and take care of the house. We have also heard that, in today's world, it is the women who have gone to school and have jobs.

Members have heard that stigma plays a big role in women's decision-making on political participation. Women explained that they felt that being a politician is still seen as a man's job, and therefore many women shy away from political leadership as a choice for themselves.

Financial Risks of Campaigning

The committee heard from many residents that deciding to run for election requires quitting full-time jobs or interrupting business activities. With the outcome of the campaign being unknown, they felt that the financial risk of running is too great.

Proposals to mitigate this risk include convincing employers to keep the position open and offer unpaid leave to employees who run for elected office. We also heard that some women will not consider running for election because they do not want to take a pay cut and reduce their current level of income to the level of earnings made by a Member of the Legislative Assembly.

Fundraising strategies are impacted by the size of a riding and the type of transportation required. Committee heard there is considerable effort required when running for election in ridings with

small and fly-in communities to visit people and households.

Being reliant on flight schedules can even further extend the time away from home. For those who require childcare, the expenses are also higher. It was also suggested that eligible electoral expenses include childcare expenses.

The resources required to cover far distances within one riding are a key concern. There was mention of an imbalance in the costs of campaigning amongst NWT's ridings, as, for example, ridings within Yellowknife do not require much travel.

Recommendation 1

The Special Committee to Increase the Representation of Women in the Legislative Assembly recommends that the Legislative Assembly Board of Management consider childcare expenses as a constituency work allowance expense.

An important factor when discussing the extended time away from home due to necessary travel is the increase in number of days for which childcare is required, and the increase in related expenses. One former woman candidate explained she took her child along on her campaign tour, covering the extra travel, in this case airfare, in addition to accommodation expenses.

Recommendation 2

The Special Committee to Increase the Representation of Women in the Legislative Assembly recommends that the Legislative Assembly make childcare an allowable election expense.

Campaign Schools

The UN Women's programs on leadership and participation work with civil society to uphold women's rights, including the right to vote and campaign free from electoral violence. The programs advocate legislative and constitutional reforms to ensure women's fair access to all political areas. Training and empowerment are essential components of the UN Women's commitment to advance gender equality. The UN Women Training Centre offers training courses, programs and resources, including an eLearning campus and knowledge-sharing platforms.

Significant efforts to overcome barriers are being made by non-governmental organizations in Canada. A prominent example is Equal Voice, a multi-partisan organization dedicated to electing more women in all orders of government. Its Daughters of the Vote project is receiving \$3.8 million in federal support over three years to

encourage young women to consider a career in politics.

In the Northwest Territories, the Status of Women Council has offered information on campaigning for many years. Starting in March 2019, the Status of Women Council and the Native Women's Association will pilot a new Campaign School curriculum. Additional initiatives currently ongoing include Women on the Ballot workshops provided in Yellowknife.

Mr. Speaker, I will now hand the report over to the honourable Member for Thebacha.

MR. SPEAKER: Member for Thebacha.

HON. LOUIS SEBERT:

What We Have Heard

Training in leadership, public speaking, and how to run a campaign are key suggestions the committee received in all public hearings. The obstacles women identified, such as not being taught or encouraged to speak in public, lacking self-confidence, having no experience in campaigning, and no information on a Member's duties culminating in the expressed wish for workshops, training, and learning opportunities in communities.

Leadership training for women was identified as an important tool to increase participation in politics. The Indigenous Women in Leadership program of the Banff Centre for Arts and Creativity was mentioned as a good example of a program for Indigenous women leaders.

The committee also heard that women encounter the persistent perception that women who run for the first time are not likely to perform well. Women in particular noted that, when first-timers run against male incumbents, the public reasoning of women's inexperience in predicting low performance is regarded a gender-based interpretation and a disincentive to potential women candidates. Gendered comments from the public are expected and predicted by the women we heard from. The perception of low chances of electoral success, particularly against male incumbents, is a disincentive to women.

We heard that women seek assistance in preparing for candidacy. Women asked for opportunities to gain knowledge and experience on how to handle the obstacles they must address and overcome before they feel ready to run for election. In particular women asked that the following initiatives be offered in communities:

Provide a women's forum for discussion and exchange of ideas;

Inform how to put women's issues on political agendas, locally or regionally;

Help to organize meetings amongst women for the purpose of strategizing on how to promote women and make their voices heard; and

Train women how to increase self-confidence, speak in public, and respond to gendered comments.

Campaign schools are known to community members. Participants in our public meetings had either attended one of the Status of Women Campaign Schools, or knew someone who had. The majority of references to the workshops were positive and pointed to specific content elements as useful information.

Several times, we were told the campaign schools' work should be supported and expanded to accommodate the learning needs of women in communities. We heard at every public meeting that women seek more knowledge about the scope of the task of being a candidate and that information on the candidacy process should be easily accessible. Many residents recommended that government should continue to offer campaign-readiness courses and workshops in communities, and bring educational events to the smaller communities rather than holding them only in the larger hubs.

Recommendation 3

The Special Committee to Increase the Representation of Women in the Legislative Assembly recommends that the Government of the Northwest Territories task and fund one or more independent individual(s) or organization(s) to deliver the Campaign School for Women initiatives throughout the Northwest Territories and offer more than two workshops in one fiscal year.

After all the feedback committee received on the need for more information and training to help women to prepare to be candidates, we heard that more money needs to be invested into campaign schools initiatives.

For example, it was mentioned that a section on roles and responsibilities is a good start to provide needed information. Many women who came to our public meetings are board members in their home communities and already involved in decision-making positions. The women identified that they require additional and concrete information to move forward to compete for roles at the next level of government.

Consensus Government

A recent poll found that there is a clear gap in self-reported political knowledge among men and women in Canada. A 2018 Abacus data study asked individuals how much they know about politics. Responses showed that women were 19 percent less likely than men to say they know a lot or a fair amount about politics. Research has shown that, while men are likely to think they are qualified to run for office, women, even in positions of high professional achievement, remain reluctant to run because they are concerned they are not qualified enough.

The committee heard that women in the NWT perceive themselves as having insufficient knowledge and understanding of political systems and that they feel a strong need to have easier access to information on the NWT's political system. We heard that there is need to improve and broaden women's access to information across the NWT and to reach each community.

Committee heard that general education and information for candidates is needed in the following areas:

- Learning about the NWT political system;
- Hearing that politics can be a career;
- Understanding functions of the NWT Legislative Assembly;
- Knowing where to find information on how to become a Member of the Legislative Assembly;
- Being aware of the duties and responsibilities of a Member;
- Understanding the requirements to run for an elected seat;
- Understanding the type and depth of knowledge required before one runs for election;
- Learning and practicing public speaking as part of grade school education; and
- Knowing where to find opportunities for leadership training for young women.

It was recommended that this information be presented in the form of pamphlets and a video. The format should be easily accessible in communities and in plain language. Information should be provided on tools such as session calendars, the technologies available at the Assembly, and ways to work remotely. The committee suggests that this might be accomplished through additional and regular communications initiatives.

Recommendation 4

The Special Committee to Increase the Representation of Women in the Legislative Assembly recommends that the Legislative Assembly provide to the public a better understanding of the work of a Member and make available a video and other visual and written materials, including information on the prerequisites, roles and responsibilities, and benefits available to Members. Mr. Speaker, I will now hand the report to the honourable Member for Nunakput.

MR. SPEAKER: Masi. Member for Nunakput.

MR. NAKIMAYAK: Thank you, Mr. Speaker.

Political Education

Engaging women at a young age, we heard, is at the heart of getting women to participate in politics. Women had little recollection of learning about politics in school or during activities outside of school. Few women recalled any mention of "politician" as a career choice during their school years. Information on what politicians do and how one becomes one appears to be absent in school curricula and extra-curricular activities.

Young women tend to be exposed to less political information than young men. Research found that, regardless of whether the focus is on academic or extracurricular activities or media habits, women are less likely to be surrounded by political discussion and information. This information gap hinders young women's political ambition.

The committee received feedback on school education and when to best educate students on political systems, including career opportunities. Women recommended including information on civics, consensus government, and politics as a career choice in grade eight in order to reach women at a young age. In support of young women making career choices for leadership in politics, the committee heard that it would be necessary to include information on careers in politics in school career programs.

The committee members also heard words of caution. Being elected as a Member of the Legislative Assembly is a position with a time limit. An MLA serves a term of four years, until the Assembly is dissolved for the next election. It was questioned if four years could even be considered a career. Every Member faces the risk of not being re-elected.

The Northern Studies program, which is part of the grade 10 NWT curriculum in high schools, includes learning about Canada's parliamentary system. We heard that it does not specifically teach about

consensus government and that not all schools carry out the program with the same intensity and focus. In cases where the program has left notable impression on the students, it was the teacher's special efforts that made the difference.

Visiting the Legislative Assembly was described as a highlight of learning in school. Involving MLAs in the classes of teaching the Northern Studies program was mentioned as an important hands-on experience.

The committee heard that teaching on consensus government could be intensified and that the Northern Studies program is a good opportunity to inform young students about career choices in politics. Women stressed that, while the program is not gender-specific, it provides an excellent opportunity for young women to acquire knowledge on politics that they otherwise may not experience at this age.

Recommendation 5

The Special Committee to Increase the Representation of Women in the Legislative Assembly recommends that the Legislative Assembly take the necessary steps to assist in ensuring that information on the NWT's consensus government is made available to any group, organization or government in the Northwest Territories involved in teaching young women;

Further, the Special Committee to Increase the Representation of Women in the Legislative Assembly recommends that the Legislative Assembly encourage its Members to be supportive of hands-on learning activities on consensus government, such as school visits to the Legislative Assembly of the Northwest Territories.

Work-Life Balance

The challenge of balancing work and life is magnified for women because women are most often the primary caregivers. Scheduling childcare in an environment that requires short-notice adjustments to work schedules is challenging. Add the necessity for work travel and the outcome is a tricky negotiation among priorities.

Researchers have shown that there are factors that make a Legislative Assembly job particularly challenging for mothers. Such challenges include not being able to take time off to take care of an infant, or to turn off the phone to spend uninterrupted time with children or family. Infant and toddler care may also not be available in close vicinity to the Legislature, requiring additional arrangements particularly to accommodate late sitting hours.

Research has given some attention to leave policies, employer-supported access to childcare, alternative scheduling, and family support to enable work-life balance. However, it has been argued that much work remains to ensure that electoral politics do not present additional barriers to the participation of women.

Measures in Canadian Legislatures Supporting Work-life Balance

In 2016, the House of Commons and the Legislative Assembly of Alberta tasked committees with studying ways to make their legislatures more family-friendly. Each resulted in a report with seven recommendations, many looking to improve Members' schedules. In Alberta, as well as in the NWT, there was concern that votes scheduled at the end of a week's sitting could disrupt the travel arrangements of Members with constituencies furthest away from the Assembly.

Reconciling family and professional life applies to women and men equally, the committee heard. The topic of sessional schedules and sitting hours was raised several times, often by those who had previously been Members.

We heard that the sessional schedule and long sitting hours did not accommodate women Members who had children and family at home outside of Yellowknife. Arrangements had to be made for childcare in the home community, and it was not possible to combine family and work life in one location. Loneliness, we heard, is a hard fact in the lives of women MLAs who spend the weekdays far from their family, home community, riding, or constituency.

Mr. Speaker, I would now like to hand the report back to the honourable Member for Yellowknife Centre. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Member for Yellowknife Centre.

MS. GREEN: Mahsi, Mr. Speaker.

Making the NWT Legislature Child-Friendly

Changes to facilities, installing change tables in washrooms, and quiet rooms for Members to care for children have been introduced in many public places. More than half of Canadian legislatures have installed change tables in washrooms, and several have designated quiet rooms, including Alberta, Manitoba, and the House of Commons.

Daycare facilities are not available to all legislatures. Thirty-eight spaces for children aged between 18 months and five years are provided to Members of the House of Commons in Ottawa. Ontario's Legislature holds a membership to a

corporate daycare that ensures a place is available should a Member wish to drop off their child at their own expense. Quebec considered opening an early childhood centre on site, but did not do so as the city of Quebec is already well-served with childcare spaces. Alberta is considering a daycare facility on the legislature grounds.

Several legislatures allow infants or small children in the Chamber. British Columbia, Alberta, Manitoba, and the House of Commons have either no restriction or have amended rules to allow for infants to be in the House during sittings.

The NWT Legislative Assembly currently has no family rooms, change tables, or any physical features to accommodate small children on the premises. Members who wish to bring their children have no designated spaces to care for them.

The committee heard that it is time to review how well the NWT Legislative Assembly allows Members to balance work and family life. Suggestions include a review of the building and its facilities with a view to accommodating women, childcare needs, family responsibilities, and possible access issues, such as special parking or wide enough doors to allow strollers to pass.

Recommendation 6

The Special Committee to Increase the Representation of Women in the Legislative Assembly recommends that the Legislative Assembly investigate practical measures to make the legislature family-friendly, explore the possibility of creating a family room, installing infant change devices in bathrooms, and improving signage indicating location of family-friendly facilities.

Parental leave and absences due to pregnancy or childbirth are considered acceptable absences in most jurisdictions in Canada, though not always formalized as parental leave but accepted under other leave options, such as family or sick leave.

Recommendation 7

The Special Committee to Increase the Representation of Women in the Legislative Assembly recommends that the Legislative Assembly Board of Management make allowances for Members to be absent from the Assembly without financial penalty for up to four months due to pregnancy, childbirth, or the care of a Member's child following birth or adoption.

Many jurisdictions have aimed to improve on their Assembly's family-friendliness. Setting parliamentary calendars early in the year is one measure that most legislatures have taken to allow Members to better predict their schedule.

Sitting hours have been adjusted to a four-day week schedule in Manitoba, Saskatchewan, and the Yukon. Quebec reduced its schedule to a three-day week.

Late night sittings were eliminated in Manitoba, Saskatchewan, and the Yukon. In other jurisdictions, such as British Columbia, Ontario, and Alberta, the frequency of evening sittings has been reduced. Several attempts have been made in Prince Edward Island and New Brunswick to make sitting hours more family-friendly, but to date, hours have not been changed and evening sittings continue.

Proxy voting and pairing rules for voting enable Members of legislatures to be absent without impacting voting results. Proxy voting allows a Member to vote in her or his absence by delegating the vote to another representative. Most recently, the Parliament of the United Kingdom, in a briefing on "baby leave," recommended to allow their Members who have had a baby or adopted a child to be entitled, but not required, to discharge their responsibility to vote by proxy.

The House of Commons, Manitoba, and Ontario have pairing rules. This arrangement between two Members enables one to be absent without affecting the result of a vote. A Member of the opposition will agree to also not vote, therefore cancelling out the imbalance and avoiding the loss or win of a vote because of absence.

Next Steps

The Special Committee to Increase the Representation of Women thanks everyone involved in the discussion of this topic, with particular thanks to those who provided their input and recommendations. We appreciate the feedback received and encourage further discussion and hearing from more groups.

The committee will continue consultation, research further, and will come forward with concrete recommendations to increase the representation of women in the Legislative Assembly of the Northwest Territories. The committee will table its final report before the end of the 18th Legislative Assembly.

MOTION TO RECEIVE COMMITTEE REPORT 14-18(3) AND MOVE IT INTO COMMITTEE OF THE WHOLE, CARRIED

Mr. Speaker, I move, seconded by the honourable Member for Range Lake, that Committee Report 14-18(3) be received by the Assembly and moved into Committee of the Whole for further consideration. Mahsi.

MR. SPEAKER: Masi. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed?

---Carried

Masi. Reports of standing and special committees. Member for Hay River North.

COMMITTEE REPORT 15-18(3): STANDING COMMITTEE ON GOVERNMENT OPERATIONS REPORT ON THE REVIEW OF BILL 30: AN ACT TO AMEND THE HUMAN RIGHTS ACT

MR. SIMPSON: Mr. Speaker, your Standing Committee on Government Operations is pleased to provide its Report on the Review of Bill 30, An Act to Amend the Human Rights Act, and commends it to the House.

Introduction

The Standing Committee on Government Operations ("the committee") is pleased to report on its review of Bill 30, An Act to Amend the Human Rights Act.

Bill 30, An Act to Amend the Human Rights Act, sponsored by the Department of Justice, has been referred to the Standing Committee on Government Operations for review. The bill proposes to:

- Consolidate the Office of the Human Rights Commission and the Office of the Director of Human Rights into a single agency called the Human Rights Commission;
- Clarify the public interest mandate of the commission and provide for the carriage of complaints at hearing by the commission, in recognition of this public interest mandate;
- Provide that restorative principles are to be applied to human rights protections and processes in the Northwest Territories;
- Make changes to the operation of the Human Rights Adjudication Panel, including giving adjudicators the ability to use practices and procedures for resolving complaints that are different from those in traditional adversarial processes;
- Add gender expression as a prohibited ground of discrimination to expand upon and clarify the grounds of sexual orientation and gender identity for which discrimination is already prohibited under the act;

- Remove the offence and punishment provisions of the act, in recognition of the shift to a restorative process; and
- Bring the amendments into force annually over a three-year period, from 2019 to 2021.

Background

Comprehensive Review

The Northwest Territories' Human Rights Act received assent in 2002 and came into force in 2004.

In 2014, to mark the 10-year anniversary of the act's proclamation, the Human Rights Commission ("the commission") undertook a review of the human rights system in the Northwest Territories, which included a review of the system's governing legislation, the Human Rights Act. The commission contracted a team of experts, with an extensive background in the areas of Canadian constitutional and human rights legislation, to carry out the review.

The recommendations of the Comprehensive Review Team were set out in a report titled "Northwest Territories Human Rights Act Comprehensive Review: A review and analysis of human rights promotion and protection in the Northwest Territories," which was tabled in the Legislative Assembly on October 7, 2015.

The review report made a number of findings, including that:

- the complaint process is over-legalized, which creates a serious barrier for members of the public to access justice;
- the organizational structure is unnecessarily complex;
- the threshold for referral of complaints to the Human Rights Adjudication Panel is too low to allow the director to properly screen complaints;
- outreach and services to communities outside Yellowknife is limited; and
- the current focus on individual complaints makes it difficult to effect systemic and institutional changes.

The report recommended that:

- the commission adopt a restorative approach to all human rights work, encouraging all of those who are affected to be involved in resolving the issues giving rise to a complaint;

- the commission and the director's office be amalgamated into a single agency and that, in addition to the work that it already does with respect to the promotion of human rights, the commission be given responsibility for determining whether complaints should be dismissed or referred to the adjudication panel;
- the screening threshold be raised by amending the act to allow the commission to refer, for hearing by the adjudication panel, only those cases having merit and raising significant issues of discrimination; and
- the commission be empowered to identify and address systemic discrimination by moving from an adversarial and highly legalized process focusing on individual complaints to one that fosters a culture of diversity and inclusion by identifying and prioritizing pervasive issues of discrimination in the Northwest Territories.

The three agencies that currently make up the Human Rights Commission, the commission, the Office of the Director, and the adjudication panel, supported the overall findings of the review and developed a plan to implement the recommended changes. This work was captured in a report called "Moving Forward: Implementing the Recommendations of the 2015 Comprehensive Review of Human Rights in the NWT," which was also tabled in the Legislative Assembly on October 7, 2015.

Upon completion of the comprehensive review and the implementation plan, the Human Rights Commission began to make changes to move towards a more restorative human rights system in the Northwest Territories.

Through its reviews of the commission's annual reports, the standing committee has been kept apprised of this work, which has included training for staff on the principles of restorative justice. The commission has also hosted workshops and events, in concert with its partnership organizations, to promote restorative approaches. As this work has proceeded, so too has the work to develop amendments to the Northwest Territories' human rights legislation.

I will now turn the reading over to the honourable Member for Nunakput.

MR. SPEAKER: Member for Nunakput

MR. NAKIMAYAK: Thank you, Mr. Speaker.

Legislative Change

The Human Rights Act differs from most territorial legislation in a key respect. While most statutes

provide that a Cabinet Minister is responsible for the act's administration, the Human Rights Act provides that the Human Rights Commission is responsible to the Legislative Assembly for the administration of the act.

Consequently, amendments to the Human Rights Act necessitate a high degree of collaboration between the commission, having administrative responsibility under the legislation; the Department of Justice, as the sponsor of the bill; and the Office of the Clerk of the Legislative Assembly, which has responsibility for the oversight of the territory's statutory officers, including the Human Rights Commission.

Committee wishes to acknowledge the cooperative effort that went into the development of Bill 30. In its review, committee has remained mindful of this work and respectful of the commission's objective of moving towards a more restorative human rights system. Committee also gave careful consideration in particular to two issues raised in the development of the bill, for which the Department of Justice and the Human Rights Commission had differing views.

These are:

- That the act should be amended to prohibit discrimination on the basis of genetic characteristics; and
- That the act should be amended to prohibit discrimination on the basis of an unrelated criminal charge or conviction.

Committee's input on these matters is addressed further on in this report.

Bill 30 received second reading in the Legislative Assembly on October 1, 2018, and was referred to the Standing Committee on Government Operations for review.

The Public Review of Bill 30

To commence its review of Bill 30, the committee sent letters inviting input from stakeholders, including all municipal and Indigenous governments in the Northwest Territories and a number of non-governmental organizations.

During the week of January 21, 2019, the committee travelled to and held public meetings on Bill 30 in Fort Smith, Inuvik, and Fort McPherson. A final public hearing was held in Yellowknife on February 5, 2019. Committee thanks everyone who attended these meetings or provided written submissions to the committee sharing their views on Bill 30.

What We Heard

In a presentation to the committee at its Yellowknife public hearing, Mr. Charles Dent, chair of the Human Rights Commission, and Ms. Deborah McLeod, director of Human Rights, indicated the commission's support for the amendments proposed in Bill 30. They further noted that the commission previously brought forward genetic discrimination and unrelated criminal conviction as potential prohibited grounds for discrimination under the act. They indicated that "the commission would like to see these grounds added as an amendment to Bill 30 if there is agreement to do so," but noted that they would not want to see passage of the legislation delayed as a result.

In a written submission, Alternatives North, a Northwest Territories-based social justice coalition, expressed its support for the amendments being proposed to the Human Rights Act. Their letter noted that:

"Previously, complainants were responsible for presenting their evidence in a formal and legal type process, a difficult task for many to accomplish, especially in instances where respondents with access to more financial resources were represented by legal counsel. The change to a restorative process for addressing human rights complaints will address unequal power dynamics, result in a less confrontational approach and offer more support to complainants."

Alternatives North recommended an evaluation framework, including both "an Indigenous lens and a gender-based analysis," in order to measure the effectiveness of the change to a more restorative approach. As well, they noted the importance of developing plain-language communication tools to explain the principles and practices of a restorative process, and the orientation and continued training related to cultural competency for commission staff and any contracted agencies.

In each of the smaller communities to which the committee travelled, committee heard support for the inclusion of genetic characteristics as a prohibited ground of discrimination under the act. Mr. Mike Keizer, a Parks Canada employee from Fort Smith, expressed his support for prohibiting discrimination on the basis of genetic characteristics. So did Ms. Lauraine Armstrong, also of Fort Smith, who noted that the fear of being discriminated against might serve as a deterrent to some people getting genetic testing that could help improve their lives. Mr. Richard Nerysoo, of Fort McPherson, told the committee that prohibiting discrimination on the basis of genetic characteristics "is a good thing to pursue," but offered the view that prohibiting discrimination on the basis of an unrelated criminal charge or conviction could be more challenging to implement.

During the review period, committee also received a written submission from the Human Rights Adjudication Panel suggesting technical amendments to improve Bill 30.

Mr. Speaker, I would like to pass this report to the honourable Member for Sahtu. Thank you, Mr. Speaker.

MR. SPEAKER: Member for Sahtu.

MR. MCNEELY:

What We Did

Proposal to Prohibit Discrimination on the Basis of Genetic Characteristics

Discrimination on the basis of genetic characteristics occurs when a person is treated differently in employment, in the provision of goods or services, or in tenancy on the basis of their specific genetic information, without bona fide and reasonable justification.

Committee researched the proposal to amend the Northwest Territories Human Rights Act to prohibit discrimination on the basis of a person's genetic characteristics. Committee learned that, in the intervening period since the work started on Bill 30, federal Bill S-201: Genetic Non-discrimination Act received royal assent on May 4, 2017. This bill amended the Canadian Human Rights Act to prohibit discrimination on the ground of genetic characteristics. It also amended the Canada Labour Code to protect employees from being required to undergo or to disclose the results of a genetic test, and to provide employees with other protections related to genetic testing and test results.

Committee also learned that, with the passage of the federal legislation, Canada became the last of the G7 countries to pass such legislation. In the United States, the Genetic Information Non-Discrimination Act, which protects people from genetic discrimination in health insurance and employment, was passed in 2008.

With the advent of consumer genetic testing companies, access to genetic information is becoming more commonplace. Fear of discrimination is a common concern among people considering genetic testing. In its public hearings, committee heard that residents of the Northwest Territories want to be protected from discrimination on the basis of genetic characteristics so that they can get genetic testing to help identify health risks and take preventive measures without fear of reprisal. Accordingly, committee moved motion 1 to amend Bill 30 to include genetic characteristics as a prohibited ground of discrimination.

Proposal to Prohibit Discrimination on the Basis of an Unrelated Criminal Charge or Conviction

The act currently prohibits discrimination on the grounds of a "conviction that is subject to a pardon or record of suspension." The proposal to prohibit discrimination on the basis of an unrelated criminal charge or conviction would extend this protection.

Committee heard from the Human Rights Commission that its support for this change to the act is based on concerns it has heard from residents of the Northwest Territories who have been prevented from pursuing certain employment opportunities because of an unrelated criminal charge or conviction. The commission argued that this proposal merited consideration, given social conditions in the North, including high conviction rates and systemic barriers to housing, services, and employment. The commission further noted that the prohibitive objectives of the act would be met by this proposal.

As admirable as the objectives of the proposal are, committee supports the decision of the Department of Justice to exclude it from Bill 30. The proposed amendment would require employers or service providers, such as landlords, to look at a person's record of offences and consider whether the offence that is the subject of a criminal charge or conviction would have a negative effect on the person's ability to do the job or would pose a risk to others in the delivery of housing or other services.

The committee agrees that this would impose unreasonable risks and constraints on employers and service providers. It could also raise concerns about liability and safety should an individual with a criminal record re-offend in their work capacity or with respect to the services they are receiving. Committee's decision is also based on the fact that, during the public consultation, committee heard little support for the proposal and in fact heard cautions against it.

At this point, I will pass on reading to the honourable Member for Deh Cho.

MR. SPEAKER: Masi. Member for Deh Cho.

MR. NADLI: Mahsi, Mr. Speaker.

Proposal to Remove Offence and Punishment Provisions

Clause 25 of Bill 30 proposes to repeal the offence and punishment provisions of the act, replacing them with a provision providing that anyone who contravenes section 15 or subsection 40(1) is guilty of an offence. However, clause 25 does not specify any penalties for the offences set out in these two sections of the act.

During the public hearing, the Human Rights Commission indicated its support for the removal of penalties specified in this section of the act, arguing that they are not consistent with a restorative approach to the adjudication of human rights complaints; the commission does not use those provisions; and that other human rights acts in Canada do not contain penalty provisions.

Committee reviewed the human rights acts of 11 provinces and territories. Of these, Committee found that 10 contain penalty provisions. Only British Columbia's Human Rights Code does not.

It is the committee's view that, generally, the various acts distinguish between the remedies that may be ordered or imposed by the body adjudicating human rights complaints, as distinguished from process-related offences under the act for which fines can be imposed by the courts.

Remedies are largely directed at compensating and restoring the dignity of the individual whose human rights have been infringed, or requiring remedial activities on the part of the violator to prevent similar infractions in the future. In such instances, offences often occur because the person or organization was unaware of their obligations under the act.

Committee believes that the restorative approach is most appropriately exercised through the remedial actions that may be ordered by the commission or adjudication panel in the process of resolving a human rights complaint. In these cases, the offences and penalties set out under subsection 72(1) of the act are not required, as the appropriate remedies will be determined through the commission's restorative justice processes, including mediation, or by the adjudication panel in accordance with its authority under the act. Therefore, committee agrees with the removal of subsection 72(1).

In contrast, section 15 and subsection 40(1) prohibit actions by those who attempt to thwart the authority or operations of the act by wilfully refusing to comply with direction under the act or by engaging in deceitful, fraudulent, or intimidating behaviours related to activities governed by the act.

Committee cannot support the removal of the penalties specified for these offences as this would deprive the courts and, by extension, individuals who have been wronged of the opportunity to punish unlawful behaviour that is wilful, deliberate, and thus not as likely to be made better by restorative measures. Accordingly, committee moved Motion 7 to amend Clause 25 to repeal subsection 72(1) and to retain subsection 72(2).

Power of the Adjudication Panel

Subsection 62(3) of the act sets out what remedies an adjudicator may include in a remedial order where there is a finding that a human rights complaint has merit. Clause 24 of Bill 30 proposes to amend this section to broaden the adjudicator's power to "do anything the adjudicator considers that the party ought to do to promote compliance with this act, including with respect to future practices."

Committee is concerned that this proposal is too broad. It allows the adjudicator to order a person or organization that has been found to have violated a complainant's human rights to do anything the adjudicator thinks necessary to ensure future compliance with the act, potentially going beyond the particular grounds of discrimination dealt with by the adjudicator in the complaint being adjudicated. Committee expressed the concern that this language was too permissive and could result in over-reach by the adjudication panel.

Accordingly, committee moved Motion 6 to amend Clause 24 to restrict the proposed power of the adjudication panel such that it may only order remedies that may prevent future contraventions that are the same as or similar to the contravention that is the subject of the adjudication.

Mr. Speaker, I now pass the reading of this section to honourable Member for Hay River North.

MR. SPEAKER: Masi. Member for Hay River North.

MR. SIMPSON:

Technical Amendments

Committee received a submission from Mr. Sheldon Toner, Chair of the Human Rights Adjudication Panel, recommending technical amendments to Bill 30.

Subclause 12(2) of Bill 30 proposes a new subsection, 29(2.4), in the act. This new subsection provides that, in hearing an appeal of refusal to accept a complaint, the Human Rights Commission will adopt the adjudication panel's process with such modifications as the circumstances require. In the adjudication panel's submission, Mr. Toner argues that the proposed wording of this subclause is potentially confusing because it implies that the adjudication panel rather than the commission hears these appeals. He further suggests that the commission should be able to determine its own process rather than adopt that of the commission, which was established for a different purpose.

Committee agreed with this assessment and moved Motion 4 to amend the bill to specify that the commission will establish its own appeal process.

Subclauses 21(2) to (6) of Bill 30 deal with the matter of "carriage of complaints," which refers to who has procedural leadership for presenting evidence and arguments before the commission or the courts. The submission argues that the provisions giving the executive director carriage of complaints should appear in part 5 of the act, which is dedicated to commission hearings where carriage is exercised.

The committee again reviewed the human rights acts of other Canadian jurisdictions and learned that six of 11 human rights statutes contain provisions providing for carriage of complaints. In all of these instances, the provisions specifying carriage of complaints are set out in the part of each act dealing with parties to adjudication. This is consistent with the proposal contained in the submission from the Human Rights Adjudication Panel. For this reason, committee was persuaded that this change was appropriate and moved Motion 5 to amend subclauses 21(2) to (6) of the Bill 30. The amendments move the carriage of complaint provisions to section 53 of the act. Further technical amendments were completed through Motion 3, which amends related references in the act, and Motion 8, which ensures the coming-into-force provisions of the act reflect this reorganization.

An additional unrelated technical amendment was made through Motion 2 to correct a drafting error in clause 9 the bill.

Evaluation Framework

Based on its reviews of the Human Rights Commission's annual reports, the committee believes the commission has undertaken a significant training directed at implementing a restorative approach in all of the work that it does. Committee is confident that this work will continue. Committee also has confidence that, to complement the extensive public relations materials it already produces, the commission will develop pamphlets and plan language materials to explain the changes to the act and the implementation of the restorative approach.

Committee supports the recommendation made by Alternatives North with respect to an evaluation framework and therefore makes the following recommendation.

Recommendation 1

The Standing Committee on Government Operations recommends that the Human Rights Commission develop an evaluation framework for assessing the efficacy of moving to a restorative process, which includes in its methodology a

gender-based analysis and an assessment of the impacts on Indigenous people.

The Standing Committee on Government Operations further recommends that the findings of this review be tabled in the Legislative Assembly in the first sitting following April 1, 2021, at which time the amendments to the Human Rights Act made by Bill 30 will be fully implemented.

Clause-by-Clause Review of the Bill

The clause-by-clause review of the Bill was held on March 7, 2019. At this review, the committee moved the following motions:

Motion 1

That clause 2 of Bill 30 be amended by deleting paragraph (a) and substituting the following: "(a) in the second recital, by adding "or expression, genetic characteristics" after "gender identity"; and"

This motion was carried. However, the Minister did not concur, so the motion did not amend the bill.

Motion 2

That clause 9 of Bill 30 be amended in proposed paragraph 23(1)(c) by striking out "or by the commission" and substituting "and by the commission."

The motion was carried, and the Minister concurred. The bill will be amended accordingly.

Motion 3

That subclause 11(1) of Bill 30 be amended by deleting proposed paragraph 27(1)(e) and substituting the following: "(e) have carriage of complaints on behalf of the Commission in accordance with subsections 53(4) to (6);"

The motion was carried, and the Minister concurred. The bill will be amended accordingly.

Motion 4

That subclause 12(2) of Bill 30 be amended by deleting proposed subclause 29(2.4) and substituting the following: "(2.4) The commission shall establish a process for conducting an appeal under subsection (2.3)."

The motion was carried and the Minister concurred. The bill will be amended accordingly.

Motion 5

That Bill 30 be amended by (a) deleting subclause 21(2) and renumbering subclause 21(1) and clause 21; (b) and adding the following after subclause 23(2):

"(3) The following is added after subsection 53(3):

(4) The commission has carriage of a complaint before the adjudication panel.

(5) The commission may elect to have carriage of complaint in a proceeding before a court.

(6) For greater certainty, the commission has carriage of a complaint for the purposes of representing the public interest and upholding the principles of the act."

The motion was carried, and the Minister concurred. The bill will be amended accordingly.

Motion 6

That paragraph 24(b) of Bill 30 be amended by deleting proposed subparagraph 62(3)(a)(ix) and substituting the following: "(ix) to do anything that the adjudicator considers appropriate for the purpose of preventing the same or any similar contravention in the future; and"

The motion was carried and the Minister concurred. The bill will be amended accordingly.

Motion 7

That clause 25 of Bill 30 be deleted and the following substituted: "25. Subsection 72(1) is repealed and subsection 72(2) is renumbered as section 72."

The motion was carried and the Minister concurred. The bill will be amended accordingly.

Motion 8

That clause 29 of Bill 30 be amended by (a) deleting paragraph (2)(d) and substituting the following: "(d) section 21;" and (b) deleting subclause (3) and substituting the following: "(3) Subsections 11(1) and 23(3) come into force April 1, 2021."

CONCLUSION

During the clause-by-clause review of the bill, committee moved Motion 1 to add "genetic characteristics" as a prohibited ground for discrimination. The Minister declined to concur with this motion, setting out his views in remarks made during the discussion on Motion 1 and providing committee with a letter solicited by the Department of Justice from the Canadian Life and Health Insurance Association.

Committee is well aware, through its research and through Canada's experience with Bill S-201, that the insurance industry does not support the prohibition on discrimination based on genetic characteristics. Committee notes that the Minister

did not solicit input from organizations supporting the interests of those with genetic diseases.

On the day following the clause-by-clause review, the chair of the standing committee tabled documents supporting the committee's position. The Minister tabled the letter that he provided to the committee from the Canadian Life and Health Insurance Association. The committee looks forward to further debate on this matter in House.

For those motions moved during the clause-by-clause review with which he did concur, the committee thanks the Minister of Justice for his concurrence. Committee also thanks the public for their participation in the review process and everyone involved in the review of this bill for their assistance and input.

Following the clause-by-clause review, a motion was carried to report Bill 30, An Act to Amend the Human Rights Act, as amended and reprinted, as ready for consideration in Committee of the Whole.

This concludes the Standing Committee on Government Operations' Review of Bill 30.

MR. SPEAKER: Masi. Member for Hay River North.

MOTION TO RECEIVE COMMITTEE REPORT 15-18(3) AND MOVE IT INTO COMMITTEE OF THE WHOLE,
CARRIED

MR. SIMPSON: Mr. Speaker, I move, seconded by the honourable Member for Deh Cho, that Committee Report 15-18(3) be received by the Assembly and moved into Committee of the Whole for further consideration. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is order. To the motion.

SOME HON. MEMEBRS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed?

---Carried

Masi. Reports of standing and special committees. Item 5, returns to oral questions. Item 6, recognition of visitors in the gallery. Member for Nunakput.

Recognition of Visitors in the Gallery

MR. NAKIMAYAK: Thank you, Mr. Speaker. I would like to recognize a couple of Pages from Mangilaluk School in Tuktoyaktuk, Ms. Natasha Panaktalok and Jessica Pokiak, and also their chaperone, Denise Cockney. Welcome to the legislature. It is nice to see you here listening,

especially on the representation of women. I hope that the female MLAs here will give you a tour of the legislature and give you a -- what do you call it? Not a speech, but -- I am lost for words right now, Mr. Speaker. Anyway, welcome to the legislature. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Item 7, acknowledgements. Colleagues, at this point in time I am going to call for a short break.

---SHORT RECESS

MR. SPEAKER: Colleagues, we left off from acknowledgements, so we are on to item 8, oral questions. Member for Yellowknife Centre.

Oral Questions

QUESTION 679-18(3): CHILD AND FAMILY SERVICES QUALITY IMPROVEMENT PLAN

MS. GREEN: Mahsi, Mr. Speaker. My questions are for the Minister of Health and Social Services. Yesterday he reported on the draft child and family services quality improvement plan by chapter and verse, yet the plan itself has not been made public. How does doing consultation with Indigenous entities at this point provide them with real input into the plan? Thank you.

MR. SPEAKER: Masi. Minister of Health and Social Services.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. Throughout the entire process, the department has been reaching out to staff in the Indigenous governments to make sure we are getting feedback and ideas from them. At the same time, I have also had some correspondence back and forth with a number of the Indigenous governments, and my deputy had an opportunity to meet with the Tlicho Government to provide some presentation on what we have heard, what we have seen, in order to get some feedback from them. We have put together a draft quality improvement plan that has been presented to committee. We have taken committee's input. We have modified and we will be modifying the quality improvement plan. Now that we have it at this stage, we are to take it back to the Indigenous governments to seek once again any additional information, any additional clarity, any additional recommendations that they would like incorporated, and we will incorporate them in. We have always said this is a living document. We want to be able to evolve it as more information becomes available, as more issues become available, but there is definitely opportunity to hear from them, get their input, and make this quality improvement plan even stronger, like we did by working with committee.

MS. GREEN: Thanks to the Minister for that response. In his statement yesterday, the Minister said the plan will address the recommendations in the OAG's report as well as "additional gaps that were found." Will the Minister please describe these additional gaps?

HON. GLEN ABERNETHY: The quality improvement plan isn't just based on the Auditor General's report. It is based on the recommendations from the Auditor General's report. It is based on our findings from our own internal audits. It is based on input and guidance and recommendations we got from the committee. It will be based on input and guidance that we get from other parties. Throughout the entire process, the document itself has grown far beyond just the document that is responding to the Auditor General's recommendations. That is what I was referring to. As far as other information, the committee yesterday made a number of recommendations on how we could improve our plan. We are incorporating those into the document.

MS. GREEN: I am now going to turn to a few specific recommendations that the OAG made that the department agreed to complete by the end of this month. One of the key findings was that the health authority staff maintain minimum contact with clients, which was a failing of the department in the audit. The Minister has said that he has set up quality reviews in this area. What does that mean in terms of actually meeting the contact requirements with the youth and children?

HON. GLEN ABERNETHY: I will get that information from the department so we can actually be explicit with the actual numbers. I do want to point out that there are over 80 action items in the quality improvement plan. Those build on the recommendations of the Auditor General, internal findings, and committee recommendations. A number of those actions have been completed. Nine of them are already completed out of 80 action items. Nineteen of them are ongoing, which means we have already made the improvements and now it is a matter of implementing them on an ongoing basis. Thirty-two of them have been initiated. We are doing the work. Fifteen action items have yet to be initiated, but they weren't intended to be initiated right at the beginning. They are timed out over time.

There are four items where we haven't met our timelines. I am happy to provide that information to the Member so that she can see some of the areas where we are struggling. One of those areas was an area I talked about yesterday in Committee of the Whole. It was based on the recommendations provided to include a gender-based analysis. It is going to take a bit more time. As committee said, we want to get this right. We agree. We want to get this right.

MR. SPEAKER: Masi. Oral questions. Member for Yellowknife Centre.

MS. GREEN: Mahsi, Mr. Speaker. What I am trying to gauge is how the planning and bureaucratic process is going down to the front line and to the clients in order to make substantive changes that the OAG had talked about. Another of the things the OAG report flagged was an increased risk to children in care because perspective guardians hadn't been screened properly. The Minister reported yesterday on changes to screening. My question is: has the front-line staff be trained in these new protocols so that they are in effect now? Thank you.

HON. GLEN ABERNETHY: The process around guardianship has changed. We put some policies in place around that. Training has occurred for many of the individuals. I can't say that every individual has received that training, but every individual will receive that training. When the deputy minister met with committee in December, he outlined a number of the actions in the Auditor General's report that we have actually take action on and completed. There was a significant list there. Since then, we have even more action items that we have completed. We have committed to providing updates and reports to committee, and we will do so. We will be able to demonstrate what areas we have made progress and what areas we haven't made progress. More importantly, we will be able to provide statistical information and front-line information that shows where improvements are already visible and where files are being monitored appropriately and where there is still work to be done. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Hay River North.

QUESTION 680-18(3):
FUNDING FOR PARENTING PROGRAMS

MR. SIMPSON: Thank you, Mr. Speaker. Earlier I spoke about the long-running Growing Together program in Hay River. It is a successful program that, unfortunately, is going to lose a significant amount of funding and, subsequently, will have to make programing cuts because ECE has re-profiled the funding pot that has been funding this organization for 22 years. I would like to ask the Minister of Education, Culture and Employment: since the department did fund these parenting programs for 22 years, is it still the position of the department that parenting programs like Growing Together are valuable and provide a vital service? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Education, Culture and Employment.

HON. CAROLINE COCHRANE: Thank you, Mr. Speaker. Most definitely. When we look at the results of our early development instruments, our EDI, it shows that children's vulnerabilities are increasing. The research shows that earlier intervention such as parenting supports will have a positive effect on that. I am totally on board with supporting as many parenting programs as we can. Thank you, Mr. Speaker.

MR. SIMPSON: That is good to hear. Since the department is supportive of this notion, what pots of money are available to support parenting programs?

HON. CAROLINE COCHRANE: Through the Department of Education, Culture and Employment, the major pot of funding for parenting programs would be what is currently known as the Healthy Children Initiative monies that will be changing into the Supporting Child Inclusion and Participation. That is within Education, Culture and Employment. That is where our pots for parenting are. I should also say that Health and Social Services also has the Healthy Family Program that goes throughout the territories.

MR. SIMPSON: Now, you can see the problem. The pot of money that supports parenting programs is no longer going to support parenting programs. That is the only pot of money that there is. I understand the reasons why they want to re-profile this money; there are other areas that also need money. This is a proven program that needs to be supported. Right now, the way I understand it, going forward, only licensed childcare providers will be eligible for this pot of money.

Understanding that maybe there needs to be some tweaks to the Growing Together program so it fits in here a little better, can I get some assurance from the Minister that this funding won't be limited only to licensed daycare centres? Because there are some programs that just can't, by their very nature, fall into that system. Can I get some confirmation that, going forward, unlicensed programs like Growing Together will also be eligible for this funding?

HON. CAROLINE COCHRANE: It is not acceptable that we would limit this funding to only licensed daycare centres. If we had licensed daycare centres throughout the Northwest Territories, I might be more willing to go that route. However, we don't. We need to provide as much parenting support as possible. Within that funding, though, I do want to say that the funding stream isn't going to be open for everything. We do have some agencies that are using it for operational, et cetera, and not actually providing support to parents. The funding will be for one-on-one support or one-to-multiple-children, group support for parenting. It will also be the support training. It will

also be for parent-and-tot education programming. Those would be the parameters around it.

Basically, it is going to be for parenting supports, training, or support one-on-one for children, because there may be other organizations that don't do the parenting. We need to make sure that parenting supports are there in each community, as many as possible. I can give my commitment in the House today that parenting supports, as long as they are having parenting for parents, will be supported.

MR. SPEAKER: Masi. Oral questions. Member for Hay River North.

MR. SIMPSON: Thank you, Mr. Speaker. The Minister is giving me all the right answers today, and I appreciate it. This is the \$1-million question. Well, it is not a \$1-million question. I think this is probably a \$50,000-a-year question. Can I assure the people over at Growing Together and all the parents and the children who rely on this service that, come April 1st, there won't be a reduction in their funding and that their programming can continue? Thank you, Mr. Speaker.

HON. CAROLINE COCHRANE: I want to thank the Member for clarifying because, if it was a \$1-million question, I couldn't support that, of course, because I don't have \$1 million to give to one parenting program. I will give a commitment that, although we may be changing the program, any program that is currently providing parenting support will actually be either getting the full amount through the Healthy Children Initiative or they will be supported in applying for the application for the new program called the Supporting Child Inclusion and Participation. Anyone that is providing parenting support to community members will have their funding as is. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Nahendeh.

QUESTION 681-18(3):
MEDICAL TRAVEL BOARDING HOME
CONCERNS

MR. THOMPSON: Thank you, Mr. Speaker. Previously in other sittings I have had questions for the Minister of Health and Social Services regarding the boarding home in Yellowknife. Can the Minister advise the House: is that contract renewed every year, annually, or is it an RFP process? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Health and Social Services.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. The process has actually gone through an

RFP in the past. I can't tell you exactly how the last one was, whether it was an extension to a contract or whether it was an RFP. I would have to check and get that information, but it does go through an RFP. The current contract that is in place now actually expires on December 31, 2019, and within the contract that we have with them, we do have the ability to extend until December 31, 2024. The contract is not renewed. The authority would follow up through the normal RFP process. Thank you, Mr. Speaker.

MR. THOMPSON: I have heard a number of concerns from my constituents, most recently about not being able to shower because there are no towels in there. First of all, is the department aware of this situation, and do they tell the patients who are coming there what type of toiletry items they need to bring in?

HON. GLEN ABERNETHY: Like any travel, people should usually take their own basic toiletries and personal grooming items. All of the boarding homes that we contract with do provide bed sheets and pillows and towels. Our 2017 medical travel guide, which has been shared with Members, is available to medical travel patients, and inside that document it actually provides tips on the types of things that individuals should bring with them when they travel. I would encourage anybody going to medical travel to look at that toolkit and make sure that they are bringing along items that they may need.

MR. THOMPSON: I have heard a number of concerns from residents about staying at the boarding home. They tried to follow a process of bringing their concerns to staff and management, and nothing seems to change. How does the department investigate the concerns brought to them? Do they actually do an investigation or rely on the contractor to give them feedback?

HON. GLEN ABERNETHY: Complaints are always taken very seriously and are dealt with in a variety of ways, actually, depending on the actual nature of the complaints. As always, the authority attempts to work with our clients and also our partners at the boarding homes themselves to resolve any issues that may arise. If a client does experience an issue, depending on the nature of that issue, obviously, we would encourage them to reach out to the manager of the boarding home that they happen to be staying at, at the time of the incident and when it first occurs, so that it can be addressed immediately.

I can also advise that the Yellowknife boarding home has recently created a position within the boarding home itself with the sole function of improving client services. They have put this position in so that individuals who have concerns can go directly to that position to resolve them real-

time and make sure that those types of issues don't arise with other people in the future. If these tools don't work, if these processes don't work, or if it doesn't resolve the issue, the travelling client can get in touch with Medical Travel to express their concerns there and follow the normal quality assurance process so that we can find out what is happening and make sure that it doesn't happen again. In the meantime, I encourage them to work with the boarding homes.

MR. SPEAKER: Masi. Oral questions. Member for Nahendeh.

MR. THOMPSON: Thank you, Mr. Speaker. I appreciate the answers from the Minister. I am looking forward to, hopefully, him sharing who that new person is so that we can then share it with our constituents out there who have those concerns. I guess my last question in regard to this here is: will the Minister have his staff reach out to patients for the past six months to see what their concerns are and how they can be addressed in the future, so that we provide a better service for our residents? Thank you, Mr. Speaker.

HON. GLEN ABERNETHY: Once again, the position that I was referencing is actually an employee of the Vital Abel Boarding Home; they are not actually a GNWT employee, and patients would certainly be aware of that individual once they have actually attended, but we will get the information and share it with the Member so that he can share it with others.

As far as myself and the department reaching out, I won't be reaching out to the constituents who have travelled who may have concerns, but I would strongly encourage anybody who does have concerns to follow up with Yellowknife Medical Travel Office and the manager of the Medical Travel Program, who can start looking into these issues. If we have a number of reoccurring similar issues, we can work to address those. For those who don't feel comfortable contacting them directly, I encourage the Member to provide me with the names and consent forms for the individuals, and I am happy to look into the issues. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Sahtu.

QUESTION 682-18(3):
DELINE GOT'INE SELF-GOVERNMENT

MR. MCNEELY: Thank you, Mr. Speaker. Following up on my statement here to the Premier, my first question relates to the Deline Got'ine Government arrangement or agreement. What is the status of the bilateral MOU between the GNWT

and the Deline Got'ine Government? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Honourable Premier.

HON. BOB MCLEOD: Thank you, Mr. Speaker. The Government of the Northwest Territories and Deline Got'ine Government officials have been working closely and are currently finalizing a draft MOU. Officials will be meeting this month to conclude that draft agreement with the Deline Got'ine Government, and we will forward it to the leaders for review. Thank you, Mr. Speaker.

MR. MCNEELY: Thanks to the Premier for that information. My next question is: when will the parties meet and sign the MOU?

HON. BOB MCLEOD: A date will be set for a first meeting as soon as the leaders have reviewed and approved the draft agreement. I am very optimistic that we can have that first meeting during the life of this government.

MR. MCNEELY: Thanks to the Premier for that information. That gives us some scheduling and timelines in the remaining term of this government to take advantage of setting this milestone by the community. My third question here, Mr. Speaker, is: how will this MOU change the relationship between the GNWT and the Deline Got'ine Government?

HON. BOB MCLEOD: This MOU will formalize our government-to-government relationship and provide an opportunity for the Government of the Northwest Territories and Deline Got'ine Government leadership to meet and discuss issues of mutual concern and interests. We have found that this is an excellent forum to do so. There is, however, ongoing work with Deline Got'ine that is occurring.

MR. SPEAKER: Masi. Oral questions. Member for Sahtu.

MR. MCNEELY: Thank you, Mr. Speaker, and thanks to the Premier for that reply. My last question: it has been two-and-a-half years since the Deline agreement was signed, and it is the first one out of our 33 communities for the territory. Can the Premier provide examples of some of the work currently going on between the Deline Got'ine Government and the GNWT which supports the continuing evolution of the Deline Got'ine Government? Mahsi.

HON. BOB MCLEOD: The Government of the Northwest Territories, Canada, and Deline Got'ine Government are working closely together to continue the implementation of the Deline Got'ine agreement. We will be establishing a bilateral housing working group to collaboratively address housing issues in the community. All three

governments are also working to renew the Deline Got'ine Government financing agreement.

In 2015, Deline developed and implemented a thoughtful and comprehensive caribou management plan for the Bluenose-East herd, to guide their community and residents based on their agreement. ENR and the Government of the Northwest Territories will continue to support Deline as they review and consider any improvements to their caribou management plan. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Yellowknife North.

QUESTION 683-18(3):

NORTHWEST TERRITORIES WATER LICENSES

MR. VANTHUYNE: Thank you, Mr. Speaker. My questions today are for the Premier. Mr. Speaker, in my Member's statement today I spoke about our water regulatory regime, and, in particular, I referred to the Commissioner in Executive Council, so I would like to ask the Premier: does the Premier acknowledge that we have the ability to now take control over our water resources and that there is no need for us to wait until the MVRMA is repatriated? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Honourable Premier.

HON. BOB MCLEOD: Thank you, Mr. Speaker. The Northwest Territories has a unique co-management regulatory regime that is governed by the federal Mackenzie Valley Resource Management Act and the Territorial Waters Act. Under the devolution agreement, the Government of the Northwest Territories received authorities from the federal government with respect to land and water management under the MVRMA. Land and water boards have legislative authorities for decision making for type B water licences where a public hearing has not been held, similar to their authorities pre-devolution. For projects on territorial land, the Minister of ENR has authorities for approving type B water licences where a public hearing was held, as well as approvals of all type A water licences.

MR. VANTHUYNE: Thank you to the Premier for that explanation. I am not sure where this might lead with regard to my next question, but I am going to ask it to the Premier. He realizes that currently there are developing projects, such as Nighthawk, Osisko, and even TerraX, that, if they need to operate more than two drills, they need to make and continue to administer two almost identical applications for the same water board, one for land use permit with 100 cubic metres of water, the second for another 200 cubic metres of water on the same land. Will the Premier, in consultation with

Cabinet and the Minister of ENR, consider revising the current 100-cubic-metre threshold to put us in line with the best practices in comparable northern jurisdictions?

HON. BOB MCLEOD: We are not currently considering revising the requirement for a type B water licence for the use of over 100 cubic metres of water per day. It is my understanding that this volume is consistent with other northern jurisdictions. In the Yukon, the 300 cubic metres is a threshold specifically related to type B licences for placer and quartz mining. All other mining has a threshold of 100 cubic metres for a type B water licence. In Nunavut, anything between 50 and 300 cubic metres requires a type B licence.

MR. VANTHUYNE: Thank you to the Premier for that clarification again. We will get off water just for a moment, and I would like to ask the Premier: will the Premier consider a made-in-the-North solution for prescribing what information applicants for a water licence are required to submit, to ensure that the boards collect the relevant and proportionate information to practically and efficiently evaluate an application?

HON. BOB MCLEOD: The Government of the Northwest Territories works closely with regional land and water boards on information guidelines relevant to water licensing and land-use permitting processes. Guidelines exist with respect to completing water licence applications in the Mackenzie Valley. The Government of the Northwest Territories will provide feedback to the boards on recent process and any improvements that can provide efficiencies in process.

MR. SPEAKER: Masi. Oral questions. Member for Yellowknife North.

MR. VANTHUYNE: Thank you, Mr. Speaker. Thank you to the Premier for the reply. Lastly, Mr. Speaker, NRCan has just announced that exploration expenditures in the NWT have declined to the lowest level in 10 years. I would like to ask the Premier: will the Premier consider a made-in-the-North solution for prescribing timely, proportionate, and predictable procedures to be followed for a water licence application to the boards?

HON. BOB MCLEOD: Right now, only Canada can provide policy direction to the boards, but I can say that the Minister responsible for Crown-Indigenous Relations and Northern Affairs Canada has agreed to start discussions for the devolution of the MVRMA processes. As you may recall, there was a five-year provision to wait to begin the review, and he has indicated he is prepared to start that review right away. Independent regional land and water boards are responsible to administer processes for

both type A and type B water licence applications. Maximum timelines for water licence processes already exist under the legislation. Rules or procedures have been established by land and water boards. The Government of the Northwest Territories is a strong supporter of efficient and effective resource-management decisions. We will provide the feedback to the boards on recent process. However, it is within their authority to define their process and procedures. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Deh Cho.

QUESTION 684-18(3):
SENIORS' HOME AND COMMUNITY CARE

MR. NADLI: Mahsi, Mr. Speaker. Further to my statement on homecare services, my questions are to the Minister of Health and Social Services. It's said that we have a growing number of senior-aged people in the country, and especially here in the NWT, and so this government has gone on record to say that we encourage our elders to live in their homes for as long as possible. How does the department determine what elders may need? Sorry, I will rephrase that question. How does the department determine what elders may need in terms of special care in order for them to live well in their own homes? Mahsi.

MR. SPEAKER: Minister of Health and Social Services.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. The authority identifies a client's care needs based on a home and community care assessment that is done with each client. If a client is receiving care and services through the home and community care program, their care needs are assessed on a regular basis and, if they change or they need to be modified, the program for home support can be modified. So it is based on an assessment to determine the level of supports they do need.

MR. NADLI: How are our elders currently referred to homecare services, and who is responsible for those referrals?

HON. GLEN ABERNETHY: Healthcare providers such as nurses, physicians, or nurse practitioners can actually refer clients to the home and community care program. They will do the assessment and figure out what levels of support an individual needs. However, if somebody in the Member's constituency is under the impression that they do need some home supports, I would encourage them to go to the health centre, make an appointment, and get a referral.

MR. NADLI: In the community of Fort Providence, and more likely some other communities that had undertaken programs to try to increase the level of services that could be brought into the community, and particularly for elders, there was a program that was operated by the band. I am just curious as to why the funding for the Deh Gah Gotie homemaker program was discontinued?

HON. GLEN ABERNETHY: I am not familiar with that program. I have asked the department to do a little bit of digging. It seems that program was a program that existed many, many years ago, well before my time. I could not tell the Member today why that funding was discontinued. I also don't fully understand the nature of the program, but, if the Member has some information on the program, I am happy to take it, I am happy to read it, I am happy to look at it and see if there is any opportunity for us to include the concepts and principles in the work we are doing around the continuing care action plan and living in place. It might be something that could help inform our family and paid community caregiver program and pilot, so I am certainly interested to learn about it. I do not know enough about it, but, from what I understand, it was a program that was run many, many years ago, well before my time.

MR. SPEAKER: Masi. Oral questions. Member for Deh Cho.

MR. NADLI: Thank you, Mr. Speaker. Will the Minister commit to meet with the communities so that he can see for himself that there is a need for additional homecare workers in the community of Fort Providence? Mahsi.

HON. GLEN ABERNETHY: I am always happy to travel to the Member's riding, meet his constituents, and hear their concerns. If the Member is interested in doing that, I would suggest maybe contacting my office, and we will see if we could figure out a time that would work for the Member and myself. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Yellowknife Centre.

QUESTION 685-18(3):
CHILD AND FAMILY SERVICES QUALITY
IMPROVEMENT PLAN

MS. GREEN: Mahsi, Mr. Speaker. I would like to continue with my line of questioning to the Minister of Health and Social Services, to put a few more things on his list to report on. Next, the OAG report recommended that health authorities work together to promote equity in the delivery of foster care across the territory. The department agreed that a set of standards and procedures would be

completed by March 31st. My question is: are they complete? Mahsi.

MR. SPEAKER: Masi. Minister of Health and Social Services.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. As I indicated earlier, there are four areas where we are concerned that we may not meet the March 31st deadline. I don't have the details in front of me. I know that, most of the areas, we have actually completed already. I have committed to getting the Member and committees an update of where we are. It will include that information. Thank you, Mr. Speaker.

MS. GREEN: Thank you to the Minister. I am just going to keep filling up his list here. The OAG recommended, and the department agreed, that staff required more training with a structured decision-making tool to ensure that it was being used effectively. The department agreed that new training will be implemented by the end of March. Can the Minister tell us: is that training ready to go?

HON. GLEN ABERNETHY: One of the items that has been completed is we provided refresher training on SDM to 25 staff. This training is part of the training-the-trainer model, which will be implemented across the Child and Family Services system. We have also completed a written protocol for quality assurance checks of the SDM tools.

MS. GREEN: Thank you to the Minister for that. That is good information. Next, the OAG recommended that the requirements of the Child and Family Services Act be met in responding to child protection concerns, and the department agreed. The department agreed, in fact, to put key standards in place by the end of the month. Is that work on track?

HON. GLEN ABERNETHY: There are 80 items in the action plan. Those action plan items come from the OAG, from committee, and from work that we have done on our own audits. I can't actually, off the top of my head, remember if that is one of the items that has been finalized, but I have made a commitment to the Member and committee that I will get them an update of where we are on the action items, and I will do so.

MR. SPEAKER: Masi. Oral questions. Member for Yellowknife Centre.

MS. GREEN: Thank you, Mr. Speaker. Finally, we have heard lots about the Quality Improvement Plan, but it is not yet a public document. When will the Minister table this plan in the House? Mahsi.

HON. GLEN ABERNETHY: I would like to table this document as soon as I can, but I have made a commitment to work with the Indigenous

governments. The Member's first line of questioning actually asked those specific questions. We will meet with our Indigenous partners. We will get their feedback and their input. If it results in changes to the Quality Improvement Plan, we will make those changes, and then we will release the document and make it public. Hopefully we will do that before next session, at which point I would be willing to table it next session. If the work that we need to do with the Indigenous governments take a little bit longer, I am going to take the time. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Frame Lake.

QUESTION 686-18(3):
NORTHWEST TERRITORIES CONSUMER
RIGHTS AND PROTECTIONS

MR. O'REILLY: Merci, Monsieur le President. In responding to my Committee of the Whole questions, the Minister of Municipal and Community Affairs agreed that there is a significant line-up of new legislation needed within his department. I think that there is some sort of transition process in place to prioritize that work. Can the Minister give us more details on how a recommended roadmap for new MACA legislation is being developed for transition to the next Assembly and how committees, or even the public, can influence that shopping list? Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Municipal and Community Affairs.

HON. ALFRED MOSES: Thank you, Mr. Speaker. MACA has made a commitment to help identify legislative priorities, like any other department, and bring them to the next Assembly on a community perspective. Part of the rationale for this effort is to bring forward legislative amendments that have the largest and most positive impact for our community governments. The key for MACA is to understand what the issues are with our legislation, of course, and get that information.

Most recently, we just had a meeting with the NWT Association of Communities. Obviously, we also want to hear from the Local Government and Public Administration Committee. They can play a role in this. Really, any Member of the Legislative Assembly can bring forward what they think needs to be done, especially going through this transition into the next government. I think that a really good example is Bill 31, with the changes that we have made in just developing the 911 Act and the collaborative effort that we had from municipalities, as well as committee, in working on that bill. Those are our stakeholders to give us the input, but a community perspective on the legislation moving

forward into the next government is what we are focusing on. Thank you, Mr. Speaker.

MR. O'REILLY: I want to thank the Minister for that. If it is not a secret, I think that consumer protection should be on that shopping list. I appreciate that we are not going to be able to start drafting new laws before the end of this Assembly, but some preparatory work can begin now. I gave the Minister a heads-up here. Is the Minister aware of the Charter of Consumer Rights that the Consumers Council of Canada have developed and how that work might guide the department's work on consumer protection in future legislative change?

HON. ALFRED MOSES: Yes, and I appreciate the Member for sharing some of this information with me previously. The department is familiar with the Consumer Bill of Rights, and so am I, with the information that has been posted.

However, it is my understanding that it has not been an integral part of our ongoing provincial-territorial-federal dialogue concerning consumer affairs matters. Its principles, however, certainly offer a very good foundation for most consumer protection regimes throughout Canada. I will commit to the Member, as I have done at federal-provincial-territorial meetings, that I will share this with my jurisdictional colleagues in terms of consumer rights, either by an email or at the very next meeting.

MR. O'REILLY: I want to thank the Minister for that. I appreciate that he is going to raise this at the next federal-provincial-territorial meeting on consumer affairs with his colleagues that he works with. I think that is a good step. In my statement today I spoke about cross-jurisdictional issues that can sometimes frustrate consumers, and those include things like air carriers, flight complaints, and those sort of things. Can the Minister explain how he works with his federal counterparts in terms of consumer rights and protection?

HON. ALFRED MOSES: As you heard in the earlier question, I will be making that commitment. However, MACA does engage on an ongoing basis with federal consumer protection agencies through the federal-provincial-territorial Consumer Measures Committee, and this body does serve as a valuable information source and policy development mechanism for issues of common interest, such as developing harmonized legislation for consumer protection and the sharing of education materials for consumers. As I have said in the previous question that the Member asked, I will be making a commitment to ensure that the Consumer Bill of Rights is something that we will be bringing to consideration when we are looking at this, as well.

MR. SPEAKER: Masi. Oral questions. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. While I'm on a roll, here, and I do appreciate the commitment of the Minister, one of the areas that NWT residents to participate increasingly in is online purchasing. Has our Consumer Protection Branch seen an upswing in complaints in this area, and has the branch developed any advice or guidelines for online shopping to ensure that NWT consumers have the tools to avoid scams? Mahsi, Mr. Speaker.

HON. ALFRED MOSES: I can't give the Member the exact number of complaints that we have seen, but that's something that we can take a look at and see if there has been an increase over the years. Also, the department has not developed education materials directly related to online shopping, but it is something that does need to be addressed, as a lot of things are happening online these days. However, within the last six months the department has released consumer information bulletins on gift cards and payday loans, and some of those relate to airline travel complaints, gasoline prices, and we will continue to look at where else we can make that information available to the consumers throughout the Northwest Territories. I will commit to that. I can also commit that we will look at how many complaints we have seen over the last couple of years. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Frame lake.

MR. O'REILLY: That's four.

MR. SPEAKER: You were on a roll, so I figured I'd let you go on.

---Laughter

Oral questions, Member for Hay River North.

QUESTION 687-18(3):
REQUEST FOR PROPOSALS FOR HAY RIVER
HEALTH LONG-TERM CARE FACILITY

MR. SIMPSON: Thank you, Mr. Speaker. I have questions for the Minister of Infrastructure. I see that an RFP for architectural and engineering services has just gone out for the long-term care facility in Hay River; however, there is still a building standing in the lot where that building is supposed to go. We need to move the employees working in that building out to another building, and so I'd like an update on how that's going. Can the Minister update the House on whether or not an RFP has been issued or awarded for office space to move the current employees from H.H. Williams out into another space? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Infrastructure.

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. An RFP has not been issued at this time yet. Thank you, Mr. Speaker.

MR. SIMPSON: Could the Minister update the House as to when he expects it to be issued and, if he's willing, even when he expects it to be awarded?

HON. WALLY SCHUMANN: An RFP will be posted on March 19th, next week, on this, and it will remain open until May 17th. Within this RFP, there will be a request for 750 square metres of combined office and clinical space within the town of Hay River, and local landlords who are proposing to bid on this can use a new facility or an existing facility.

MR. SIMPSON: I know there are developers who have expressed interest in pursuing this opportunity, so does the Minister know if we can expect a new build, or can we expect renovations?

HON. WALLY SCHUMANN: In January we actually put out a request for expressions of interest on this to see what was out there to test the commercial space market in Hay River, and there were a number of people who submitted, who provided capacity to be able to do this in both new space and existing space. So it will be interesting to see what we come back with this RFP.

MR. SPEAKER: Masi. Oral questions. Member for Hay River North.

MR. SIMPSON: Thank you, Mr. Speaker. I expect, if it's new space, it's going to be a little later that the move is going to happen, and if it's just a renovation, it might be sooner. Does the Minister know, in either scenario, when we can expect the employees to be moved out of H.H. Williams into the new office space? Thank you, Mr. Speaker.

HON. WALLY SCHUMANN: As I said, we expect to be able to award this RFP in May of this year, and we expect the proponent to have this new build or existing build with the renovations completed by the fall of 2019. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Nahendeh.

QUESTION 688-18(3):
MEDICAL TRAVEL BOARDING HOME
CONCERNS

MR. THOMPSON: Thank you, Mr. Speaker. Earlier during this question and answer period I had questions for the Minister of Health and Social Services regarding the boarding home. I've been advised that the ratio for beds to washrooms is 6:1

in the boarding home. Is this ratio to code? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Health and Social Services.

HON. GLEN ABERNETHY: Thank you Mr. Speaker. The boarding home is up to code with the Fire Marshall and environmental health officers.

MR. THOMPSON: I keep hearing concerns about this ratio of 6:1, and some of the concerns they have is people who, you know, take medication and they have to be close to the washroom, and they don't seem to have washrooms available. Does the boarding home take this into account when they assign patients' beds?

HON. GLEN ABERNETHY: As much as possible, the answer is yes. They do attempt to triage patients as best they can; however, they're not always aware of all the information, or all the preferences, or all the needs of our clients and/or our patients. We strongly encourage our residents to let the boarding home what some of their limitations are as much in advance as possible, so that they can be properly triaged and properly placed.

Just as a note, there are some public washrooms available in the facility if one of the ones that are in the area they're staying in is occupied. So there are options, but they do try to triage these residents.

MR. THOMPSON: Some of the other concerns I heard were regarding the food. Does the department inspect the food on a regular basis?

HON. GLEN ABERNETHY: The menus that are provided by the Vital Abel are actually approved by a dietician. The boarding home also maintains compliance under the Food Establishment Safety Regulations under the Public Health Act, so they are inspected from time to time. I think the important note here is that the menus are approved by dieticians.

MR. SPEAKER: Masi. Oral questions. Member for Nahendeh.

MR. THOMPSON: Thank you, Mr. Speaker. I think the Minister for these answers. So a dietician is in place. I'm assuming, and I don't want to assume, so I'm going to ask the question here again with the Minister: can the Minister advise how the department works with the boarding home to ensure that the Canada's Food Guide is actually followed? Thank you, Mr. Speaker.

HON. GLEN ABERNETHY: The menus are reviewed by a dietician, and the contract that we do have with the boarding home has provisions requiring the contractor to be compliant with the

Canada's Food Guide, so dietician and contract. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Mackenzie Delta.

QUESTION 689-18(3):
PEEL RIVER AND MACKENZIE RIVER FERRY
CROSSINGS WASHROOM FACILITIES

MR. BLAKE: Thank you, Mr. Speaker. I have a few questions for the Minister of Infrastructure. I brought this issue up a while back but, you know, it tends to take the government a while to act on things. The issue that I'd like to bring up, I'm sure the Minister has had his share of questions on washrooms this week, but I'll do mine anyway. During the summer at ferry landings on the Mackenzie and the Peel, at times we have the ferry closing due to weather. As the Minister recalls, we've had people who were stranded on the south side of the Peel River for up to two to three days, and a lot of those people are there with no outhouses or no washrooms in place. I'd like to ask the Minister: will the Minister work with the communities of Fort MacPherson and Tsiigehtchic to provide portable washrooms at the ferry landings on the Mackenzie and the Peel for the people who are travelling during the summer months? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Infrastructure.

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. Well, I think the first thing I am going to have to do, if the Member says he has asked the government to have a look at this before, I will have to go back and get the previous information and see what was corresponded and make a decision based on that.

MR. BLAKE: I will save the Minister some trouble. His response is basically no. You know, you have to be compassionate in situations like this, if people are stranded for two to three days, most times with limited food. We are very fortunate the people of Fort McPherson actually went there and had a cook-out for people who were stranded, but I think the department has a little responsibility here to provide outhouses, a place where people could use washrooms, especially during the summer. So will the Minister make sure they budget it? It wouldn't cost a lot, Mr. Speaker. We shouldn't be thinking cost in situations like this. Think of our tourists, our residents of the Northwest Territories who are travelling during the summer. Will the Minister ensure that they work with the communities to provide this service at our ferry landings?

HON. WALLY SCHUMANN: As I said, I will go back to the department and have a discussion and see what information I can bring forward and have a discussion with the Member.

MR. BLAKE: The Minister does not sound too enthusiastic here. The community of Tsiigehtchic, for example, a couple years back we had an exercise with the 1 CRPG here in Yellowknife. Actually, the military came to the community, and they had a whole bunch of outhouses around the community, and they actually gave them to the community. So, you know, we have the facilities that are needed. It's just a matter of setting them up on each side of the rivers and just a matter of going there every day or two, just at the same time they do the ferry camps anyway, so it would not be much of an added cost. So will the Minister make sure that the department looks at it and makes sure that this is up and running this summer?

HON. WALLY SCHUMANN: As I said, I will go back to the department, have a discussion with them, and, if there is an opportunity that we can figure out a way to facilitate the use of a public washroom at the ferry landings, we will certainly entertain it, but I want to get some more information before I make that type of a commitment.

MR. SPEAKER: Masi. Oral questions. Member for Mackenzie Delta.

MR. BLAKE: Thank you, Mr. Speaker. We are making a little progress with the Minister here. Will the Minister give direction to the department to ensure that they work with the communities? I am sure the Minister may be even travelling up there this summer and have to use those washrooms instead of running into the willows, like most of our residents have to do. Mr. Speaker, it's just common sense. I am sure when they had the ferry in Providence we had these facilities there, so will the Minister give direction to the department to budget probably a few thousand dollars to have these up this summer? We need five actually, five locations; north and south on the Peel and the three at Tsiigehtchic. Will the Minister make sure that they work on that? Thank you, Mr. Speaker.

HON. WALLY SCHUMANN: I think I just became the Minister of water and sewer for some reason here. As I said, I will go back to the department and have a conversation with my officials, and I will get back to the Member if there is an opportunity to do this. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Item 9, written questions. Item 10, returns to written questions. Item 11, replies to Commissioner's opening address. Item 12, petitions. Item 13, reports of committees on the review of bills. Member for Hay River North.

Reports of Committees on the Review of Bills

BILL 29:
AN ACT TO AMEND THE ACCESS TO
INFORMATION AND PROTECTION OF PRIVACY
ACT

MR. SIMPSON: Thank you, Mr. Speaker. Your committee would like to report on its consideration of Bill 29, An Act to Amend the Access to Information and Protection of Privacy Act. Bill 29 received second reading in the Legislative Assembly on October 30, 2018, and was referred to the Standing Committee on Government Operations for review. An extension was requested and granted on February 27, 2019.

I would like to advise the House of this committee's wish to seek a further extension for our review of the bill, with the intention of reporting back to the House on May 23, 2019. Therefore, Mr. Speaker, in accordance with Rule 75(1)(c) of the Rules of the Legislative Assembly of the Northwest Territories, I move, seconded by the honourable Member for Deh Cho, that the review period for Bill 29 be extended to May 23, 2019. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. All those in favour? All those opposed? Motion carried.

---Carried

Masi. Reports of committees on the review of bills. Item 14, tabling of documents. Minister of Education, Culture and Employment.

Tabling of Documents

TABLED DOCUMENT 384-18(3):
AURORA COLLEGE CORPORATE PLAN 2018-
2019

TABLED DOCUMENT 385-18(3):
AURORA COLLEGE ANNUAL REPORT 2017-
2018

HON. CAROLINE COCHRANE: Mr. Speaker, I wish to table the following two documents entitled "Aurora College Corporate Plan 2018-2019"; and "Aurora College Annual Report 2017-2018." Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Minister of Finance.

TABLED DOCUMENT 386-18(3):
PUBLIC SERVICE ANNUAL REPORT 2017/2018

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I wish to table the following document entitled "Public Service Annual Report 2017/2018." Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Member for Frame Lake.

TABLED DOCUMENT 387-18(3):
CONSUMERS COUNCIL OF CANADA CHARTER
OF CONSUMER RIGHTS

MR. O'REILLY: Merci, Monsieur le President. I wish to table the following document, "Consumers Council of Canada Charter of Consumer Rights." Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Item 15, notices of motion. Member for Inuvik Twin Lakes.

Notices of Motion

MOTION 36-18(3):
APPOINTMENT OF OMBUD

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I give notice that, on Thursday, March 14, 2019, I will move the following motion: now therefore I move, seconded by the honourable Member for Mackenzie Delta, that Ms. Colette Langlois be appointed as ombud for a term of five years, in accordance with the Ombud Act, by the Commissioner of the Northwest Territories, as recommended by the Legislative Assembly; and further, that the appointment become effective April 8, 2019. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Notices of motion. Member for Yellowknife Centre.

MOTION 37-18(3):
EXTENDED ADJOURNMENT OF THE HOUSE TO
MAY 23, 2019

MS. GREEN: Mr. Speaker, I give notice that, on Thursday, March 14, 2019, I will move the following motion: I move, seconded by the honourable Member for Great Slave, that, notwithstanding Rule 4, when this House adjourns on Thursday, March 14, 2019, it shall be adjourned until Thursday, May 23, 2019; and further, that any time prior to May 23, 2019, if the Speaker is satisfied after consultation with the Executive Council and Members of the Legislative Assembly that the public interest requires that the House should meet at an earlier time during the adjournment, the Speaker may give notice, and thereupon the House shall meet at the time stated in such notice and shall transact its

business as it has been duly adjourned to that time. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Notices of motion. Item 16, notices of motion for first reading of bills. Item 17, motions. Item 18, first reading of bills. Item 18, second reading of bills. Minister of Environment and Natural Resources.

Second Reading of Bills

BILL 44: FOREST ACT

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Yellowknife South, that Bill 44, Forest Act, be read for the second time. This bill establishes a new framework for the management and protection of forests in the Northwest Territories. It sets out some general requirements with respect to the sustainable use of forests and forest resources. It enables the protection of forests through wildfire management and prevention and includes provisions to respond to forest insects, disease, and invasive plant species. The bill also authorizes the use of forest resources through forest harvesting agreements, permits, and licences. The right to appeal certain decisions is granted. Finally, an enforcement scheme is created in order to ensure respect for the new management and protection framework. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the principle of the bill. Member for Tu Nedhe-Willideh.

MR. BEAULIEU: Thank you, Mr. Speaker. Today I rise to speak on the Forest Act, to represent the Aboriginal Indigenous governments of my riding. I have been contacted by the Indigenous governments that are not in favour of this bill moving forward at this time. The Indigenous governments would like to see the bill go back to the government, and they would like to see them participate as a government. Right now, they feel like they are stakeholders. The bill has been drafted with all the Indigenous governments across the territories treated as stakeholders. In this act, being a stakeholder would mean that they may not even be the main stakeholder that the government deals with moving forward.

One opportunity that the Indigenous governments have to have a say in what happens with the Forest Act is not necessarily through a technical working group when, at the last minute, we are being asked to intervene and not pass this bill by the governments that we represent for that reason. They feel like they are stakeholders. There are large gaps between when they get to see the act. The Forest Act is an important act. It is a renewable

resource act. It is a renewable resource act that is replacing acts from the federal government at this time, two acts.

It is similar to what happened with the Wildlife Act. In the Wildlife Act, the Indigenous governments got to co-draft the act. It took three or four governments. It took 10 years, mind you, but it essentially set the standard on how government should be drafting legislation. It was at the cutting edge of drafting legislation when you have a public government that is working with Indigenous governments to draft legislation. It took a long time for the Wildlife Act to go through, but we replaced an antiquated act back then. It was an act that the people see as an improvement. It is an act that the Indigenous governments can say that they held the pen.

This is not the case here. In the Forest Act, they have gone backwards, maybe, back to the idea that the GNWT will do all the drafting and they will do consultation with the Indigenous governments from time to time or work with the technical working group.

Today, or over the last few days, I have been contacted by the Indigenous governments. They feel like stakeholders through this process. This government meets with these Indigenous governments on a regular basis and treats them as a government when they sit across from each other in bilateral meetings. Not in this case here. In this case here, they are treated as stakeholders, stakeholders who may have less of a stake than industry.

Once this Forest Act is passed into the third reading, it would go to committee. They would have an opportunity to speak on the act, and they would have opportunities for consultation. That is not the full involvement that the Indigenous governments would like to have. The Indigenous governments want to co-draft legislation.

Like I said, this is an important piece of legislation. There are two very important renewable resources; wildlife and forest. They had an opportunity. Although the process took a long time, they had that opportunity in the Wildlife Act. Today they are not going to have that opportunity.

If we pass this second reading, it will go to consultation, and that is what it will be. It will be consulted. They will be consulted like any other stakeholder across the territory. If there are stakeholders registered to speak on this act, then they will be at equal level to the governments that this government sits across in bilateral meetings and indicates that "You guys are a government. We respect you. You guys sit across from us, but only

on some things, not on all things. Legislation is not one of them." Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the principle of the bill. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. I will speak to the process that resulted in the bill, also provide some comments on the bill and concerns with what is there and what is missing. The bill is really just supposed to modernize our forestry practices and management. There have been some recent media tension and news releases related to the way in which it was developed, how inclusive that process was, and whether there is appropriate recognition and incorporation of Indigenous rights and agreements.

ENR's approach on the development of its environmental legislation appears to have been similar to other departments in a post-devolution world, but there were some significant difference. ENR created a two-level approach from consultation. A large stakeholder advisory group, consisting of NGOs, industry, and others, was invited to a series of three large workshops that were held October 12, 2017; February 28 to March 1, 2018; and May 9 and 10, 2018. Participants were promised a chance to review the draft bills before introduction to the House, but this was not done.

There was also a broader public engagement for the Forest Act that closed on December 14, 2018. A bulleted list of possible principles and content was posted to the ENR website. A "what we heard" report was promised but never delivered. Submissions were also not posted. Public consultation and engagement appears to have ended in late 2018.

Technical working groups were established for each of the five ENR bills being considered, including the Forest Act. Indigenous governments were invited to participate in detailed discussions and exchanges of proposals and drafts. Co-management bodies were sometimes allowed to participate in the technical working groups as some of them would be expected to implement parts of the bills.

Indigenous governments that were not members of the inter-governmental council and some NGOs without paid staff were provided some limited financial assistance from ENR. I believe that is a good step.

As I understand it, notes were kept for all the stakeholder advisory group and technical working group meetings. ENR did not share any of its research, best practices, or cross-jurisdictional analysis publicly. Despite repeated attempts by standing committee and Regular MLAs, ENR did

not share anything substantive from its consultation and drafting process with Regular Members.

The Minister said in writing on March 28, 2018, that he was "committed to provide SCEDI with updates on ENR's legislative initiatives and the technical working group and stakeholder advisory group meetings." That never happened. Despite several reminders to the Minister and even the Premier, the standing committee had no idea what the actual bills would contain or what stakeholder and Indigenous government feedback ENR had received. The Minister did provide some information on a confidential basis last Friday on this in the past week following media reports of dissatisfaction with the co-drafting process.

The secrecy surrounding this bill was not helpful and was worse than the ITI bills, much worse, and will make the job of standing committee that much more difficult, especially when it comes to inviting public commentary. This is not how consensus government is supposed to work.

ENR has not provided any plain-language summaries for its legislation, although the Minister did commit to do this in Committee of the Whole review of the department's budget last week. This needs to happen very quickly as the public needs help to participate democratically in the review of Bill 44 and the other proposed ENR legislation.

There are lots of lessons we can learn about the development of these bills. There is a need for formal review across departments of how we did with our first steps in the post-devolution world.

Mr. Speaker, I would now like to turn to the principles and merit of the bill.

GNWT has a Forest Management Act and four sets of regulations under it. That legislation allows for the establishment of a supervisor and officers. The powers of the Minister are also set out. Agreements can be entered into, and permits and licences issued for forestry activities. An appeal process is also set up. An enforcement regime is established, including offences and penalties that are set out, along with regulation-making authority.

There are regulations that set out more detail for permits and licences for harvesting, commercial operations, and research. Charges and fees are laid out, including those related to reforestation. Record-keeping is also required. The other three regulations create a forest management unit near Cameron Hills for the cutting of timber, zones for management purposes, and other areas for management. There is also a Forest Protection Act with no regulations under it. It deals largely with fire suppression, duties to report, and duties to assist.

Offences and penalties are established with ministerial power to create regulations.

Bill 44, the Forest Act, will repeal and replace these two pieces of legislation and their regulations. Modern forestry legislation should establish a planning and management regime, and the bill purports to do this, but it is going to take a lot of hard work to get it in order.

The Forest Act sets out some overall administrative roles and responsibilities. Sustainable forest management is outlined, followed by a detailed section on forest fires and suppression. Agreements, permits, and licences are provided for in the bill, and there is a detailed appeal process. Officers are created to provide enforcement through inspections, investigations, and seizures, with fines and penalties, as well. Alternative measures may be agreed upon. Regulation-making authority is spelled out. Lastly, there are some transitional provisions.

There are some laudable aspects to this bill, such as the extensive preamble and the purpose section. There is a commitment to work in a cooperative and collaborative manner, use best available information, including traditional knowledge and adaptive management, recognition of wildfire as a natural process, ecological integrity, and sustainability. However, the bill does little to translate these lofty ideas into actual practice in a coherent, consistent, and logical fashion.

There are a number of very serious issues with this bill as I see it. It is almost as if the bill was half-done before it was introduced. There is no logical order or flow to it. One might expect to see research and inventory work that would lead into the development of forest management plans, which would then form the basis for forest use through agreements, followed by licences and permits that would authorize specific forestry activities, which would be monitored and reported on.

Although the bill contains most of these functions, they are scattered about in an almost incomprehensible fashion. It is going to take a lot of work to organize these steps into a logical and orderly process for forest protection and management. It is like parts of the previous two bills were glued together, rather than woven into a pattern that is clear and makes sense. I will have some specific comments on some of these functions a little later.

There are few, if any, cross-references to other resource management legislation, which creates a potential for overlap and duplication, or even conflicting provisions. For example, the definition of "forest ecosystem" includes all wildlife. There are provisions for ecosystem management plans, while

we already have a detailed Wildlife Act in place for wildlife plans.

While the bill does acknowledge and recognize the prevailing co-management system established under constitutionally entrenched land rights agreements, it does not fully embrace or support the role of the Renewable Resources Boards or Indigenous governments in those areas in the bill itself. There are no clear roles for the co-management bodies or Indigenous governments in the development and approval of forest ecosystem management plans, forest harvesting agreements, permits and licences, or monitoring and reporting on the state of forest ecosystems. The Minister can develop and implement plans, policies, and programs, but there is no requirement for notice or any kind of a review process. There are lots of provisions and approaches from the Wildlife Act that could and should have been incorporated into this bill to fully incorporate co-management.

In a very strange twist, the only defined role for co-management bodies and Indigenous governments in this bill is a right to be notified when an appeal is received by the Minister from a third party for denial of a permit or licence or suspension of same or a seizure. Co-management bodies and Indigenous governments don't even have the ability to file an appeal themselves if they disagree with the decision by the Minister. Once notified of an appeal by a third party, co-management bodies and Indigenous governments have a right to intervene in that appeal process. Surely we can do much better in recognizing the roles and responsibilities of our resource management partners who already have constitutionally protected rights to manage forest resources.

There is the ability for the Minister to enter into agreements with others to carry out forest management. This may allow the Renewable Resources Boards to substitute for the poorly organized and drafted functions provided for in this bill. There are provisions for a public registry in the protected areas bill, and such is also the practice with the Land and Water Board of the Mackenzie Valley and the Mackenzie Valley Environmental Impact Review Board. There is no requirement for, or even a mention of, a public registry for management plans, licences, permits, inspections, or the plans, policies, and programs that the Minister may develop to manage forests under Bill 44. How is anyone supposed to know what is going on without a public registry?

The lack of a public registry is just the tip of the iceberg, as there are no provisions anywhere in the bill for public notice or participation in the development of forest ecosystem management plans, forestry agreements, permits, licences, or state-of-the-forest reporting. Surely there should be

some role for the public in knowing about and commenting on at least some, if not all, of these tools for forest management and protection.

I want to highlight one glaring example of how the bill does not tie together the forest management tools that it contains. There is the potential for the supervisor to develop forest ecosystem management plans. That is great. I believe that it should be a duty as well. However, these plans must be completed before a forest harvest agreement can be issued. This is, in principle, a good thing and mirrors how land use permits and water licences must conform with an approved regional land use plan or, at the municipal level, how a development permit must confirm the zoning and a general plan. While a forest ecosystem management plan needs to be in place before harvesting can take place, there is nothing in the bill that says that the harvesting has to conform to, and be consistent with, the completed forest ecosystem management plan.

The bill is almost devoid of any public notice or reporting requirements, except when it comes to fire management and suppression. The supervisor may monitor the state of forest ecosystems, but there is no duty to do so or to report publicly. This oversight needs to be corrected and coordinated with the state-of-environment reporting requirement in the proposed Environmental Rights Act and similar requirements for the environmental audit performed under the Mackenzie Valley Resource Management Act.

The bill deals with fire suppression, and there is a mandatory requirement for prevention and preparedness plans for industrial activities. This is a good feature, but there is no provision for any kind of review or public participation, even by a community government that may be nearby or called upon for assistance. The supervisor can provide reimbursement for those called upon to assist with forest fires, but there does not appear to be any dispute resolution process if the amount offered is not acceptable.

Fees or charges in respect of reforestation or clearing are to be tracked as a special purpose fund and are to be used only for forest renewal activities. This is, in principle, a good step. However, there is no requirement for any monitoring or evaluation of the effectiveness of such efforts and no public reporting, either. This does not create any accountability or transparency.

Again, as we have seen with most of the resource management bills coming from Cabinet, there is a very troubling pattern of extensive and sweeping ministerial power and discretion without many checks or balances. There are 40 listed areas for

potential regulations that take up more than two pages in the 57-page bill.

This bill, Mr. Speaker, is going to take a lot of time and effort to fix up. I have to wonder if it would have been better to allow more time for the parties involved to bring it to the level where it should have been for a public review. I believe that the public interest would be better served by sending this bill back for further work. I will not be supporting this bill moving forward at this point. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. To the principle of the bill. Member for Deh Cho.

MR. NADLI: Thank you, Mr. Speaker. I, too, will not be supporting the bill in its present form. I understand that this is in principle, and I understand that the spirit and the intent of this bill is to protect the forest. The forest legislation proposes, of course, a regulatory system, and we have been told that it is a framework that will basically guide any form of development related to forestry in the NWT.

As everybody is aware, devolution changed things. I think that the whole idea behind devolution is that we are at that age where we could be responsible for our lands and resources. There are various legislations that need to be mirrored, and it could be just simply a cut-and-paste program, or else you take a very extensive approach to consultation and build approaches from the grassroots up. In this case, there are two efforts. There is the forest management and the non-timber forest products that have to be merged in one legislation.

In one section, we have an industrial interest for forest products at this point. An example is biomass or wood pellets, as an example, but there is still a prevailing interest of Indigenous people to go into the bush, you know, without hassle, without harassment, to cut wood and be able to heat their homes and cook their food and warm their children. Provisions like that should be reflective of future legislation.

In understanding consultations, I understand that it is supposed to be collaborative, and it is supposed to, at the end of the process, be a co-management system. At this point, with the draft that we have, do we have a co-management system? No, we don't. Mahsi.

MR. SPEAKER: Masi. To the principle of the bill. Member for Kam Lake.

MR. TESTART: Thank you, Mr. Speaker. I am not going to attempt to repeat what some other Members have said, only to say that, behind the scenes, when the standing committee is working on developing some of these pieces of legislation, oftentimes it is a back-and-forth process, where bills are sent in draft form only to be returned and

worked on again. I can think of some successful examples of that; the Mineral Resources Act, the Petroleum Resources Act, bills before this House. Those went through that kind of collaborative effort. This bill did not.

The quality of the legislation is a very important consideration when considering the merits of this bill, and there are certainly some troubling concerns with how it is going to be implemented. Is it really, fully-cooked and ready to be taken on the road, ready for public consultation, or does it need more time?

Setting those issues aside, we have to look at the very serious issues that have been raised by Indigenous nations in the Northwest Territories through various forums. This government made a commitment through the Devolution Agreement and through the Intergovernmental Agreement on Land and Resources to co-draft legislation with Indigenous governments and organizations as it relates to land and resources management. I think that it is very important that we live up to those agreements, and there is an expectation that those agreements will be followed. This means more than discharging the legal requirements of a section 35 consultation; it means full nation-to-nation collaboration on laws like this Forest Act.

These issues concerning the involvement of Indigenous nations were shared with me and with other Members of this House, in addition to being made public through the media, and they are serious concerns. Many of the pieces of correspondence that I have reviewed have encouraged the government not to proceed with introduction of the bill, and I have seen no correspondence since that has changed the perspective on that. This is not one or two; this is the vast majority of our Indigenous partner governments.

Reconciliation is something that I believe in, Mr. Speaker, and the concerns raised by Indigenous governments are enough to make me question the merits of voting in favour of this bill. We must do more than talk the talk. We have to walk the walk and live up to our promises to Indigenous nations and work together for our common interests. That was the promise of devolution, and that is the great promise of the Northwest Territories, a jurisdiction which always promotes our shared culture, our shared experience, our shared histories, and our ability to offer Canada a vision of what reconciliation looks like. That must permeate everything that we do and every bill that we create, especially bills that we acknowledge need to be co-drafted.

I believe that moving ahead without the involvement of Indigenous governments on the current form of

the bill will imperil the positive nation-to-nation process that has been developed since devolution in respect to these co-drafting agreements. The bill should be withdrawn and returned to the technical working group so that we can ensure that the views of Indigenous nations are properly represented, along with their constitutionally protected co-management systems.

Unfortunately, withdrawing the bill is not an option at this time. This House must make a decision, and that decision is: which is more important: the political expediency of this government's legislative agenda, or the rights and recognition of Indigenous nations in the Northwest Territories and the agreements that we have signed with them?

If there is even a hint of a shadow of a doubt towards meaningful engagement with Indigenous peoples, I do not believe that this House should take the risk. Therefore, I will not be supporting this bill. Thank you, Mr. Speaker, and I request a recorded vote.

MR. SPEAKER: Masi. To the principle of the bill. Member for Nunakput.

MR. NAKIMAYAK: Thank you, Mr. Speaker. The Inuvialuit Regional Corporation acknowledges the effort that the GNWT has put into many of the pieces of legislation that are being tabled this sitting. Mr. Speaker, I, as well as the Inuvialuit, firmly believe that better legislation results from cooperative policy developing and drafting. While the tabled bill does not include helpful amendments since a version was circulated in December, the Forest Act process did not provide sufficient time for cooperative drafting.

Mr. Speaker, going forward, IRC urges the Government of the Northwest Territories to provide enough time and opportunity for cooperative development of the regulations. In particular, the rights holders and the Government of the Northwest Territories will have to work together to determine what can and cannot be done on private lands. This approach will ensure that the act is implemented in a way that aligns with land claims agreements across the Northwest Territories, as well as works in practice.

Mr. Speaker, having reviewed the updated and tracked bill after the first reading, I can say that my major concerns with the proposed act are fewer. At request, the bill now clearly defines land resources and self-government agreement as specifically including the Inuvialuit Final Agreement. The powers of the supervisor, including land access, are now subject to land claims agreements. The role of co-management bodies are now specifically acknowledged. Also, the burden for extinguishing forest fires has been taken off landowners, like the

Inuvialuit Land Corporation, for example, Mr. Speaker, and placed on industrial operators. All of these are essential changes.

Mr. Speaker, I do not want to convey a lot of criticism after ENR has made these major changes. It shows inclusion. The issue below can be addressed through a committee process. My main concern relates to the application or non-application of the Forest Act to privately owned lands. This was raised during the January 9th meeting of the technical working group, and this is the response that came back in their "what we heard" table: "The act, which deals with both forest protection and management, applies throughout the Northwest Territories, including federal lands, with the exceptions of lands in national parks. ENR will not issue permits or licences on private lands without the permission of the landowner."

Mr. Speaker, that is good for land claims organizations. There are many land claims groups across the Northwest Territories. "A fully developed protocol to guide any actions regarding this issue will be required before ENR gets involved in licence issuance on private lands."

I can understand the need to include all of the Northwest Territories' forests under the act, subject, of course, to the lands claims agreements, because they are connected, and fires, pests, et cetera, do not pay attention to jurisdiction. However, it would be helpful to state in the act that the supervisor cannot issue a permit for things listed in section 36, for example, timber-cutting, clearing, research, management programs, et cetera, on Inuvialuit lands.

Also, the act gives the supervisor powers beyond issuing licences that presumably would apply to private lands. One example is the authority to develop and implement ecosystem management plans, EMPs, that address forest sustainability, maintenance, and ecological integrity, the cumulative effects of forest use and other management objectives in section 12. This section does not require engagement with rights holders within the area identified by the EMP, Mr. Speaker.

We must give the bill the time that it needs to be co-drafted with Indigenous rights holders in the Northwest Territories. The Wildlife Act took 10 years to complete. Time does not make everything right, Mr. Speaker. Actions which include land claims holders and rights holders across the territory are key as we look at the Constitution Act. Section 35, Mr. Speaker, and the United Nations Declaration on the Rights of Indigenous People, which are key to Indigenous people around the world and across Canada, Mr. Speaker, mainly here in the Northwest Territories, should be

considered when drafting something this important or negotiating.

Mr. Speaker, I cannot say that Inuvialuit actively supports the act in its current form, but what I can say is that it is better than it was in December. The Inuvialuit Regional Corporation will work through the review process should the act pass its second reading as they always do. Mr. Speaker, nothing starts off as something that will make everyone happy. This is something that we will need to improve together.

Mr. Speaker, we need to see express exemptions from the permit requirements for beneficiaries, exercising their traditional rights as they relate to forest products. This is a big one for everyone because infringement carries big penalties, Mr. Speaker. We need confirmation that the supervisor cannot issue permits to Indigenous private lands. This is a big one for Inuvialuit, Mr. Speaker, and I am sure there are other Indigenous groups across the territory who would say the same. The powers of the supervisor need to be subject to the same limits the Minister is subject to. There needs to be consultation with Indigenous organizations prior to the establishment of the ecosystem monitoring plans. Once developed and approved, there needs to be adequate monitoring and implementation.

Mr. Speaker, in closing, I may support this bill if I can get confirmation today from the Minister on the floor to allow co-drafting of regulations for this bill to reflect the land-claim agreements of the Northwest Territories. An improvement of this through the public review process is key. If the Minister cannot guarantee inclusion of Indigenous organizations moving forward, I may not show support for this, but, Mr. Speaker, I am a strong believer in developing something. For example, look at my handwriting. No one can read it at times, but with help through some of my colleagues, it can get better, Mr. Speaker, and readable by everybody. It depends on how we look at it, as well. I am a strong believer that we can pull through this together and make it work for the people of the Northwest Territories.

As I mentioned before, Indigenous people are key to being consulted in something like this. This is something very big and something very important to a lot of us. Earlier this morning, I was told: there are no trees in my land. What am I doing here? Mr. Speaker, Inuvialuit have reach in the Yukon and Alaska, across the world, here in the Northwest Territories. Mr. Speaker, we are very capable of drafting and co-drafting any important policies that may be of importance to any Indigenous group across the territory, mind you, across this world.

I encourage the Minister to show support to the colleagues across so that we will work together

when it comes to drafting something this important. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the principle of the bill. Member for Nahendeh.

MR. THOMPSON: Thank you, Mr. Speaker. I am just going to read a summary from the Dehcho First Nation, which is five of the communities that I represent. It is summarizing. This was a letter sent to Minister McLeod on January 18, 2019.

"DFN does not support the introduction of the draft Forest Act bill as provided to us on December 20, 2018. The draft legislation as discussed with the technical working group meeting on January 9, 2018, is not consistent with the provisions of the Dehcho IMA, and does not address DFN's substantive concerns about the potential adverse impact of this legislation on Dehcho rights.

"There was limited opportunity for DFN and ENR to engage in any meaningful dialogue to resolve the outstanding policy issues raised in the technical working groups prior to May 2018. There was also no opportunity legislative drafting prior to receiving the December 7, 2018, draft number 8 of the bill on December 20, 2018, during the Dehcho First Nation office holiday closure.

"Legislation that is inconsistent with the Dehcho IMA, does not afford protections for the exercise of Dehcho rights, and does not even meet the general standards for consultation and accommodation between the GNWT and Indigenous governments set out in the Wildlife Act and other pending ENR legislation. Such fundamental omissions are not acceptable."

Mr. Speaker, it has been quite an interesting opportunity to discuss this legislation with the residents of the riding I represent. I have had more calls about this than the cannabis bill, which is quite interesting to see. It was the technical group that was starting to work on it. Then all of a sudden, it didn't go there. We talk about the opportunity to fix this.

The honourable Member for Tu Nedhe-Willideh said it took 10 years to get the Wildlife Act done right. That is what we should be doing. We should be getting this act done right.

Also, when this bill goes to committee, the scope is limited, what is able to be changed. What needs to be done? I was hoping that the government would be willing to take this act back, fix it up, consult with the Indigenous groups who are the landowners. We are guests in here. We need to understand that, and we need to respect them. This act does not respect them as we move forward.

I have heard the opportunity to make changes. Changes need to be made prior to this going out with committee. We are also being pushed to get it done in the 120 days. We are not giving enough time for committee to do the work. We need to do this right. This is going to be a legacy for not just us but our grandchildren and their grandchildren. That is what needs to be understood.

The government needs to work with us. I have been in some of the community meetings, and I have listened to them. I have listened to both sides. I thought we were moving forward. I thought there was some good work. This technical working group was a very positive step by this government. Somehow, it changed somewhere along the line, and then they were no longer co-drafting this document.

I would hope the Minister and the department would say, "Okay. We will withdraw it, and we will work with the committee to get this done right." I say, "the committee," but also the Indigenous groups. That is who we need to be working with on this.

I represent six communities in Nahendeh, and they all have said, "This act is not good. It needs to be fixed." They appreciated the consultation from the government at the beginning, but it seems to have stopped. That is why they are saying, "Don't vote for this," so I will not be able to vote for this. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the principle of the bill. Member for Sahtu.

MR. MCNEELY: Thank you, Mr. Speaker. We really live in a multi-cultural and multi-diverse area of the territory, which includes many various details of consultation. I have seen many applications, demonstrations of systems, and consultations that give you the terminology of joint collaboration. I have carried land-use planning applications, which were underneath the jurisdiction of Diane in those days. I have carried applications in boxes to the Sahtu land-use planning office. Then the process carries on through the referral as set out in the land claim. Those are just examples of consultation.

Back to the bill, I know for a fact that the working group was made up of a representative from the Sahtu. No one can say we weren't at the table. Consultation is truly a terminology that could be described in many ways. Is it a phone call? Is it a fax? Is it a text?

The department has given me confidence that, yes, we have defined consultation by saying, "Okay. We are going to reach out to parties and the stakeholders, and we are going to bring them to the table so we are sitting across from each other." To

me, that is genuine consultation rather than doing it over the phone.

We are in a very similar situation as what we discussed the other day on one of the other previous bills to allow community consultation. I support this bill, and I support it moving on to the next stage of consultation, and I am hoping that some of the communities that I represent would be on the engagement referral list, to give more public input outside of the representation that we had on the technical working group. After all, everybody should be allowed to speak at these public forums. Elements of cooperation and reconciliation, consensus government, I put all of that in the basket of what I have learned over the last three and a half years. Just earlier, we came to a compromise by extending and giving an extension to Bill 29, which allows for more time to design the piece of legislation that is going to be there for generations and generations. Joint collaboration and consultation, we have that coming up in the Sahtu. My understanding is that there is a bilateral meeting going to happen next month. So those are examples of consultations. Now, if one side cannot make the meeting and they send a representative, well, to me, the principle of the meeting is there. We have a structure in the Sahtu. I can't speak for anybody outside the Sahtu, but, in the Sahtu, we have a regime and we have an administration that looks after various departments. In this case, the representative for the SRRB was at the table.

So, given the consultations, there is going to be room for additional recommendations once we take the piece of legislation out on the road, and I look forward to working with the people who I represent in both communities, of non-beneficiaries and beneficiaries, saying, "Right here, here is the schedule. Tell me when you want me to put you on the list." I will engage them and help the department to engage and reach out to those organizations that I think would be appropriate for positive feedback in designing and modernizing this piece of legislation. We have also got to keep in mind that what we are doing today is for tomorrow's generation. That is about all I have got to say. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the principle of the bill. Member for Yellowknife North.

MR. VANTHUYNE: Thank you, Mr. Speaker. There have been a lot of words spoken today. We have heard that, of course, some Indigenous governments do not feel that the process to date respects the agreed-upon process of co-drafting. We have also heard about many challenges with the bill itself. Mr. Speaker, everybody in this room knows that standing committee plays a significant and important role in developing legislation on behalf of this Legislative Assembly, and so, while I can't speak, let's say, for every individual

specifically on the Standing Committee on Economic Development and Environment, the standing committee that will be tasked with taking this particular legislation on the road, I can say that the standing committee has consistently been clear in its messaging, that we feel that there has been a lack of supporting information and that, to some degree, we do feel ill equipped to take this material on the road.

Mr. Speaker, what is also important is that this particular piece of legislation is going to be going on the road with two other bills that we are bundling together to take this on the road. So, while again I respect that there are a number of Members saying that there will be a due diligence process for further consultation, let's remember that it's going to be bundled with two other pieces of legislation that need equal or greater attention, to some regard. We are talking about the Protected Areas Act and the Environmental Management Act. Mr. Speaker, we have seen some bills in this House, 911, cannabis, take significant time and resources from their respective standing committees to go out on the road and do very meaningful consultation. A number of them went into a number of communities, 15, 16, 17 communities in one instance, and it took months to properly do the deliberation. Mr. Speaker, departments have had nearly four years to get their legislation in order to be able to present it to the standing committees, and now the Standing Committee on Economic Development and Environment has April, May, June, and July, four months, to take nine bills that this committee is going to get on the road. Six, I should say, for sure are going on the road, possibly seven, a couple maybe that we do not have to travel with. It took months for 911 and cannabis. They travelled independently, on their own, with the full time and resources of their committees from a couple of years ago, to be able to focus and give it the time it required and the resources necessary. This committee is taking six pieces, possibly seven pieces, on the road in four months, with limited resources, limited time. This is not due diligence for a piece of legislation so serious and so critical as the Forest Act. This deserved to be parked and put forward to the 19th Assembly, where it could start out of the gate with fresh resources, fresh time, fresh energy, and the due diligence to do the proper co-drafting consultation, et cetera.

Mr. Speaker, it's frustrating, to say the least, that I feel that our government is compounding all of its efforts into these last few months to get legislation pushed out through the door so that we can check off some boxes rather than doing it right. For those reasons, I will not be supporting the bill. Thank you.

MR. SPEAKER: Masi. To the principle of the bill. Member for Mackenzie Delta.

MR. BLAKE: Thank you, Mr. Speaker. Like many of my colleagues, I also reached out to my land claim group, the Gwich'in, but what the Gwich'in council was concerned about was that our Gwich'in Renewable Resources Board was saying that they were not being consulted or involved in co-drafting. The Gwich'in Tribal Council wrote a letter to the environment and natural resources Minister, and he sent a response that there would be more engagement after the second reading. The Gwich'in certainly want to maintain our good relationship with the Government of the Northwest Territories.

Mr. Speaker, some of my colleagues earlier today said, oh, we do not have much for timber up in my neck of the woods, but, to be truthful, we have some of the largest trees in the Northwest Territories, maybe next to Fort Liard. You know, we do have a lot of timber in our area, and those who may have travelled in our territory know that we have a lot spruce, dry wood, green, and, over the last, say, 15, 20 years, maybe more, our people have been probably the leaders, going out and getting wood permits, just taking what we need. Also, while getting permits, we are actually keeping track of how much we are harvesting so that we know for future generations. So we are already doing our part in the Mackenzie Delta and also the Beaufort Delta, even when it comes to driftwood, Mr. Speaker. It's a voluntary thing, but the reason we are going out and getting wood permits is so we know how much we are harvesting throughout the summer months, and that is just wood that is coming down the rivers.

Mr. Speaker, because the Gwich'in are willing to work with the government through our next steps, you know, I am sure I will get a lot of flak for it, but I will be voting for the bill to move forward. If the changes are not going to be let with the Aboriginal working groups over this process, it is not too late to shut it down at third reading. If that is something that we need to do, then that is when this whole process will surely fall through, but let's go through the process.

Like I said, the Gwich'in are willing to work with the government and ensure that their concerns are brought forward. We are here for our future generations, as it was said, and some of us are practising that already and are just willing to move forward. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the principle of the bill. Member for Hay River North.

MR. SIMPSON: Thank you, Mr. Speaker. I share the concerns of many of my colleagues. I have heard not a lot of support for bill; even the Members who say that they are going to support the bill are doing so begrudgingly. There seems to be a bit of a difference between the perception of Indigenous

groups from land claim areas and those areas without settled land claims yet. In my area, there are no settled land claims. I know that Indigenous leaders in my region have spoken out against moving forward with this bill.

I look at the process that went into drafting this compared to something like the Mineral Resources Act. We got regular updates from the Minister. I know that there were working groups. I know that Indigenous governments were really engaged with that, and it doesn't seem to be the same situation here. This seems to be lowering the bar in terms of engagement. I think that, moving forward, looking at the future of our territory, everything will be devolved, eventually, to Indigenous governments. I don't know why we are sort of taking a step back in terms of consultation and in terms of drafting with this piece of legislation.

I also share the concerns of the Member for Yellowknife North, who talked about the committee's workload taking this out on the road. I am on the Standing Committee on Government Operations, and we have dealt with some big bills. They are nothing compared to the technical pieces of legislation that we are looking at here. Not only do we need the staff surrounding us, we need to become experts in these bills so that we can take the information that we hear and incorporate it into the bills.

I can tell you right now that this process is not going to lead to the best possible bill. Putting this forward now, in the state that it is in, in the future, people will be saying, "Why didn't they just take their time and do it right?" We have legislation like that now, and I can see that we are heading that way with this bill. For those reasons, I won't be supporting the bill. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the principle of the bill. Minister of Environment and Natural Resources.

HON. ROBERT MCLEOD: Thank you very much, Mr. Speaker, and I appreciate all of the concerns and comments from Members opposite. There were some concerns that were raised with the bill and the way it was brought forward. We have had a lot of negative comments, and we take those as well as any positive comments that we can get.

We reached out to a lot of our partners yesterday and had some conversations with them. They shared some concerns. Four of them said that they will take part in the standing committee process, recognizing the standing committee's workload. It has been that way for the four Assemblies that I have been a part of. We do have a bit of work in the last little bit. Unfortunately, at the beginning of this Assembly, we should have been doing a lot more work. We spent a lot of time on other things, and

that took up a lot of time and energy that could have been put into some legislative initiatives.

However, I recognize the concerns of committee. One of the reasons that I think we need to bring this on the road is because, if we bring on the road a completed product without input from the public -- and that is one thing that we hear a lot in here: "The public has to have input; the public has to have input." I agree with you, 100 percent, but if we make the decision in here for the public without giving them an opportunity to have input in the final product, then we are going against what we chose.

Somebody made the comment that the Aboriginal governments are just stakeholders in all of this. Maybe that is your feeling and that is your opinion, but in your opinion, Aboriginal governments are our full partners, and they will be, going forward. They know that, and we know that. Members have taken part in a lot of the bilateral discussions that we have had with Aboriginal governments. We respect the input that they put into it.

There was one comment that the spirit and intent is to protect the forest. I agree wholeheartedly. That is the spirit and intent of this particular piece of legislation.

There were a lot of suggestions from one particular Member about a lot of things that could be improved in this bill, and I agree with that as well. That is what we need to hear. The Member tells us what he thinks needs to be in the bill? Fine, we will listen to that, but then we need to listen to what the public has to say, because they may have some other ideas that they want to work into the bill.

When we get through the public consultation and the feedback from public, we will make a determination there whether this is going to proceed or not or be punted to the next Assembly. I believe that we have an obligation to try and do as much of the work as we can now, and I am a big believer in getting things right. However, I can say that, if we had come up with a finished product between ourselves, the Aboriginal governments, and committee, I would have been criticized for not bringing this to the public and seeking their input. I am not going to risk that; we will seek their input, and then we will come back to this Assembly. We will make a determination at that time about the feedback that we got, how we can incorporate into the bill, how we can improve the bill, and then we will move on from there, Mr. Speaker.

Everything that we do respects the land claims process, and everything that we do respects our partnership with the Aboriginal governments. Thank you, Mr. Speaker. I believe that a request for a recorded vote was asked for. Thank you.

MR. SPEAKER: Masi. There has been a request for a recorded vote on the motion. All those in favour, please stand.

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Mercer): The Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Mackenzie Delta, the Member for Sahtu, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South.

MR. SPEAKER: Masi. All those opposed, please stand.

CLERK OF THE HOUSE (Mr. Mercer): The Member for Hay River North, the Member for Yellowknife North, the Member for Kam Lake, the Member for Tu Nedhe-Willideh, the Member for Nahendeh, the Member for Frame Lake, the Member for Yellowknife Centre, the Member for Deh Cho.

MR. SPEAKER: All those abstaining, please stand. The results of the recorded vote: 10 in favour, eight opposed, zero abstentions.

---Carried

Bill 44 has had its second reading and is now referred to standing committee. By the authority given to me as Speaker by Motion 7-18(3), I hereby authorize the House to sit beyond the daily hour of adjournment to consider the business before the House. Second reading of bills. Minister of Lands.

BILL 46: PUBLIC LAND ACT

HON. LOUIS SEBERT: Mr. Speaker, I move, seconded by the honourable Member for Hay River South, that Bill 46, Public Land Act, be read for the second time. This bill repeals the Commissioner's Land Act and the Northwest Territories Lands Act and replaces them with a consolidated statute that comprehensively governs all public land within the Northwest Territories. Mr. Speaker, I request a recorded vote. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the principle of the bill. Member for Yellowknife North.

MR. VANTHUYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Hay River North, that Bill 46, Public Land Act, be read for the second time on Thursday, May 23, 2019, and Mr. Speaker, I request a recorded vote. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. There has been a motion put forward by a Member. The motion is in order. The motion is non-debatable. All those in favour, please stand.

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Mercer): The Member for Yellowknife North, the Member for Kam Lake, the Member for Tu Nedhe-Wiilideh, the Member for Nahendeh, the Member for Frame Lake, the Member for Yellowknife Centre, the Member for Deh Cho, the Member for Hay River North.

MR. SPEAKER: Masi. All those opposed, please stand.

CLERK OF THE HOUSE (Mr. Mercer): The Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Mackenzie Delta, the Member for Sahtu.

MR. SPEAKER: Masi. All those abstaining, please stand. The results of the recorded vote: eight in favour, 10 opposed, zero abstentions. The motion is defeated.

---Defeated

To the principle of the bill. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. I was sort of afraid this was going to happen. I will speak to the process that resulted in the bill. I will also provide some comments on it and concerns with what is there and what is missing.

This is a much-needed bill to bring together two separate land management regimes that were created by the GNWT for small pockets around communities and by the federal government for the vast areas outside communities. The latter system was mirrored in GNWT legislation at devolution and most of the federal lands staff from former Aboriginal Affairs and Northern Development Canada were simply shifted over the GNWT and the newly created Department of Lands.

The Department of Lands led the effort to develop revisions to the two land laws; the Commissioner's Land Act and the Northwest Territories Lands Act. The Commissioner's Land Act was originally based on the federal Territorial Lands Act, which dates back to the 1950s. Over the years, the Commissioner's Land Act evolved to enable the GNWT to respond to the NWT's needs, primarily in the areas of communities and recreational land use. The Commissioner's Land Act governs the

disposition of surface rights and land use within and around most communities, as well as the land used for public airports and highways.

The Northwest Territories Lands Act evolved to respond to different needs, primarily for land uses related to larger scale commercial activities and natural resource development. The Northwest Territories Lands Act primarily governs the disposition of surface rights outside communities, as well as dispositions of subsurface rights throughout the NWT including subsurface rights that are underlying Commissioner's land.

There are two separate land administration units within the Department of Lands. When I checked the website yesterday, there are eight staff in what is known as the Commissioner's Land Administration and 12 in the Territorial Land Administration. Some of the jobs even have the same titles.

A public engagement discussion paper was released on June 1, 2017, to address one or more of the following goals:

- Align provisions in the two land laws;
- Enhance consistency in their application;
- Improve clarity relating to legislative authority;
- Modernize legislation by removing or updating out-dated provisions or terminology;
- Minimize operational challenges in land administration;
- Ensure legislation reflects current risks, practices, and standards; and
- Provide clarity and transparency to land users.

The discussion paper noted: "Addressing administrative and technical issues in legislation now will help to improve land administration practices in the short term. Meanwhile, broader discussions that include further policy and legislative analysis about the future of a more integrated and modern land management regime for the Northwest Territories can continue."

Eight specific areas were proposed for amendments to begin to bring together the two land administration systems as follows:

- Application of the two acts;
- Authority to transfer and reserve land for government use;
- Limits to authority to dispose of land;
- Financial assurances and securities;

- Granular resources;
- Enforcement, offences, and punishments; and
- Miscellaneous options for harmonization, modernization, and/or clarification.

Bringing together the lands administration and laws was not part of the discussion paper and not part of the legislative proposal that committee received.

A "what we heard" report was released on October 17, 2017. Lands described the public participation in the engagement process as good. Substantial input was gathered through open houses, meetings with Indigenous governments and organizations and other interested parties, online submissions, and correspondence. The government said that, overall, participants indicated support for the initiative to review and improve the two land acts.

The actual submissions are not found on the Lands website. It is not clear what, if any, consultations were had with Indigenous government organizations as required under several land rights agreements, the devolution agreement, and under constitutional common law. The process that Department of Lands used is a complete mystery.

It has been radio silence from Lands since the fall of 2017 until this bill arrived yesterday. The Minister and his department has shared nothing with the Standing Committee on Economic Development and Environment on the development of this bill. It is not clear how we went from a set of targeted changes to the two lands laws to the complete repeal and replace approach in this bill. There is no evidence of any co-drafting with Indigenous governments. Astonishing as that sounds, the government has again completely bypassed committee. Somebody has some explaining to do. That is not to say this is a bad idea, but clearly, consensus government demands more transparency and the courtesy of informing regular MLAs of what is going on, more lessons that can be learned from our post-devolution experience.

Lands has not produced any plain-language materials for this bill. This needs to happen very quickly as the public needs help to participate democratically in the review of Bill 46.

I will now turn to the principles and merit of the Bill.

Many have called for the integration of our two separate land administration systems, and this bill will do that. However, it does little if anything towards developing an open and transparent system that would be based on best practices or lessons learned from other jurisdictions. It is a straightforward, "business as usual" approach that actually takes some steps backwards as I will show.

Virtually all of the other resource management bills we have seen in this sitting contain an extensive preamble with broad commitments and principles that relate to sustainability, balancing rights and interests, intergenerational equity, and similar aspirations. There is nothing of the sort in this bill. This is a surprising omission, given the much-lauded Land Use and Sustainability Framework, which is in search of a means for implementation. This bill could have helped serve that purpose. There is no recognition of the polluter pays principle, and I will have more to say about the financial security provisions of the bill. There is no overall purpose section or statement in the bill. For example, the purpose of the bill should be to provide for the orderly stewardship and development of lands to benefit current and future generations. As a land use planner by profession, I find this absence of purpose rather disturbing.

I recognize that this bill is dealing with lands that are owned and managed by GNWT, but there is no recognition of Indigenous governments or co-management anywhere except for the standard non-derogation clause and the ability to withdraw lands for the purpose of completing land rights agreements. In the less than 24 hours I have had to review the bill, I could not find any provisions for the Minister to enter into agreements for collaborative or coordinated land management with other governments or bodies. This is one of the stated purposes of the Intergovernmental Council, but that body is not mentioned in the bill, either. It is like a template was lifted off a shelf somewhere and tweaked for our circumstances, but not terribly well.

There is no provision in the bill for a public registry to track land transactions and allow for transparency and accountability in terms of land management. While the Protected Areas Bill makes much of its public registry, there is nothing similar here. There is no requirement for public notice of land leases or land dispositions to anyone, including Indigenous governments, community governments, or the public. This could possibly be done through regulations. How about an annual report from the Minister on land administration in the spirit of open government? That is not contained in the bill, either.

One of the most serious issues in this bill is the failure to incorporate the polluter pays principle. Financial security related to temporary or other land uses is at the total discretion of the Minister. The Minister "may" require security as determined with regulations. Not only does this not help achieve the mandate commitment to prevent public liabilities, it is actually a step backwards. The Commissioner's Land Act now contains a clause that financial security is mandatory for commercial and industrial land users. This hard-fought amendment came into effect on April 1, 2014, as a result of a public review

of amendments to the Commissioner's Lands Act that I participated in as a private citizen. Regular MLAs of the day worked with the Minister and made that change. The GNWT had taken a \$23-million hit because of its failure to ask for any financial security in the surface lease covering the Giant Mine.

This is just one example of many financial perils that could threaten public finances if security provisions are lacking in this bill. Why would we give the Minister the authority to repeat that mistake and not make financial security mandatory? Why would we want to roll back the clock and give the Minister the discretion to ignore the polluter pays principle? Lastly on this subject, it's not clear to me how the lessons learned or the principles from the recent Redwater case at the Supreme Court of Canada have been incorporated into this bill. That's something I had expected that the Minister would review very carefully.

Another very serious issue with this bill is the tremendous regulation-making authority for Cabinet and the Minister. That's the pattern we have seen with almost all the post-devolution resource management and environmental legislation. Is this to centralize power in the Executive, a reflection of the hurried drafting, or lack of creativity in creating proper checks and balances? I just don't know. It's not clear how or why the authority over regulations was split in this bill between Cabinet and the Minister, but there is a detailed list of subject matters for regulations that covers four of the 33 pages. I don't think I've ever seen a longer list, Mr. Speaker, in legislation. This is reminiscent of the empty Mineral Resources Act, where virtually all the detail and authority is hived off into regulations that will take years to develop, possibly behind closed doors. If the objective with this bill is to establish a clear, consistent, and accountable land management system, leaving that much discretion and detail in the hands of Cabinet and the Minister is a bad idea.

I am of the view that this bill needs a lot of work to bring it around or to reflect our reality of living in a partnership of public and Indigenous governments, to build in public purpose, accountability and transparency. We can and must do better in terms of land management.

I will look forward to working with my colleagues on the Standing Committee on Economic Development and Environment, if we can fit all of this work in, now, to hear what Indigenous governments, non-governmental organizations, industry, and the public have to say about improving this very important piece of legislation. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. To the principle of the bill.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Question has been called. There has been a request for a recorded vote. All those in favour, please stand.

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Mercer): The Member for Thebacha, the Member for Hay River North, the Member for Mackenzie Delta, the Member for Sahtu, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay River South.

MR. SPEAKER: Masi. All those opposed, please stand.

CLERK OF THE HOUSE (Mr. Mercer): The Member for Yellowknife North, the Member for Kam Lake, the Member for Tu Nedhe-Wiilideh, the Member for Nahendeh, the Member for Frame Lake, the Member for Yellowknife Centre, the Member for Deh Cho.

MR. SPEAKER: Masi. All those abstaining, please stand. The results of the recorded vote: 11 in favour, seven opposed, zero abstentions. The motion is carried.

---Carried

Bill 46 has had its second reading and is now referred to standing committee. Second reading of bills. Item 20, consideration in Committee of the Whole of bills and other matters: Bill 26, Statistics Act; Bill 30, An Act to Amend the Human Rights Act; Minister's Statement 131-18(3), Sessional Statement; Minister's Statement 151-18(3), New Federal Infrastructure Agreement; Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services; Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services; Tabled Document 237-18(3), Independent Commission to Review Members' Compensation and Benefits 2018 Review of Members' Compensation and Benefits Report, August 2018, with the Member for Hay River North in the chair; Tabled Document 381-18(3), Supplementary Estimates (Infrastructure Expenditures), No. 4, 2018-2019; Tabled Document 382-18(3), Supplementary Estimates (Operations Expenditures), No. 4, 2018-2019, with the Member for Hay River North in the chair.

Consideration in Committee of the Whole of Bills and Other Matters

CHAIRPERSON (Mr. Simpson): I will call the Committee of the Whole to order. What is the wish of committee? Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chair. Mr. Chairman, I move that the Chair rise and report progress.

CHAIRPERSON (Mr. Simpson): There is a motion to report progress. The motion is in order and non-debatable. All those in favour? All those opposed?

---Carried

I will rise and report progress.

MR. SPEAKER: May I have the report, Member for Hay River North?

Report of Committee of the Whole

CHAIRPERSON (Mr. Simpson): Mr. Speaker, your committee would like to report progress and, Mr. Speaker, I move that the report of the Committee of the Whole be concurred with.

MR. SPEAKER: Masi. Do I have a seconder? Member for Nunakput. The motion is in order. All those in favour? All those opposed? Motion carried.

---Carried

Masi. Item 22, third reading of bills. Mr. Clerk, orders of the day.

Orders of the Day

CLERK OF THE HOUSE (Mr. Mercer): Mr. Speaker, there will be a public meeting of the Special Committee on Transition Matters in Committee Room A at the rise of the House today. Orders of the day for Wednesday, March 13, 2019, 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. Acknowledgments
7. Oral Questions
8. Written Questions

9. Returns to Written Questions
10. Replies to the Commissioner's 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 35, Draft Code of Conduct and Guide for Members of the Legislative Assembly of the Northwest Territories
18. First Reading of Bills
 - Bill 48, Post-Secondary Education Act
 - Bill 49, Small Business Tax Relief Act
19. Second Reading of Bills
20. Consideration in Committee of the Whole of Bills and Other Matters
 - Bill 26, Statistics Act
 - Bill 30, An Act to Amend the Human Rights Act
 - Minister's Statement 131-18(3), Sessional Statement
 - Minister's Statement 151-18(3), New Federal Infrastructure Agreement
 - Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services
 - Tabled Document 237-18(3), Independent Commission to Review Members' Compensation and Benefits 2018 Review of Members' Compensation and Benefits Report, August 2018
 - Tabled Document 381-18(3), Supplementary Estimates (Infrastructure Expenditures), No. 4, 2018-2019
 - Tabled Document 382-18(3), Supplementary Estimates (Operations Expenditures), No. 4, 2018-2019
21. Report of Committee of the Whole
22. Third Reading of Bills

23. Orders of the Day

MR. SPEAKER: Masi, Mr. Clerk. [Translation] This House stands adjourned until Wednesday, March 13, 2019, at 1:30 p.m. [Translation ends]

---ADJOURNMENT

The House adjourned at 6:24 p.m.