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The Honourable Jackson Lafferty, Speaker

Legislative Assembly of the Northwest Territories

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YELLOWKNIFE, NORTHWEST TERRITORIES
Wednesday, August 14, 2019
Members Present

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. Vanthuyne

The House met at 1:31 p.m.

Prayer

---Prayer

SPEAKER (Hon. Jackson Lafferty): Good afternoon, Members. Item 2, Ministers' statements. The Honourable Premier.

Ministers' Statements

MINISTER'S STATEMENT 218-18(3):
MINISTER ABSENT FROM THE HOUSE

HON. BOB MCLEOD: Mr. Speaker, I wish to advise the Members that the Honourable Glen Abernethy will be absent in the House today due to illness. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. The Honourable Premier.

MINISTER'S STATEMENT 219-18(3):
OFFSHORE OIL AND GAS NEGOTIATIONS

HON. BOB MCLEOD: Mr. Speaker, I am pleased to update this Assembly on negotiations toward the shared management of oil and gas resources in the NWT offshore, along with our ongoing work to undertake a five-year, science-based review of the federal moratorium on offshore oil and gas activity in Arctic waters.

Mr. Speaker, the devolution agreement commits Canada and the Government of the Northwest Territories, with the participation of the Inuvialuit Regional Corporation, to undertake negotiations for the management of oil and gas resources and the sharing of revenues in the offshore. Canada made a similar commitment to the Government of Yukon.

Northerners should be in charge of decisions about the future of the North and need the opportunity to grow the Northwest Territories economy based on the responsible development of the Northwest Territories' rich reserves of natural resources.

As Members are aware, negotiations began in April of this year in Inuvik. Since that time, two additional negotiation sessions have been held, one in

Yellowknife in May and one in Calgary in June. An approach to guide ongoing negotiations has been agreed upon and will anchor the negotiation across the federal and Northwest Territories election periods.

Negotiations are set to resume in January 2020, but work will continue with ongoing discussions and preparation for negotiations to continue until then.

Mr. Speaker, concurrent with negotiations, a separate table has been established to oversee the five-year, science-based review process for the federal moratorium on offshore activity in the Western Arctic, which was unilaterally imposed by Canada in 2016 without any consultation with our government.

Parties to this table include Canada, the Inuvialuit Regional Corporation, the Government of the Northwest Territories, and the Yukon. This provides the GNWT and the Inuvialuit Regional Corporation with direct input into the science-based review and also the decision on whether or not the moratorium will be lifted following the completion of the five-year review.

This work is a priority of our government and is a mandate item. To show our commitment to this important work, we have established a small Office of Devolution Initiatives within the Department of Executive and Indigenous Affairs, comprised of three staff. This office will lead our work on this file, along with work associated with a review of the transitional provisions under the devolution agreement with respect to the Mackenzie Valley Resource Management Act.

Mr. Speaker, the GNWT remains committed to ensuring that northern decision-makers have a strong role in resource management decisions that will directly affect NWT residents. Decisions cannot and should not be made unilaterally from Ottawa. Our work to negotiate an offshore resource and revenue-sharing regime in the Beaufort region is a tangible step towards empowering Northerners through self-determination.

I look forward to the work ahead and hope that this important work will be successfully completed early in the life of the 19th Legislative Assembly. Thank you, Mr. Speaker.

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

MINISTER'S STATEMENT 220-18(3):
PROPERTY TAX ARREARS PROGRAM

HON. ROBERT MCLEOD: Mr. Speaker, the issue of property tax arrears has often been cited as a barrier for residents trying to purchase land, obtain a mortgage, or access various Government of the Northwest Territories programs. Frequently, a significant portion of these arrears are attributable to interest charged on outstanding debt. The impact of this interest compounds over time and can leave residents with significant challenges to recover.

To address the issue of accumulated arrears, the government has established the Property Tax Arrears Program. This program is designed to provide property tax interest relief to residents of the General Taxation Area who have property tax or residential lease arrears in excess of 24 months. This program does not apply to Municipal Taxation Area property taxes, as those are the responsibility of the tax-based municipal governments.

In order to qualify for interest relief through the program, applicants will be required to enter into legal agreements that require the property holder to make agreed-upon monthly payments on the principal owed on their property taxes. Remission or forgiveness of interest on arrears will be granted in instalments when the property holder has met their financial obligations under the agreement.

To be clear, there is no forgiveness of the principal owed for property taxes under this program, only on the interest calculated on arrears.

To illustrate an impact of the program, I will use the example of a homeowner who owes over \$34,000 in property tax arrears. This is comprised of about \$4,900 in taxes and approximately \$29,000 in interest. Should the homeowner choose to participate in the Property Tax Arrears Program, we would enter into an agreement to pay the \$4,900 in affordable monthly payments, and the \$29,000 in interest would be forgiven. This is not a unique circumstance.

I believe the Property Tax Arrears Program will provide a path forward for residents who want to address their current property tax arrears. This program, along with the Standard Interest Rate Statutes Amendment Act, should ensure that these large accumulated property tax arrears are a thing of the past for most residents in the General Taxation Area.

The program is now being advertised and communication is being undertaken to advise

residents of the program and how they can apply. Thank you, Mr. Speaker.

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

MINISTER'S STATEMENT 221-18(3):
UPDATE ON MARINE TRANSPORT
INFRASTRUCTURE AND SHIPPING SEASON

HON. WALLY SCHUMANN: Mr. Speaker, the Government of the Northwest Territories is following through on our mandate commitment to strengthen connections with our public- and private-sector partners in the transportation infrastructure.

Marine transportation is an essential lifeline for residents and businesses in many small communities of the Northwest Territories. Communities on Great Slave Lake, the Mackenzie River, and the Western Arctic coast rely on tugboats and barges for the resupply of essential goods and fuel.

With this in mind, the Government of the Northwest Territories continues work to develop, maintain, and improve marine infrastructure and services by exploring ways to increase economic benefits in this industry, minimize environmental impacts, train Northerners, and regularly address needs and gaps in marine infrastructure and services.

We continue to improve our capacity to operate a reliable, professional marine shipping service in a challenging Arctic environment and remain committed to providing the best service possible to all of our customers. To date, the Marine Transportation Services is on schedule toward a successful 2019 sailing season. This season's schedule was designed with substantial contingency to minimize risks and to avoid interruption to service.

We are working with our partners at the Canadian Coast Guard, Canadian Ice Service, and others to monitor water levels and ice conditions, and we will adjust the schedule if conditions demand. Marine Transportation Services has added a customer service position to answer questions from the public and advise customers of progress and of anticipated dates of arrival to each community.

Mr. Speaker, this sailing season, we anticipate the completion of more than \$36 million in commercial marine services and maintenance contracts, and the delivery of 45 million litres of fuel and nearly 10,000 tonnes of cargo.

Five of our tugs are operating on Great Slave Lake, the Mackenzie River, in the Beaufort Sea, the Amundsen Gulf, and the Kitikmeot region of Nunavut. Two other vessels have been activated,

one repositioning from Churchill to Tuktoyaktuk and the other operating on Great Slave Lake. We expect that 184 employees will be engaged to support the 2019 operations at peak season, 97 of them NWT residents, 33 of whom are local Indigenous persons.

Mr. Speaker, it is important that our activities proceed in a way that minimizes environmental impacts. The Department of Infrastructure continues to work with the Department of Environment and Natural Resources to carry out environmental site assessments on sites operated by Marine Transportation Services. Assessments will continue at specific locations to determine if there is any risk of contaminants migrating off of site.

We also continue to explore opportunities to partner with other Government of the Northwest Territories departments, Indigenous governments, and development corporations to provide business opportunities, training, and employment.

Mr. Speaker, in the area of training, the Department of Infrastructure, Transport Canada, and the Nunavut Fisheries and Marine Training Consortium joined forces to establish what has become a thriving Marine Training Centre at the Hay River Marine Terminal, a facility that has now delivered hundreds of courses to Northwest Territories students. The expansion of the Marine Training Centre this year includes additional classroom space and course offerings, including a Bridgeway Rating Program, Small Vessel Operator Proficiency, and a Fishing Master's Program.

The Marine Placement Program matches graduates from the Marine Training Centre with jobs and economic opportunities. In the 2019 sailing season, saw six graduates from the Marine Training Centre take deckhand positions with Marine Transportation Services, including one placement on each operational tugboat and two positions on the Hay River harbour tug. Graduates from the Marine Training Centre have secured employment with the Canadian Coast Guard, and some will sail on the icebreakers that will visit our coastal waters this season.

Mr. Speaker, in addition to training and employment opportunities, the Government of the Northwest Territories recognizes the need to support the marine industry by improving marine infrastructure and services. A great deal of maintenance and repair work has been done and continues to be done at the Government of the Northwest Territories Hay River cargo terminal and shipyard facilities, but much work remains to improve marine infrastructure and services in the NWT.

Mr. Speaker, one of the ways the Government of the Northwest Territories will improve our marine services is by upgrading our fleet. Four double-hulled barges are being built for delivery to Tuktoyaktuk in August of 2020. An extensive overhaul is being performed on one of our own tugboats, the Jock McNiven. The Canadian Coast Guard vessel the Eckaloo will be undergoing major maintenance at the shipyard this winter. These initiatives will employ about 30 people throughout the off-season.

We also continue to pursue federal funding to support investment in marine assets and infrastructure. The Government of the Northwest Territories has applied for funding from the Canadian Northern Economic Development Agency for a study that would examine the impacts of climate change on marine assets and services in the Beaufort Delta. The study would recommend operational and infrastructure improvements to mitigate risks to community resupply, as well as potential economic, employment, and community development opportunities that could be leveraged.

Mr. Speaker, there is also work that remains to be done in support of marine operations in the Northwest Territories that requires the federal government to step up to the plate. Restoring the Hay River Harbour and other vital initiatives, such as icebreaking support and remote federal marine resupply sites, require action by the federal government, and I will continue to press my federal counterpart on the importance of working with us to find solutions.

Through our federal, community and industry partnerships, the Government of the Northwest Territories will continue to strengthen and support the marine infrastructure and services in the Northwest Territories for the benefit of Northerners. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Minister responsible for the Northwest Territories Housing Corporation.

MINISTER'S STATEMENT 222-18(3):
COMMUNITY HOUSING PLAN

HON. ALFRED MOSES: Thank you, Mr. Speaker. Ensuring that housing programs and services reflect community values and priorities has been a key commitment of this government. Implementing Northern Solutions for Northern Housing also means working in partnership with other orders of government to develop more affordable housing. To meet these commitments, we have been working hand-in-hand with local governments to develop community housing plans that will guide and support their housing aspirations.

Mr. Speaker, the community housing plan process is well under way, with 12 communities across the Northwest Territories engaged in this work. We are close to celebrating the establishment of a community housing plan for the community of Whati, as well as Paulatuk and Fort Liard close behind.

We recognize that we have set ambitious goals for ourselves with this initiative. It takes time to do these community plans right. We are committed to working with our partners and residents in a meaningful and respectful manner. It is important that we take the time to listen and learn from each other, and sometimes that means that we cannot rush things.

This respect will ensure that community leaders and residents have full involvement in the creation of these plans, feel a sense of ownership, use the plans, and see them as a great tool to guide housing decisions in their communities.

In that spirit of respect, community leadership is critical and we are working closely with local leaders. Chiefs, mayors, and their councils have recognized from the beginning how important it is for their communities' voices to be heard.

We have also hired local housing facilitators to assist with the community planning and outreach to community residents. These contacts have been invaluable, and we could not do this work without their help.

Housing is one of the most important aspects of our lives. Having a roof over our heads is the starting point for successful, healthy living. Historically, our territory has faced many housing challenges, and talking about those challenges can be tough. Despite that, the turnout when we have our community meetings has been huge.

I am impressed by the broad participation. I want to thank everyone at the community level for coming out and sharing their knowledge and for working with us to develop your community plans.

Mr. Speaker, when I say that these plans belong to our communities, I mean it. Without the investment of time from community leaders and the residents, this would be a top-down exercise. We are taking the time to make sure these plans reflect local wisdom, experience, and a vision for the future. Several community housing plans will soon be complete, and I am confident communities will use them strategically to help meet local housing priorities. Mahsi cho, Mr. Speaker.

MR. SPEAKER: Mahsi. Ministers' statements. Item 3, Members' statements. Member for Yellowknife North.

Members' Statements

MEMBER'S STATEMENT ON FUNDING SUPPORT FOR THE NWT SPCA

MR. VANTHUYNE: Thank you, Mr. Speaker. Today I want to talk about funding for the NWT SPCA. This organization serves 31 communities in the NWT, with the important mission of providing humane treatment of animals.

Mr. Speaker, I am pleased and want to offer credit to this government that it came through with \$43,000 in stabilization for the NWT SPCA. It was a hard-fought achievement, and it is a good-news story. I appreciate that the government came around, and so will many Northerners. Everyone who worked to make this funding possible should be proud of the achievement.

Just last weekend, I was part of the SPCA's public fundraising event. Even with the one-time funding that was provided previously by the GNWT, the SPCA has to work constantly to find the financial resources it needs, and no wonder. It employs up to 12 people. It spends \$30,000 a year providing dog food and straw to NWT communities. It spends \$50,000 a year on medical supplies. It fundraised to buy its own piece of land and build its own new building, which it now pays to operate. It relies heavily on volunteers including its board members. These are people who volunteer their time because they care about the welfare of our animals.

I am proud that the NWT SPCA receive these funds, but I think this government has to go another step further and provide ongoing financial support. The City of Yellowknife supports the SPCA to the tune of almost \$20,000 a year. Individuals and businesses contribute thousands a year. The territorial government needs to step up and provide ongoing annual funding to support the SPCA's important work through whatever means.

Mr. Speaker, 31 communities count on the services the SPCA provides. Those include the community spay-neuter program, the pet food and supplies for communities program, animal rescue and protection, and the animal health initiative program, and the demand is growing.

The SPCA has achieved a lot, and this territory needs its services, but it's warning us that it can't continue without the right support. Our government needs to commit to help relieve the burden with dependable, long-term financial support. Thank you, Mr. Chair.

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

MEMBER'S STATEMENT ON
ATHLETIC ACHIEVEMENTS IN NAHENDEH

MR. THOMPSON: Thank you, Mr. Speaker. Today I rise in the House to speak about some amazing accomplishments for some constituents from the Nahendeh region this summer.

Mr. Speaker, in December 2017, Jessie Loutit received a call from Rowing Canada's head coach, officially inviting her to join the national team starting in January 2018. With this official invitation to join the team, she is now a carded athlete with Sport Canada with an ultimate goal of representing Canada at the 2020 Olympics in Tokyo.

On August 8, Jessie and her partner, Larissa Werbicki, took another step towards this ultimate goal by winning Canada's first rowing medal at the 2019 Pan Am Games in Peru. Jessie and her partner remained in second place throughout the race, finishing just behind the Chilean duo with a time of 7:30:06. This is Larissa's and Jessie's first Pan Am Games, and Jessie's first international medal.

Mr. Speaker, Brenda Moreau, single mother to four, has been a dart player since 1993, with many achievements under her belt representing the NWT in darts. In 2008 she received a distinguished award with the National Dart Federation for Athlete of the Year. She has been to every province and travelled extensively to attain a ranking for her territory to be proud of. This past March, she was in the play downs in Hay River, coming out first for the NWT. In June, she travelled to Saskatoon and ranked fifth in the "Land of the Living Skies" ladies' single event; and July 17th at the National Canadian Women's Championships. On August 3, 2019, she took home a huge victory, placing first at the Calgary Open.

Currently, Brenda Moreau is ranked third in Canada, and plans to remain in the top 16 for the 2019-2020 dart season running up to April 30, 2020. With the plans to attend six more ranked tournaments her main goal was to get a coveted win and receive an invitation to the World Masters to represent Fort Simpson, the Northwest Territories, and Canada.

Mr. Speaker, yesterday three Nahendeh youth were part of the Northern Youth Abroad graduation ceremony with other participants. They got to share some of their things that they accomplished this summer. I'd like to congratulate Jolan Kotchea from Fort Liard, Emily Hardistay-Marcallais from Fort Simpson, and Holly Norwegian from Jean Marie River and Fort Simpson. At this point in time, Mr. Speaker, I would like unanimous consent to finish my statement.

---Unanimous consent granted

MR. THOMPSON: Thank you, Mr. Speaker, and thank you, colleagues. As I said, Holly Norwegian from Jean Marie River and Fort Simpson on completing the whole program. I have witnessed their personal growth and look forward to their next adventure.

In closing, Mr. Speaker, I would like to congratulate the Dehcho Braves, mixed slo-pitch team, for winning the B Division title this past weekend in Yellowknife. This team has been doing a great job representing the community of Fort Simpson throughout the year. I wish them the best, and the other teams that are attending this weekend's tournament in the Annual Fort Simpson Slo-Pitch tournament. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON
NORTHERN HOUSING SUMMIT NEXT STEPS

MR. MCNEELY: Thank you, Mr. Speaker. Today I would like to speak about the Northern Housing Summit that was held in Inuvik this past April. This summit was attended by over 100 subject matter experts and community leaders from across the Northwest Territories and beyond. The focus of the summit was on communicating housing investment opportunities to stakeholders, providing a collaborative forum for partnership building exempting community design and capacity building tools, and boosting community and stakeholder relationships, an excellent networking engagement.

Mr. Speaker, I recognize that this summit has been discussed here in the Legislature in detail before, but now, more than three months after the event, I would like to talk about what came out of the summit and what are the next steps.

According to a summary report by the NWT Housing Corporation that was tabled in the last session, the summit was largely successful. Communities, Indigenous organizations, and other stakeholders who were given valuable information about investment opportunities such as the National Housing Co-Investment Fund. It gave stakeholders the chance to consider how to realize their housing aspirations and plan for healthy communities now and into the future. It allows allowed for building partnerships and deepening relationships between many individuals and organizations.

Mr. Speaker, I am interested in where we go from here. As I see it, we have an opportunity to develop some meaningful, local, appropriate housing initiatives all across the Northwest Territories. If we can make efficient use of the National Housing Co-

investment Fund, there is a \$60-million carve-out just for the Northwest Territories. Mr. Speaker, I seek unanimous consent to complete my statement.

--Unanimous consent granted

MR. MCNEELY: Mahsi, colleagues. Let's ensure we use this money to support the housing aspirations of all our communities, and let's ensure we start identifying and starting projects under this fund in the very near future. I also think that the community housing plans currently being undertaken by the corporation could provide a useful and helpful roadmap for communities in this regard.

Later, Mr. Speaker, I will have questions to the appropriate Minister. Mahsi.

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

MEMBER'S STATEMENT ON MUNICIPAL FUNDING GAP

MR. TESTART: Thank you, Mr. Speaker. In 2016, at the start of the 18th Assembly, the GNWT continued to acknowledge that there exists a gap between the core funding and needs of community governments. The government has set a target of nine years to close this gap, and here we are, four years later. MACA's 2018-2019 Business Plan says we're still nine years away from balancing this deficit.

The NWT Association of Municipalities identified a \$40-million deficit in funding. In the attached report prepared by the Conference Board of Canada, which was included with their submission, it stated that closing the funding gap would create more than 200 jobs a year and would have a net positive impact on the economy of the Northwest Territories as a whole.

Every budget that this shortfall in funding to community governments remains. The amount of difference compounds. In effect, this means that the gap that exists today is bigger than it was in 2016, simply from inflation, let alone adding up every extra unanticipated costs that community governments have to cover. It is unacceptable that such a significant and well-known issue has had its timelines blown through and pushed to the next Assembly. I caution the 19th Assembly that, when this issue is raised, "further study will be needed," be aware that this is what committee and community leaders have heard on this issue for some time now. Community leaders from across the territory have expressed to me that the department has been updating them on the new pending release of the strategy to close the gap,

but they have been kept in the dark and have been insufficiently consulted on the work done to date.

Mr. Speaker, we need a costed strategy, followed by real dollars with incremental funding increases year-on-year until the gap is closed. Yes, finding this funding may be difficult, but we must not keep our heads in the sand hoping that this issue will just resolve itself in a few more years with dollars from Ottawa that we don't know are coming.

This deficit hurts people in our communities most. It stifles economic growth, access to services, and leave communities in a worse spot each year than they were before. Most importantly, it adds to the cost of living, because, if municipalities don't have enough to cover their costs, they pass that on to their residents. We must stop this. We must support our communities, respect our community leadership, and live up to our promises of full community funding. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON INDIAN DAY SCHOOL SETTLEMENT AGREEMENT

MR. NADLI: Mahsi, Mr. Speaker. By now, most Canadians are aware of the history of residential schools. What they may not know is that there were also over 700 Indian day schools operated by the federal government between the time the first one opened in 1828 until the last one closed its doors in 1997. It is estimated that over 200,000 Indigenous children attended these schools. While these students were able to return home at the end of the day, many still suffered trauma, including physical, sexual, and emotional abuse at the hands of the authority figures entrusted with their care.

More than 35 of these day schools operated in the NWT from 1958 to 1969 in at least 26 locations, including the Trout Rock Seasonal School, the Rocher River Day School, and schools at Pine Point and Reindeer Station. I attended the Elizabeth Ward day school in Fort Providence, and my parents attended the Sacred Heart Residential School, also in Fort Providence.

Mr. Speaker, on March 12 of this year, the Government of Canada announced that it had reached a proposed settlement agreement regarding the national Indian day schools class action lawsuit. This lawsuit was brought on by Mr. Garry McLean, an Indigenous leader and mentor, on behalf of all former students who attended these schools. Mr. McLean sadly passed away of cancer in February of this year at the age of 67, but as part of the settlement, a \$200 million legacy fund has been established in his name. The fund will provide

grants on application from charities and not-for-profit organizations to support commemoration projects, health and wellness programs, truth-telling events, and the restoration and preservation of Indigenous languages and culture. The proposed settlement agreement also includes \$10,000 in individual compensation for those who suffered harm while attending Indian day school. For those who have suffered the most severe abuses, additional compensation, ranging from \$50,000 to \$200,000, may be awarded.

On May 13 to 15, a hearing took place in Winnipeg for the court to decide whether the proposed settlement is approved. Until that happens, no payments can be made, but people who may want to make a claim can register as part of the class action group. Mr. Speaker, I seek unanimous consent to conclude my statement. Mahsi.

---Unanimous consent granted

MR. NADLI: Mahsi, Mr. Speaker. You can also make sure that the school you attended is listed on Schedule K, which is the official list of federal Indian day schools.

Mr. Speaker, it is important that all of the residents of the Northwest Territories who attended federal day schools learn about their rights and obligations related to their settlement, which also covers people who have passed away since July 31, 2007. I encourage anyone who has questions to visit the official Federal Indian Day School Class Action website at www.indiandayschools.com. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Mackenzie Delta.

MEMBER'S STATEMENT ON ESTATES, WILLS AND LAND TRANSFERS IN MACKENZIE DELTA

MR. BLAKE: Thank you, Mr. Speaker. People don't like to think about what will happen after they pass away. Unfortunately, this means that, on top of grieving the death of a loved one, families are left to deal with their estate. This is made even more complicated if someone died without a will.

The Department of Justice has a Legal Aid Outreach clinic which can provide free advice on wills and estates, and I encourage the Minister to ensure that this important office continues helping residents by assisting with wills. By clearly putting your wishes on paper, families will know how you wanted your estate dealt with. This will make handling the estate after death easier for everyone.

Unfortunately, across the NWT, there are many people who do not have wills. Over the last number

of years, my constituents have had to deal with estates of their loved ones, and many have had to hire a lawyer to assist them, a cost that many of my constituents can barely afford. This is going to become a larger problem in every community in the NWT in the future, as elders are one of our fastest growing populations.

The public trustee can assist with some causes, but only in certain situations. This leaves most residents trying to figure out the legal questions on estates by themselves, a frustrating and exhausting exercise. Many of these estates are small, but some involve family homes and potentially several heirs with claims to them.

I don't think that we want to be in a situation where the children have to mortgage the home to pay for a lawyer to settle the estate. Mr. Speaker, I seek unanimous consent to conclude my statement. Thank you.

---Unanimous consent granted.

MR. BLAKE: Thank you, Mr. Speaker. Thank you, colleagues. The Legal Aid Outreach office can only provide advice on how to deal with the estate, but, if there are complications or a dispute between heirs, lawyers are often needed. If Legal Aid was able to assist in probating wills, this may help address this growing issue.

I will have questions for the Minister later today. Thank you.

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

MEMBER'S STATEMENT ON REVITALIZATION OF GREAT SLAVE LAKE COMMERCIAL FISHERY

MR. SIMPSON: Thank you, Mr. Speaker. The GNWT is implementing its strategy to revitalize the Great Slave Lake commercial fishery. I am very supportive of its goals, mainly to develop a commercial fishery into a sustainable industry and to increase returns to fishers. However, I am very troubled by the approach that the Department of ITI has taken in its dealings with the fishermen, which, from what I hear, sounds like a paternalistic way of doing business that should have been dead and buried decades ago.

A key component of this strategy is the construction of a new fish processing plant in Hay River. From what I can tell, the \$12-million facility will be owned and managed by ITI and, at some point, the Tu Cho Fishers Co-operative, a co-op of local fishers, will somehow come to own the plant, or maybe they'll lease it, or maybe they'll just manage it. It is all very

unclear to me, and it is unclear to the fishermen, as well.

The GNWT used the names of the Tu Cho Cooperative and the NWT Fishermen's Federation to access \$10 million of federal funds to help build the plant, but is treating the fishermen more like pawns than partners. The government has well-paid employees and budgets for consultants, all of whom can work to advance the department's own interests on this project. They are actually in the process of hiring someone to manage the plant right now.

If ITI thought of the fishermen as partners, then they would ensure that they had similar supports. Neither the federation nor the co-op has the administrative capacity or the budget to hire someone with the skills needed to help them fully participate in the project and to advocate on their behalf, and ITI uses this power disparity to steamroll ahead while fishers are kept in the dark. Their participation is further eroded by ITI's insistence on engaging individual fishers instead of the elected heads of the federation or the co-op, and approach that has sown division among fishers. That's colonialism 101, Mr. Speaker.

The government has also actively taken steps to reduce influence of fishermen. The GNWT has a seat on the board of the Freshwater Fish Marketing Corporation, which has always been filled by a fisherman, but this summer the GNWT installed one of its own on the board. That directly contradicts the very first recommendation of the federal ministerial advisory panel that has been studying freshwater for the past number of years, which recommends increasing fisher participation on the board.

I have also been informed that ITI has discouraged the fishermen from pursuing partnerships with Indigenous governments and has worked to thwart the efforts of Indigenous entrepreneurs who want to invest in the industry and help it grow.

Mr. Speaker, ITI should not be working to consolidate its power and crush its competitors. The department has lost sight of the goals of the strategy and who the strategy is meant to benefit, and that needs to change. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON FIBRE OPTIC LINK TO COMMUNITIES

MR. O'REILLY: Merci, Monsieur le President. The fibre optic line now runs from Alberta to Inuvik, a project completed in 2017 that will cost about \$95 million and \$3 million a year to operate. That fibre link was funded on the understanding of big

community benefits down the Mackenzie Valley. Let's go back and look at the record. As early as 2011, the then-Minister of Health was promoting "a very ambitious plan that would provide a fibre optic link to all the communities. There would be cell phones, Internet, TV, all those systems in the community."

When the budget proposal was reviewed in 2015, the Finance Minister was asked if the proposal was for "getting a fibre optic line right in the homes." He said, "The intention is to have a clear point of presence in all the communities."

The March 2017 media release announcing the completion of the line said that residents and businesses would now have a hook-up point "located in Fort Simpson, Wrigley, Tulita, Norman Wells, Fort Good Hope, Inuvik, and in High Level."

This Finance Minister's 2017 statement in this House said that "the completion of the nearly 1,200-kilometre fibre link brings affordable, high-speed telecommunications to six communities along the Mackenzie Valley, including Inuvik."

Unfortunately for the communities along the route, few of these magical promises have come true. The fibre line hook-up point is not in all the communities. For Fort Simpson, Wrigley, Tulita, Norman Wells, and Fort Good Hope, the fibre line runs past the communities. As I understand it, it will cost \$1 million plus to run the line into the communities. Without that money, the line might as well not be there.

This is extremely serious, Mr. Speaker. The Members of this House approved millions of dollars in expenditures of public funds because the government promised the project would deliver services in these communities, not past them. The justification of improved Internet service for these communities was repeatedly used in approving these expenditures. At the same time, numerous predictions were also made of large revenue streams to help offset the costs of this project.

Later today I will have questions for the Minister of Finance as to why the anticipated improvements to community Internet services along the fibre link have yet to happen and why the anticipated revenues from this project have not panned out. Mahsi, Mr. Speaker.

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

MEMBER'S STATEMENT ON ECONOMIC DIVERSIFICATION

MS. GREEN: Mahsi, Mr. Speaker. I rise today to talk about the urgent need to accelerate the

economic diversification of our economy. Members learned this lesson during the first week of this Assembly, when De Beers told us they plan to close the Snap Lake diamond mine. It was a timely reminder that all the diamond mines are forecasted to close in the next 10 years, starting at the end of the 19th Assembly. There may be ways to extend the life of each of them, but their best days are probably done.

Mr. Speaker, there is no ready replacement for diamond mining and the benefits it provides. This is a particular worry for residents whose development corporations provide training and work at the mines; Det'on Cho Corporation, for example, employs nearly 1,000 people in its own companies and joint ventures. The last thing any of us wants to see is most of these people out of work, but there are few alternatives in this area, except for the Giant Mine remediation. Clearly, it's time to ramp up our economic diversification efforts.

Yesterday the Minister of Industry, Tourism and Investment told us it's all good, but the fact is that the government has not made investment and diversification a priority. In fact, there is less money being spent on it in this budget than there was two years ago. Some industries are thriving anyway. Spending by tourists has doubled since 2012 and government support has gone up, too, but it's still peanuts compared to the support that is needed. Most glaring is government's failure to invest in new visitor services in Yellowknife. There is a road to the Arctic Ocean, but no campgrounds there. How is the government helping Whati prepare for an influx of visitors?

Business is leading the way with services, but it's up to government to provide the necessary infrastructure. This investment would benefit communities throughout the NWT, creating jobs and revenue. We know from the 100,000-plus visitors who travelled to the Northwest Territories in 2017-2018 that they are interested in the North's unique culture and landscapes, but are often stuck for a place to camp or stay or get out on the water. Where is the action on that?

Mr. Speaker, the government has a track record of backing the big at the expense of the small, but there is no reason to sneer at the small enterprises that will create a broader economic base, greater stability, greater employment for dollar of input. Mr. Speaker, I seek unanimous consent to conclude my statement. Thank you.

---Unanimous consent granted

MS. GREEN: Thank you, colleagues. Thank you, Mr. Speaker. There is no reason to sneer at the small enterprises that will create a broader economic base, greater stability, greater

employment for dollar of input, and greater economic multiplier for dollar earned. These jobs won't look so small when the diamond mines have closed. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Member for Tu Nedhe-Wiilideh.

MEMBER'S STATEMENT ON EULOGIES FOR MURIEL BETSINA AND JR ABEL

MR. BEAULIEU: Thank you, Mr. Speaker. I rise today to speak about an unfortunate recent passing of two residents of Ndilo, Muriel Betsina and JR Abel, both of whom were related as grandmother and grandson.

To begin, I would first like to talk about Muriel. Muriel has been a long-time resident of Ndilo, but she was born in Tulita on May 25, 1944, and passed away on July 22, 2019, at age 76. Muriel is survived by her seven children; Ernest, Eileen, Norman, Dianne, Allan, George, and Frank Jr.; her 40 biological and adopted grandchildren; and more than 10 great-grandchildren, as well as her siblings Be'sha, Alice, and Joe Blondin. She is also a sibling to the late George Blondin.

Mr. Speaker, Muriel was an outspoken advocate for most of her life. She often talked about her experience as a survivor of residential school and about the importance of preserving a positive cultural legacy for the Dene of the NWT. She was also known for her strong beliefs in forgiveness and for sharing a strong sense of love and acceptance with all people with whom she interacted. She will surely be missed by the people of Ndilo and many people across the Northwest Territories.

Now, Mr. Speaker, I'm going to talk about the life of JR Abel. JR was born in Yellowknife on January 2, 1990, and passed away on August 9, 2019, at the age of 29. JR is survived by his parents, Eileen Betsina and Edward Abel; his siblings, Martina, Eric, Christopher, and Shalbe; along with countless cousins, aunts, uncles, great aunts and uncles, and six nieces and nephews.

Mr. Speaker, JR grew up in the community of Ndilo, where he was surrounded by much of his family most of his life. JR was known to have a generous heart and never hesitated to offer his help to any of his family or friends, especially when it came to his nieces and nephews.

JR also loved to be out on the land and was considered a star pupil for the GNWT environmental monitoring program. Over the years, he also worked as a wildfire fighter during the summers and, in the wintertime, ice road flooder. It is truly unfortunate that JR passed away at such a young age. His memory, however, will live forever

in the hearts and minds of those he touched. This goes the same for his grandmother, Muriel. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Our condolences to the two families, as well, and also to the community. Members' statements. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery. Member for Range Lake.

Recognition of Visitors in the Gallery

HON. CAROLINE COCHRANE: Thank you, Mr. Speaker. Today I would like to recognize a really dynamic group of women in our gallery today. We have Sheryl Liske from the Yellowknife Dene. She is a long-time resident of Yellowknife, Northwest Territories. Ms. Beatrice Harper is the visitor from Onion Lake Cree Nation on the border of Alberta and Saskatchewan. Ms. Maxine Desjarlais is a visitor from Lloydminster, Saskatchewan. We have that name in the Territories, too, just to let you know. Shelley Wiart is a member of the North Slave Metis Alliance, and she is visiting from Lloydminster, Alberta. She is known as the co-founder of the Women Warriors, a really important part. Ms. Janelle Baker, she is a visitor from Sundre, Alberta. She is the assistant professor of anthropology, Athabasca University. With her, we have baby Argo Hus. Welcome the gallery, baby.

These women are here. They are working on the Indigenous Women's Health Stories. I am hoping that all MLAs have gotten an invite. They will be presenting tomorrow evening at Northern United Place at 6:00 p.m., sharing Indigenous women's experiences with the healthcare system. I urge anyone, if we are not in session, to please attend their presentation. Thank you all for being here.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Member for Yellowknife North.

MR. VANTHUYNE: Thank you, Mr. Speaker. At this time, I would like to recognise Dana Martin, vice president of NWT SPCA. Welcome to the House and thank you for the tremendous work that you do on behalf of the territory. Thank you.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Member for Yellowknife North.

MR. VANTHUYNE: Thank you for your indulgence, Mr. Speaker. Yesterday I forgot to acknowledge a Page who does tremendous work for us here in the Legislative Assembly. I want to acknowledge Joshua Drygeese and thank all the Pages for the tremendous work they do. Thank you.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. If we are missing anyone in the gallery, welcome to our proceedings. It is always great to

have an audience as part of our proceedings here today. Masi. Item 6, acknowledgements. Item 7, oral questions. Member for Yellowknife North.

Oral Questions

QUESTION 802-18(3): GOVERNMENT OF THE NORTHWEST TERRITORIES FUNDING SUPPORT FOR THE NWT SPCA

MR. VANTHUYNE: Thank you, Mr. Speaker. My questions are for the Minister of Municipal and Community Affairs. I again want to take the opportunity to thank the Minister and the department for the commitment that they have made to the NWT SPCA. Honestly, let's be fair, originally, there was some resistance to fund the SPCA through the NGO Stabilization Funding. I would like to ask the Minister: really, what was the reason for the change of heart, and why did the Minister see it fit to prioritize approval of this funding to the SPCA? Thank you, Speaker.

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

HON. ALFRED MOSES: Thank you, Mr. Speaker. To be honest, we have a lot of non-government organizations that do a lot of really good work on behalf of residents of the Northwest Territories, our municipalities, our communities, our governments. As a government, we want to make sure that we can also provide support. This was the case with the SPCA. Previously, when the program was not through the Department of MACA, there was a one-time funding, I believe, of \$25,000. As the Member has asked me in a previous session, we did give a one-time funding.

Coming from personal experience, coming from Inuvik, we do have the Arctic Paws. The Arctic Paws does have a really strong relationship with the SPCA. We really appreciate the work that they do in terms of providing safety and the health of the animals across the Northwest Territories. They did fall under some of the criteria that allowed them to get the funding. We want to make sure that, working with our NGOs who do work on behalf of the government, we want to support that. I think, moving into the next government, we are going to have to come up with some criteria.

As I mentioned to the Member, it is not core funding, but how do we support our NGOs to support the work that they do on behalf of residents and the animal population in the Northwest Territories. I really appreciate the work, and I am glad that we have a representative here from the SPCA today. Thank you, Mr. Speaker.

MR. VANTHUYNE: Thank you to the Minister for his response. Yes, indeed, we know, as does everybody, that a number of NGOs provide important and critical services to the territory, and they rely on the stabilization funding. We don't want to take away from that. Maybe, does the Minister have some other concepts or ideas that we can find a way to provide long-term funding to the SPCA while not impeding on the resources that a number of NGOs depend on?

HON. ALFRED MOSES: I don't want to single out just the SPCA, here. There are a lot of NGOs across the Northwest Territories that do a lot of really good work on behalf of the residents and work on behalf of government. That is something that I think, because we are nearing the end of this Assembly, that the new government that comes in in the 19th is going to have to take a hard look at and see how well we fund our NGOs and our partners and stakeholders moving forward.

At this time, I can't make that commitment to say that we are going to be looking at any kind of core funding or ongoing funding. I think that is something that needs to have a really good discussion, because it has come up on numerous occasions during this government.

MR. VANTHUYNE: I appreciate the Minister's response. Indeed, there are some challenges as it relates to the prerequisites when it comes to applying for this stabilization funding. I am sure that the SPCA might have looked for other alternatives, but one of the prerequisites is that you have to be receiving \$50,000 from the territorial government by other means. If it is possible, can the Minister let the SPCA know or have his staff work with them to find ways in which other pots of money can be accessed so that maybe they don't have to go to the NGO Stabilization Fund?

HON. ALFRED MOSES: I think it comes to the responsibility of all parties involved. I know the Member asked me questions in an earlier session, and I did say the responsibility also falls on the municipalities and the hamlets. We need all leadership. We need the NGOs as well as ourselves as a government providing this kind of funding to work together to see how we can find that type of funding to address the issue. If anything, I will commit to the Member that we will have those discussions.

I think it is something that the next government coming in in the 19th Assembly is going to be something that needs to be talked about because, like I said, our NGOs across the Northwest Territories do invaluable service and they do a lot of really good work right across the territory. We will make that recommendation, but at this moment I can't commit to any ongoing continued funding or

core funding, but that discussion needs to be still had. Thank you, Mr. Speaker.

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

QUESTION 803-18(3):
PROPERTY TAX ARREARS PROGRAM

MR. THOMPSON: Thank you, Mr. Speaker. The Minister of Finance made a statement on the Property Tax Arrears program earlier today, and I thank the Minister for this statement. This has been a big issue for the community of Fort Liard, and I have spoken with the Minister a number of times on this issue. Can the Minister provide any further details on this program, besides what he has already said in his Minister's statement? Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Finance.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. As I noted before, the Property Tax Arrears program is designed to provide a path for residents to address the outstanding arrears. Residents can enter into a repayment plan for the outstanding property taxes, and the interest that has been building up will be forgiven; or, in other words, the resident will not have to pay the interest portion. Residents, we have to be quite clear, have to stay current on their payment plan on future property taxes to stay eligible for the program.

MR. THOMPSON: This is great news moving forward. Can the Minister provide some details on how some residents, especially those who live in Fort Liard, how they can apply for this new program?

HON. ROBERT MCLEOD: We are sending letters to all clients with arrears, and we will provide them with details on applying for the program. We are also doing a communication effort in communities in the general taxation area, and we are working with our GSOs, and they have been trained to help residents apply for the program, as well.

MR. THOMPSON: That is good to hear, and I hope the Minister will actually reach out to us MLAs, too, and get that information out to us. Will the Minister's department be working with residents as part of this program to establish an affordable payment program, and how does it have an impact on people who have already entered into a payment program?

HON. ROBERT MCLEOD: The quick answer is yes, when a resident applies, we will work with the client to come up with an affordable monthly payment plan, and, if there are some that have entered into repayment plans already, we would

expect them to honour it, and this program would apply to them, as well.

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

MR. THOMPSON: Thank you, Mr. Speaker. At this point in time, I would like to thank the Minister for this information. My final question is: we have been considering the standard interest rate act in this session; how does this legislation relate to this new program?

HON. ROBERT MCLEOD: These initiatives, they are related. The Property Tax Arrears program will help residents that have built up appears in the past. It is a time-limited program, however, to deal with these circumstances. Going forward, the standard interest rate establishes a more reasonable interest rate on any outstanding amounts owed to the GNWT in property taxes. These two initiatives taken together should help address the historic problem we have had with property tax arrears. That said, though, residents will have to pay their property taxes, and, if they do not, the arrears will start to grow again over time. With the other piece of legislation that we were dealing with, we had varying interest rates across the programs in the Northwest Territories. I think we had some as high as 18 percent. We are starting to standardize all of those, so I think it will do well for the people of the Northwest Territories. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Member for Tu Nedhe-Wiilideh.

QUESTION 804-18(3):
HOUSING CORE NEED

MR. BEAULIEU: Thank you, Mr. Speaker. On Monday I made a Member's statement on the Housing Corporation, the core need housing programs, and so on. I have questions more specifically towards the core need of the social housing in the Northwest Territories. I would like to ask the Minister responsible for the NWT Housing Corporation when the new needs survey for determining the core need numbers across the NWT will be released. Thank you.

MR. SPEAKER: Masi. Minister responsible for the NWT Housing Corporation.

HON. ALFRED MOSES: Thank you, Mr. Speaker. When the Member did make his statement, I was waiting for some questions earlier this week. I want to let the Member know and all Members that have an interest in housing, which is every Member in this building, that the NWT Bureau of Statistics has been conducting the 2019 core needs survey, and it should be ready for release in November of this

year. In the past, I have given updates in how we are addressing the core need with various programs. Looking at the target of 250 per year, I can share with committee and I can share with Members that I believe we are exceeding that, and we can show how we are doing that through the various programs that we are conducting.

MR. BEAULIEU: Often, individuals who have perfectly good housing units, suitable and adequate units, because they have an affordability issue identify as being in core need for housing, so I would like to ask the Minister if he could give the House a definition of "core need."

HON. ALFRED MOSES: The Member and I had a discussion around this, and, you know, it can be a little bit complex in terms of what core need is. However, the definition of "core need" is a federal standard, and it is used by all jurisdictions right across Canada. The core needs survey does allow us to look at the number of households affected by each area, and, while the definition of "core need" includes affordability, the majority of our program is used to address adequacy as well as suitability, and that was the exact conversation that I had with the Member earlier today. That is something that needs to be addressed more, not only within the territorial government, but I think it's something that needs to have a bigger discussion with the federal government and our municipal leadership or territorial leadership.

MR. BEAULIEU: I would like to ask the Minister if the Minister feels that people who currently reside in public housing are in core need.

HON. ALFRED MOSES: As I just previously said, we have a target of addressing 250 households every year, and we work with our local housing organizations to address any inadequacies, whether there are repairs, maintenance, as well as suitability and any issues that do come up. I know because I get those questions from Members almost on a daily basis. At this point, I think we are addressing the affordability, adequacy, and suitability problem. Being in the Legislative Assembly for the last two terms, the last eight years, I think we have made a very big impact on addressing core needs across the Northwest Territories, and that is not just me. It's the previous Ministers responsible for housing as well as getting questions from Members to address this. So, at this point, I want to say that I do believe that we are doing the best job that we can and we are addressing that issue.

MR. SPEAKER: Masi. Oral questions. Member for Tu Nedhe-Wiilideh.

MR. BEAULIEU: Thank you, Mr. Speaker. The reason that I asked the last question is because

public housing takes people out of core need. I suppose that is what public housing is all about. Individuals that can't afford adequate and suitable housing end up in public housing. We have 2,400 public housing units, I understand, across the territory. I just wanted to get an answer for the House from the Minister to see if the Housing Corporation considers the 2,400 families that are in public housing in core need currently. Thank you.

HON. ALFRED MOSES: I had the opportunity to attend a conference in Victoria earlier this year. In our agreement with the federal government, we were committed to providing public housing units for our jurisdiction. I think it is about just over 1,300. We go above and beyond, and I made sure that everybody at the conference knew that we provide the 2,400, and we also look at market rent and other projects that we do.

We do have a number of programs that are going to address this need. For seniors, for singles, I made some comments the other day about the fuel tank replacement issues; Rapid Rehousing, our community housing support initiative; over the last three, four years, we have seen some very successful programs working with Indigenous governments and local governments, as well; we do have a new home program, which will address suitable housing concerns; and our community housing plans, as I mentioned earlier in my Minister's statement.

We need to work with local leadership and stakeholders to address what their priorities are and how we address the core housing need. I think that that is something that we will continue to focus on, work on, and I appreciate that all Members of the 19th Assembly bring that forward so that we can work with families and communities to address this issue.

We have been doing things. Like I said, being in the Assembly for eight years, two terms, right from day one, we have been seeing some changes, policies, and programs. We will continue to support them and also lobby our federal government. Thank you, Mr. Speaker.

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

QUESTION 805-18(3):
NORTHERN HOUSING SUMMIT OUTCOMES

MR. MCNEELY: Thank you, Mr. Speaker. Further to my Member's statements on housing, my questions are for the Minister of Housing. We are now more than three months after the Northern Housing Summit in Inuvik. Can the Minister talk about what came out of the summit and what next steps might be? Mahsi.

MR. SPEAKER: Masi. Minister responsible for the Northwest Territories Housing Corporation.

HON. ALFRED MOSES: Thank you, Mr. Speaker. I was very proud to hold this summit up in the community of Inuvik, only because we have looked at some new initiatives and the way we do housing in the Arctic, especially with discussions around climate change. I think that this was the first one of its kind, in terms of where we had a lot of leadership right across the territory. We invited leaders to come to the forefront and discuss the issues.

We have identified four key outcomes in our report on the summit. I can, in due time, make sure that I can give the Members and the committee -- we did have committee there, as well -- and share with them some of the outcomes that came out of that summit. If anything, I think that I have put responsibility not only on the territorial government, but also federally and locally, in making sure that we all have responsibility in addressing housing across the Northwest Territories. Thank you, Mr. Speaker.

MR. MCNEELY: Thanks to the Minister for the reply. We look forward to the information. My next question, then, Mr. Speaker: I certainly appreciate that the Housing Corporation did a lot of work organizing and bringing communities, Indigenous leaders, and other stakeholders together to learn of the opportunities at the forum, such as the co-investment fund. Organizations in my riding want to put forward proposals under the co-investment. How would they pursue this?

HON. ALFRED MOSES: As I mentioned in a Member's statement in the House during a previous session, we did negotiate a \$60-million carve-out of the co-investment fund. I would like to let all leadership across the Northwest Territories and other partnerships know that we can go above and beyond that and still put in an application to the federal government to access more dollars.

We also have a strong partnership with the Canadian Mortgage and Housing Corporation. We have been working with them to work with our local leadership and our Indigenous leadership to access that funding. We have been pushing that during the summit, as well as in our bilateral agreements. Hopefully, we will see more access and more applications to the program to make sure that our communities can access some of this housing funding moving forward.

MR. MCNEELY: I will relay that message on to the regional leaders in utilization of their bilateral. My third question is: I know that there has been a lot of work on the community housing plans. Can the

Minister provide an update on those plans and what is going on in the Sahtu riding?

HON. ALFRED MOSES: As Members know, initially, when we were doing these community housing plans, it was a pilot project and something new to the Northwest Territories. I think that it is something that should be pushed right across Canada, especially in our rural and remote communities, on how we address housing issues.

Initially, we had three that we wanted to pilot. To date, I can tell the Member and all Members in the Legislative Assembly that we have 12 that we are working on. I made a statement earlier today that Whati, Paulatuk, and Liard are communities that we are working on. I think that it is going to be a good news story, and it is going to help us learn how we invest our dollars into community housing plans and encourage all leadership to approach us, work with CMHC, and work with our leadership here at the Legislative Assembly and in our communities to work on seeing what our priorities are in our communities across the territory.

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

MR. MCNEELY: Thanks, Mr. Speaker, and thanks to the Minister for that information. My last question, Mr. Speaker, is: I understand that the Government of Canada has dedicated funding for Indigenous housing. Can the Minister tell us where we are at with allocations under this fund for the Northwest Territories? Mahsi.

HON. ALFRED MOSES: We have had meetings with various federal Ministers across the board on funding for on-reserve, off-reserve. In terms of housing, we have worked with, I have said in the House before, the Inuvialuit Regional Corporation. They were successful working with ITK to get funding to do some work, and then they partnered with us to look at our capital planning and our strategy, and that came right from the federal government. That went to the national Indigenous organization. One of the, I won't say the "priorities," but focuses out of that summit that we did up in Inuvik was to bring all of our Indigenous organizations together to lobby not only the federal government but the Assembly of First Nations and the national Metis organization to see how we can be recognized here in the Northwest Territories, because we are an over-50 percent Aboriginal population, that we should get some of the funding that the federal government gave to the NIOs and see how we can use that funding to address our housing issues across the Northwest Territories. We will continue to lobby not only the federal government but our NIOs, as well. Thank you, Mr. Speaker.

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

QUESTION 806-18(3):
MUNICIPAL FUNDING GAP

MR. TESTART: Thank you, Mr. Speaker. As per my Member's statement, the state of community funding in the Northwest Territories has a major problem, and we have known about this problem for a long time. I would like to know what the Minister responsible of Municipal and Community Affairs has done to properly address the deficits and shortfalls in the municipal funding formula. Thank you.

MR. SPEAKER: Minister of Municipal and Community Affairs.

HON. ALFRED MOSES: Let me catch my breath. No, just kidding. Thank you, Mr. Speaker. The funding strategy will be released prior to the end of this session. I do know that Members are being, I won't say "pressured," but I know they are getting questions on how do we address the funding gap. We will be releasing a funding strategy prior to the end of this session. We have taken input from the NWT Association of Communities since I have been in this position. We have had meetings with the executive. We have let them know that this funding is really for, I won't say the core need, but, you know, what are the priorities for their communities. We will continue to work with them.

In terms of the strategy right now, I think that is going to be something that the 19th Assembly is going to have to really take a hard look at and continue to work with the federal government on how do we address municipality shortfalls. The climate change is going to be a big one, especially up here in the North, that we need to address. We are already seeing it. We have met with the NWT Association of Communities, and we will provide feedback by the end of this Assembly on how we are moving forward. In reality, Mr. Speaker, this is going to be something that is going to need to be addressed in the next government.

MR. TESTART: Well, this is not just something that Members are getting pressure from now. It's something that Members have advocated for for four years, since we got elected, and to hear that it's going to be the next government's problem is a naked example of passing the buck to our successors. What can be done in this sitting to address these issues?

---Laughter

MR. TESTART: We have a capital budget -- and the Ministers laugh at this request. This is a request that has been brought forward by the NWTAC. This

is a request that has been brought forward by community leaders time and time again, and, to be met with laughter now? Mr. Speaker, we have an upcoming capital budget that includes funding for municipalities. Is there a way that this Minister will advocate for our communities, in consideration of that budget?

HON. ALFRED MOSES: I do apologize. You know, I did laugh, but, at the same time, it does not fall only on us as a territorial government. There has also got to be responsibility in terms of the priorities that our municipalities have in their communities. We made some big announcements today. We made some big announcements yesterday with the federal government, and we are addressing some of these issues, and they are big issues. In terms of the funding gap from our territorial government, we will continue to work with our partner, which is the NWT Association of Communities. You know, like I said, I do apologize that I did laugh, but we are doing things, we are working, we are investing, and, as Members know, as all leadership know, we are in a four-year cycle, and, at some points, it doesn't always fall on the same timeline, but we all have to work together to address the needs. In some cases, these needs were not addressed in the past, but we are working with our mayors, or leadership, and we all have to work together to see where our priorities are, and we will continue to do that.

MR. TESTART: The federal government comes through with the gas tax funding; it comes through with additional money. This is not a federal issue. This is our issue. We created this formula, and we are not funding it. That is the issue here. This gap is entirely the responsibility of this government, no other government. I am sure the municipal governments respect what the Minister is bringing forward in support to get those federal dollars, but it's not enough. We need to plug it here, so has the Minister met with the newly elected mayor in council since the last election, and the NWTAC, and heard from them on this issue, and what have they told him?

HON. ALFRED MOSES: Yes, I have met up with the NWTAC executive on numerous occasions since I have been elected, and I did let them know that the funding that we provide through our capital planning programs is for priorities in the communities. I did let them know that we also need to lobby the federal government and that we continue to need to work together to address the funding gap issue. It's something that's not going to be easily fixed, and I think everybody in this room knows that it's not going to be easily fixed. We need to work together to see how we can find a solution, but it's going to be something that this government within the two weeks we have left is not going to be addressing. I will let the Member know that I have

met with them on numerous occasions, the executive, and we did have this discussion.

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

MR. TESTART: Thank you, Mr. Speaker. The Minister keeps talking about priority projects and prioritizing municipal infrastructure needs, and that sounds like a different process than what this funding is. Can he just clarify if the municipal funding gap is somehow conditional on municipal priorities or if it's funding that is flowed through to the municipalities? Because the issue I am talking about is funding that flows through as a transfer to our community governments that they can then use. The Minister is talking about working on priorities, which are, you know, a completely different ball game, so can he clarify what he is talking about? Thank you.

HON. ALFRED MOSES: Yes. You know, you have got to look at the priorities for each community. Do you want sewage and water, or do you want a nice gym? You know, we are all elected leaders here across the Northwest Territories. Do you want safe water, or do you want a nice swimming pool? If I can put it in that context, then I will. You know, do you want a nice track and field, or do you want people provided with the essentials? You know, we talked about housing earlier today, and we just want people to have a roof over their heads, but, when we have municipalities that are asking for above and beyond what the essential needs are for our people just to have a normal type of life, I mean, those are the decisions that we have to make. As elected officials in territorial government, as elected officials throughout the municipalities and the hamlets, those are the discussions that we need to have, and we all have a responsibility to address that.

Moving forward, we will continue to have those discussions. We are not passing the buck, Mr. Speaker. If we had an endless credit card, sure, yes, but right now, we don't. It is not just the territorial government. It is right across Canada and globally, and really affects how we do our business in the North.

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

QUESTION 807-18(3):
MACKENZIE VALLEY FIBRE OPTIC LINE

MR. O'REILLY: Merci, Monsieur le President. My question is for the Minister responsible for the Mackenzie Valley Fibre Optic Link. In my statement, I recounted how this was justified to this House as a means of connecting our communities to faster Internet services. All of the references

portray the project as delivering high-speed fibre optic services in the communities. Can the Minister explain why the promised improvements to Internet service in the communities on the fibre link have not happened? Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Finance.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. The Mackenzie Valley fibre optic line is a backbone transport link to GNWT asset. Linking this backbone to the community is what's called the "last mile." This service is provided by the local service provider as GNWT is not in the business of providing local Internet service. Building this backbone significantly improved the telecommunications infrastructure in the Mackenzie Valley, replacing the aging and costly microwave system. It isn't accurate to say that there haven't been improvement or promises made. The only promises I make are to my grandchildren. We have seen new service providers enter the market in Inuvik and Norman Wells, and I have seen an increase in speeds in communities that was only made possible by the construction of the Mackenzie Valley fibre optic lines. It was officially opened, I think, in June of 2017, and we have seen improvements, Mr. Speaker. Thank you.

MR. O'REILLY: That is great to hear about improvements in two of the many communities that the fibre optic line passes by or through. In addition to the examples I cited, though, we have the Premier on November 23, 2016, talking to the House of Commons Standing Committee on Industry, Science and Technology, "We are connecting all of our communities up and down the Mackenzie Valley." Given that the promise was to have service in the communities, what steps will the Minister take now to deliver on the promise and literally go the extra mile to ensure that the improvements and Internet service actually happen?

HON. ROBERT MCLEOD: I would be interested to hear from some of the smaller communities down the valley to see if their services have improved at all. We know of the federal announcement where they have committed a whole bunch of money to improving broadband in northern communities, and I think our service providers up here was able to take advantage of some of that. We own Mackenzie Valley fibre optic line. I think we're responsible for getting it out to pop-out, as it's called in the community, and then their service provider would go from there.

Again, Mr. Speaker, we shouldn't be throwing around promises. I don't recall making a significant or a particular promise. What we have committed to do, and "committed" is probably a better word, is to improve the service to people down the Mackenzie

Valley. I think that is happening, maybe not to the speed as to what the Member might like, but you can talk to people in a lot of the smaller communities, and I am sure they will agree that their service has improved significantly, and will continue to do so.

MR. O'REILLY: I didn't make those promises. Ministers did in this House, or even outside the House. All I am pushing for is to make sure that we fulfill those promises. There were further promises made to extend the fibre optic link to Tuktoyaktuk. Can the Minister explain the status of this work, its costs, and whether it will happen in advance of real connections and improvements in the communities that were supposed to be served by the fibre link in the first place?

HON. ROBERT MCLEOD: The GNWT has done some high-level estimates regarding the cost of extending the fibre line to Tuktoyaktuk. This project is being considered as part of the Investing in Canada Plan. The GNWT, we are committed to working on a more detail plan related to this project which will ultimately determine the final cost and timing.

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

MR. O'REILLY: Mahsi, Mr. Speaker. I want to thank the Minister for that. Let's move on to the promised revenue stream from the fibre link, which seems to be in the neighbourhood of about \$3 to maybe \$20 million, I'm not sure. The costs are set out in the public accounts at \$3 million a year. Can the Minister explain what the anticipated revenues were supposed to be for this project and why they haven't panned out? Mahsi, Mr. Speaker.

HON. ROBERT MCLEOD: Mr. Speaker, revenue forecasts were developed for the project that were projected to increase over time. Revenue has grown at a pace of around 20 percent a year since the inception of the Mackenzie fibre optic line in 2017, and has met its projected forecast. With the recent approvals related to the Inuvik satellite station, I expect there will be more interest and, coming from small communities such as Inuvik, we see that interest firsthand. Finance continues to work with the federal government on the development of a satellite station facility to further increase revenue. Thank you, Mr. Speaker.

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

QUESTION 808-18(3):
RELATIONSHIP BETWEEN NWT FISHERS AND
THE DEPARTMENT OF INDUSTRY, TOURISM
AND INVESTMENT / GREAT SLAVE LAKE
COMMERCIAL FISHING

MR. SIMPSON: Thank you, Mr. Speaker. As I mentioned earlier, ITI's relationship with the NWT Fishermen's Federation and its economic arm the Tu Cho Fishers Co-operative have fallen apart. This is very concerning because of major changes in the commercial fishing industry, such as the construction of a new fish processing plant and changes to the Freshwater Fish Marketing Corporation. I have some questions for the Minister of ITI. The first step in solving a problem is acknowledging that it exists. Does the Minister acknowledge that the relationship between the fishers and the department are strained, and that the strain is negatively affecting the prospects of achieving the goals of the revitalization strategy? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Industry, Tourism and Investment.

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. No, I do not believe the relationship with the Tu Cho fishermen are strained. Just because there was an article on CBC and an interview based on what an individual has said in the Northwest Territories, I would not say it is strained. I have talked to most of the fishermen since that article came out, and there is some real concern about what is being put out there by the press and our relationship with ITI and our staff. In particular, I don't appreciate this individual trying to single out our staff in Hay River who are doing a great job on this. He reaches out to the co-operative all the time, and we will continue to deal with him on a professional basis. Thank you, Mr. Speaker.

MR. SIMPSON: No problem, I guess. Everything's peachy. Traditionally, when the GNWT would put forward a name of someone to sit on the board of the Freshwater Fish Marketing Corporation, they would consult with the Fishermen's Federation. Earlier this year, the fisher who sat on that board received a letter saying that he had been removed. The federation had not been consulted, so it came as a surprise. They later learned that a bureaucrat would be filling that seat. The move directly contradicts the very first recommendation of the report of the Ministerial Advisory Panel on the Transformation of the Freshwater Fish Marketing Corporation that was released last month by DFO after years of study. Why did the government choose to remove the fisherman from the Freshwater Board and fill it with a GNWT employee?

HON. WALLY SCHUMANN: I am well aware of the Member's relationship with the person who we removed from this board. This guy was on the board for the last 20 years. You have a look at the fishing industry in Hay River and the challenges that we have had around the fishery in the Northwest Territories. The DFO was making

changes. They have a governance model that they are looking at changing around the Freshwater Marketing Corporation, and due to the transition of this period that has to take place, I took the precedent of removing this person from the board when his appointment was done and insert our superintendent from Hay River.

MR. SIMPSON: Earlier I talked about the fact that the federation doesn't have a budget to hire the type of expertise that could help them fully engage on the development of the processing plant and move forward with the revitalization strategy. Can the Minister commit to providing adequate funding so that the federation can have someone who is working for them and in their best interest?

HON. WALLY SCHUMANN: As I have said in the House, we work very closely with the Tu Cho Co-operative fishermen. We continually meet with them on a regular basis as the plant has moved forward. As all the Members know in this House, the plant is out for tender right now as we speak. We have already bought some of the equipment for this thing. Minister Moses announced a number of funding projects yesterday, and one of them is actually for the lift station to support this plant in Hay River, and we will continue to work with the Tu Cho fishery going forward. We are supporting them and will be assisting them with the manager of the fish operations of their plant. That is going to be developed around their business plan. They don't want to be locked down by some long-term person who we want to put in there. We have to continue to work in partnership and collaboration with the fishermen. We will continue to do that.

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

MR. SIMPSON: Thank you, Mr. Speaker. I know that the president of the federation and possibly some other members or advisors would like to meet with the Minister to iron out these issues and help repair this relationship. The fishermen are out on the lake. It might take some work to arrange a meeting. Can the Minister commit to making some efforts to find the time to make that meeting happen? Thank you, Mr. Speaker.

HON. WALLY SCHUMANN: Actually, they have already reached out to me. We set up a tentative date, and they could not make that date. I said that I would make myself available, but before I commit to doing that I told them that I wanted an agenda of what we want to talk about and who is going to be present at the meeting. I don't have an issue meeting with them. Thank you, Mr. Speaker.

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

QUESTION 809-18(3):
LEGAL ASSISTANCE ON ESTATES, WILLS AND
LAND TRANSFERS

MR. BLAKE: Thank you, Mr. Speaker. In follow-up to my Member's statement, I have a few questions for the Minister of Justice. As I mentioned, there are growing concerns with the wills and estates with my constituents. I would like to ask the Minister: what options do people have when trying to deal with a loved one's estate? Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Minister of Justice.

HON. LOUIS SEBERT: Thank you, Mr. Speaker. There are certain factors that are very important in dealing with estates; certainly, the size of the estate and whether there is a will or not. Now, the public trustee, in certain cases, will assist. Generally, however, they will accept administration of estates where the only beneficiaries are children, the beneficiary is a spouse and a senior citizen. It says over the age of 65, I think, on the website, but they will go as low as 60 in age. Or the beneficiary is mentally incapable or there are significant assets and no next of kin can be found. In other circumstances, generally, the next of kin should contact a lawyer.

If those criteria are met and some other factors come into play, if the deceased person stated in his will that the public trustee was to administer the estate, more commonly, the person dies without a will and there is no one else looking after the estate or the next of kin of the deceased stated in writing that they consent to the appointment from the public trustee as administrator and they have searched but are unable to find a will of the deceased, the public trustee can assist in those circumstances, those criteria that I set out.

I mentioned the size of the estate as being important. Now, estates having a value of under \$35,000 fall under a simplified process. The outreach clinic can be of assistance to residents with this simplified process. It is a trying time for families, but there can be help either through a lawyer or the public trustee in some cases or the outreach lawyer. Thanks.

MR. BLAKE: The Minister touched on this, but I will ask it anyway: will the Minister look at expanding the Legal Aid outreach office to cover probating wills?

HON. LOUIS SEBERT: I realize that this is an important issue; obtaining probate or administration of estate is an important aspect of dealing with an estate. However, we are not contemplating an expansion of services at this time. The success of the outreach program means that there is a full draw on the services now offered. We are not in a

position to add new services or enhance the services already offered.

MR. BLAKE: The Minister is a lawyer himself, but I am sure that the Minister also knows that we don't have lawyers on hand in the Mackenzie Delta or even the Beaufort-Delta; I'm not aware of any lawyers situated in Inuvik. Is there any information available to encourage residents to complete wills?

HON. LOUIS SEBERT: I do realize this is an important issue. Not everybody has easy access to legal advice or lawyers. There is, however, information available. The outreach lawyer has and will go into communities to assist in the preparation of wills in certain circumstances. For clients in the communities, the outreach worker will also prepare simple wills upon request and if there are clear instructions. In some circumstances, for some clients, they will actually prepare the wills. We are making advancements. We do realise that there is difficulty in this area, but I don't think we have the assets or the people available to actually do the probate or administration of the estate.

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

MR. BLAKE: Thank you, Mr. Speaker. Will the Minister ensure that we have a dedicated person to help residents to settle estates? Thank you, Mr. Speaker.

HON. LOUIS SEBERT: I certainly realize this is an important issue. I don't think I can make that commitment at this time. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Oral questions. Item 8, written questions. Item 9, returns to written questions. Item 10, replies to the commissioner's opening address. Item 11, petitions. Item 12, reports of standing and special committees. Member for Yellowknife North.

Reports of Standing and Special Committees

MOTION THAT COMMITTEE REPORT 27-18(3)
BE DEEMED READ AND PRINTED IN HANSARD
IN ITS ENTIRETY, CARRIED

MR. VANTHUYNE: Thank you, Mr. Speaker. Your Standing Committee on Economic Development and Environment is pleased to provide its report on Bill 39: Environmental Rights Act. Mr. Speaker, I move, seconded by the honourable Member for Sahtu, that Committee Report 27-18(3): Standing Committee on Economic Development and Environment Report on Bill 39: Environmental Rights Act be deemed read and printed into Hansard in its entirety.

MR. SPEAKER: Masi. The motion is in order. The motion is non-debatable. All those in favour? All those opposed? Motion carried.

---Carried

Committee Report 27-18(3): Standing Committee on Economic Development and Environment Report on Bill 39: Environmental Rights Act is deemed read and is to be printed into Hansard in its entirety.

**COMMITTEE REPORT 27-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON BILL 39: ENVIRONMENTAL RIGHTS ACT**

Introduction

Bill 39, Environmental Rights Act, recognizes the right to protect the integrity, biological diversity and productivity of the ecosystems in the Northwest Territories, and to provide NWT residents with the tools and processes needed to ensure these rights are protected by the GNWT.

The bill received second reading and was referred to the Standing Committee on Economic Development and Environment on February 26, 2019.

Public Consultation

The committee held public meetings in Fort Smith, Hay River, K'atlodeeche First Nation, Fort Providence, Behchoko, Inuvik, Norman Wells, and Yellowknife. Numerous representatives of Indigenous governments and non-governmental organizations made public presentations to the committee, along with several members of the public as individuals, including:

- NWT Metis Nation,
- Tlicho Government,
- Inuvialuit Game Council,
- Sahtu Secretariat Incorporated,
- North Slave Metis Alliance
- Dene Nation,
- NWT Chamber of Commerce,
- Council of Canadians – NWT Chapter, and
- A written submission and presentation by Professor Lynda Collins on behalf of Alternatives North, Ecology North, Canadian Arctic Resources Committee, and Council of Canadians – NWT Chapter

The committee received 11 written submissions. These submissions are attached as Appendix 2. The committee heard broad support for the bill from every presenter, and heard from the Indigenous governments that they were mostly pleased with the drafting process used by the Department of Environment and Natural Resources. The committee has decided that it will issue a separate report on the issue of the co-development process used for the post-devolution environmental and resource management legislation.

The committee appreciates the plain-language materials supplied by the Minister's office for the public hearings.

The work of the standing committee to amend Bill 39 is set out in this report. The report contains recommendations to government on the development of devolution related legislation, as well as the implementation of this legislation. It also provides a rationale for the motions moved by the committee to amend specific provisions in the bill. These motions are listed in Appendix 1 in order of their appearance in the bill and are referred to in this report by the number assigned in the appendix.

What We Heard

This part of the report is organized around the key themes or subject areas raised during the committee's public hearings and in the written submissions received.

Protection of the Public's Right to Investigate

The committee heard concerns from the public that all citizens who bring forward actions under the Environmental Rights Act be protected, and not just employees. The committee had lengthy discussions about how best to address this concern. After reviewing legislation from other jurisdictions, the committee found that the issue is wider than just this bill, and other jurisdictions have enacted stand-alone legislation to address this issue. For example, British Columbia very recently passed the Protection of Public Participation Act, and Ontario did the same in 2015. Those laws give the court a mechanism to screen out, at an early stage, unmeritorious claims designed to silence and intimidate, while allowing plaintiffs to continue with actions where they are able to meet merits-based and public interest hurdles. Those laws also provide for a number of remedies against strategic lawsuits against public participation (SLAPP) suits that would likely be beyond the scope of this bill, such as ordering costs and damages against the person seeking to intimidate others. The committee is of the opinion that citizens would best be protected by stand-alone legislation prohibiting SLAPP legislation. Therefore, the committee makes the following recommendation:

Recommendation 1

The Standing Committee on Economic Development and Environment recommends that the Government of the Northwest Territories begin work on anti-SLAPP legislation for introduction during the life of the 19th Legislative Assembly.

Further, the committee heard strong support for broadening who may request an investigation to more than just adult residents. Several impassioned presentations focused on the current activism on climate change being demonstrated by students in the Northwest Territories and globally. Intergenerational equity was also cited, as the youth of today will bear disproportionate burdens caused by climate change and environmental damage. Further, the committee notes that there have been very few requests for investigations under the existing Environmental Rights Act, and only one actual investigation. The committee feels there is a need to make investigations easier to access. To address this, committee moved motion 3 to allow any individual resident to request an investigation.

The committee also heard concern that the bill allowed for too much discretion to the Minister on whether or not to investigate an application. The committee looked at materials from the Mackenzie Valley Environmental Impact Review Board regarding the significance of harm. The committee felt that there should be some guidance to the Minister in the legislation when determining whether to undertake an investigation. To address this, committee moved motions 5 and 6 to ensure certain factors are taken into consideration when determining whether an act or omission has or is likely to cause significant harm to the environment.

The committee was also concerned with a 90-day timeframe for the Minister to respond to an applicant if an investigation was being discontinued or declined for the reasons why. The committee also felt that 90 days was too long a time to advise an applicant of an investigation being completed, or in the case where it is ongoing, every 90 days until it is completed. The committee felt a 60-day timeframe was more reasonable, and therefore moved motions 8 and 10.

Appeal of Ministerial Decision

The committee heard from several presenters that there were concerns that the bill did not provide for an explicit right to appeal a Ministerial decision to decline to investigate. Some presenters felt that this could be a mechanism to make the rights under this bill unenforceable, and that a Minister would rarely if ever be inclined to investigate harm to the environment.

The committee discussed this issue at length. While all Ministerial decisions are subject to judicial review as part of common law, this right may not be apparent to residents. To address this issue, committee moved motion 9 to expressly allow for appeal to the Supreme Court.

Reports

The committee has heard some concerns on reporting provisions in various devolution-related bills. While the committee understands the desire to be less prescriptive in the legislation, the committee feels the public should have a high expectation of transparency and openness from the government on how the environment is being protected.

The committee moved motion 15 to broaden what is captured in the annual report. However, this motion did not pass.

Furthermore, the committee supports the need for flexibility and coordination with other reporting that falls under the Department of Environment and Natural Resources. The committee also notes that there are similar efforts in relation to public reporting on environmental and resource management that have the potential to overlap with the public reporting contemplated in Bill 39: Environmental Rights Act. To help prevent duplication of efforts, the committee makes the following recommendations:

Recommendation 2

The Standing Committee on Economic Development and Environment recommends that a registry be created to capture all the reporting requirements found in the various environment and resource management bills, allowing the public a one-window access point to information.

Recommendation 3

The Standing Committee on Economic Development and Environment recommends that the Department of Environment and Natural Resources coordinate to the highest possible degree the required report under the Environmental Rights Act with reporting requirements found in other environmental legislation for which it is responsible.

Review of Existing or Need for New Policies, Legislation, or Regulations

The committee heard that other jurisdictions provide for residents to request a ministerial review of existing policies, acts or regulations, or for a need for a new policy, act or regulation if that instrument could have a significant impact on the environment. The Minister must make a decision on

whether to review or not within a set amount of time, and to advise the applicants of the decision.

The committee reviewed the Ontario Environmental Bill of Rights 1993 for an example of how such a provision could be phrased. While the committee understands the need for such a provision in a more populous jurisdiction where government is more removed from the people, it was felt that such a provision was not as needed in the Northwest Territories at this moment in time. Given the recent inheritance of province-like responsibilities through devolution, and the ongoing legislative initiatives to address resources, land, water and the environment, it is premature to create a mechanism to potentially compel a review of existing legislation or the lack thereof.

As the government passes more legislation dealing with environmental matters, the need may arise in the future. Best practices in environmental rights are continuously evolving, especially around the rights of nature, and it is not enough to wait another 28 years to review this legislation. The committee heard from individuals who had taken part in the stakeholders working group that they had expected a greater expansion of environmental rights than what is contained in Bill 39. The fact that the existing act was not well used shows that it was not as effective as it should have been. It is for these reasons that the committee moved motion 17 to require a legislative review in the 20th Assembly, so that should the need exist to allow the public to request such a review, it could be incorporated into the act at that time. However, this motion did not pass.

Public Awareness

While the committee is very supportive of the intent of Bill 39 to expand the rights of residents to protect the environment, the committee notes that, in order to be fully empowered by these rights, the public must be made aware that they have them. Several submissions received by the committee stressed that the public needs to be more aware of their ability to protect the environment, and the committee noted that under the existing Environmental Rights Act, there have been very limited actions started by members of the public.

To improve the public's awareness of their rights under Bill 39, the committee strongly supports a public awareness campaign to highlight what is in the act, as well as the creation of plain language documents on how to use the various provisions of the act. To that end, the committee makes the following recommendation:

Recommendation 4

The Standing Committee on Economic Development and Environment recommends that the Department of Environment and Natural Resources undertake a public awareness campaign of the Environmental Rights Act, including plain-language materials on how the public can avail themselves of the various protections and provisions of the act.

Furthermore, the committee heard that the public has a vested interest in knowing how the government plans to protect the environment, and for the government to explain how environmental considerations will be integrated into the decision-making process when there could be harm to the environment. Accordingly, committee moved motion 13 to allow for public comment on the draft Statement of Environmental Values prior to it being finalized, and requiring written responses to any public comment received.

The committee also moved motion 12 to ensure that the principles of environmental law inform the development of the Statement of Environmental Values.

Right to a Healthy Environment

The right to a healthy environment is perhaps the most important right guaranteed by Bill 39. The committee heard from numerous presenters that a healthy environment underpins not just environmental rights but human rights.

The committee heard from some presenters that the rights of nature should be included in Bill 39, as has been done in the constitutions of some countries. The committee listened to all these presentations with great interest, and they were very helpful in defining the discussions committee had when reviewing potential amendments to Bill 39. The committee felt the best way to enshrine the right to a healthy environment was through strengthening the purpose statement of the act, and moved motion 2 to broaden the relevant clause of the bill.

Response

Rule 100(5) of the Rules of the Legislative Assembly of the Northwest Territories requires Cabinet, in response to a motion by committee, to table a comprehensive response that addresses the committee report and any related motions adopted by the House. As required by this rule, committee usually includes a recommendation in each report, which is moved as a motion in the House, requesting a response from government within 120 days.

Given that the 18th Legislative Assembly will dissolve prior to the conclusion of the 120-day time period allowed by the rules, committee has opted to

forego this recommendation. Committee nonetheless requests, to the extent it is possible before the dissolution of the 18th Assembly and for the public record, that government provide a response to this recommendation, even of a preliminary nature, that committee may publicly disclose.

Clause-by-Clause Review of the Bill

The clause-by-clause review of the bill was held on August 9, 2019. The committee thanks the honourable Robert C. McLeod, Minister of Environment and Natural Resources, and members of his staff, for their appearance before the committee.

At this meeting, the committee moved 17 separate motions to amend Bill 39. These motions are set out in Appendix 1. Three motions did not pass.

Minister McLeod concurred with all of the committee's motions that passed.

Conclusion

The committee thanks all those who took the time to appear before committee to share their thoughts on this legislation.

Following the clause-by-clause review, a motion was carried to report Bill 39: Environmental Rights Act, as amended and reprinted, as ready for consideration in Committee of the Whole.

This concludes the Standing Committee's review of Bill 39.

MR. SPEAKER: Reports of standing and special committees. Member for Yellowknife North.

MOTION THAT COMMITTEE REPORT 27-18(3) BE RECEIVED AND MOVED TO COMMITTEE OF THE WHOLE, CARRIED

MR. VANTHUYNE: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Sahtu, that Committee Report 27-18(3): Standing Committee on Economic Development and Environment Report on Bill 39: Environmental Rights Act be received by this Assembly and moved into Committee of the Whole for further consideration. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. The motion is non-debatable. All those in favour? All those opposed?

---Carried

Committee Report 27-18(3): Standing Committee on Economic Development and Environment Report on Bill 39: Environmental Rights Act is now moved into Committee of the Whole for further

consideration later today. Masi. Reports of standing and special committees. Item 13, reports of committees on the review of bills. Member for Frame Lake.

Reports of Committees on the Review of Bills

BILL 56:

AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY AND THE EXECUTIVE COUNCIL ACT, NUMBER 2

MR. O'REILLY: Merci, Monsieur le President. I wish to report to the Assembly that the Standing Committee on Rules and Procedures has reviewed Bill 56: An Act to Amend the Legislative Assembly and the Executive Council Act, Number 2. Mr. Speaker, the committee wishes to report that Bill 56 is now ready for consideration in Committee of the Whole as amended and reprinted. Masi, Mr. Speaker.

MR. SPEAKER: Masi. Reports of standing and special committees. Item 14, tabling of documents. Minister of Environment and Natural Resources.

Tabling of Documents

TABLED DOCUMENT 489-18(3): NORTHWEST TERRITORIES SPECIES AT RISK COMMITTEE ANNUAL REPORT 2018-2019

TABLED DOCUMENT 490-18(3): CONFERENCE OF MANAGEMENT AUTHORITIES - SPECIES AT RISK ANNUAL REPORT 2018-2019

TABLED DOCUMENT 491-18(3): PUBLIC SERVICE ANNUAL REPORT 2018/2019

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I wish to table the following three documents entitled "Northwest Territories Species At Risk Committee Annual Report 2018-2019"; "Conference of Management Authorities - Species At Risk Annual Report 2018-2019"; and "Public Service Annual Report 2018/2019." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 492-18(3): 30TH ANNUAL REPORT 2018-2019 - VICTIMS ASSISTANCE COMMITTEE OF THE NORTHWEST TERRITORIES

HON. LOUIS SEBERT: Thank you, Mr. Speaker. I wish to table the following document entitled "30th Annual Report 2018-2019 - Victims Assistance

Committee of the Northwest Territories." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 493-18(3):
CORRESPONDENCE FROM THE HONOURABLE
WALLY SCHUMANN REGARDING BILL 37: AN
ACT TO AMEND THE OIL AND GAS
OPERATIONS ACT

MR. O'REILLY: Merci, Monsieur le President. I wish to table the following document. It's a letter dated August 13, 2019, from the Minister of Industry, Tourism and Investment to me regarding Bill 37, An Act to Amend the Oil and Gas Operations Act. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Item 15, notices of motion. Item 16, notices of motion for first reading of bills. Item 17, motions. Item 18, first reading of bills. Item 19, second reading of bills. Item 20, consideration in Committee of the Whole of bills and other matters: Bill 25, An Act to Amend the Workers' Compensation Act; Bill 37, An Act to Amend the Oil and Gas Operations Act; Bill 39, Environmental Rights Act; Bill 42, An Act to Amend the Petroleum Products Tax Act; Bill 43, An Act to Amend the Income Tax Act; Bill 48, Post-Secondary Education Act; Committee Report 24-18(3), Standing Committee on Social Development Report on the Review of Bill 48, Post-Secondary Education Act; Minister's Statement 151-18(3), New Federal Infrastructure Agreement; Minister's Statement 158-18(3), Developments in Early Childhood Programs and Services; MS 211-18(3), Addressing the Caribou Crisis; and Tabled Document 442-18(3), 2030 NWT Climate Change Strategic Framework 2019-2023 Action Plan. 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, 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 call Committee of the Whole to order. What is the wish of committee? Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Committee would like to consider Bill 37, An Act to Amend the Oil and Gas Operations Act; Committee Report 24-18(3), Standing Committee on Social Development Report on the Review of Bill 48, Post-Secondary Education Act; and Bill 48, Post-Secondary Education Act. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We will consider the documents after a brief recess. We are in recess.

---SHORT RECESS

CHAIRPERSON (Mr. Simpson): I call Committee of the Whole back to order. Committee, we have agreed to consider Bill 37, An Act to Amend the Oil and Gas Operations Act. I will turn to the Minister responsible to introduce the bill. Minister Schumann.

HON. WALLY SCHUMANN: Thank you. I am pleased to introduce Bill 37, An Act to Amend the Oil and Gas Operations Act. The purpose of this bill is to address critical first-step changes to the Oil and Gas Operations Act. Its aim is to enhance transparency and public accountability and address administrative and technical issues with the current legislation.

To enhance transparency and public accountability, this bill proposes extended authorities and requirements for both the Minister and the regulator related to oil and gas activities in the Northwest Territories.

For the regulator, the bill would allow them to conduct public hearings, specify what powers they may exercise in those hearings, and expand their authority to issue guidelines and interpretation notes, providing guidance on the application and administration of the act and regulations.

For the Minister, the bill would enshrine in legislation the requirement for an annual report on activities of the regulator to be tabled in the legislature.

The proposal also requires both the Minister and the regulator to make more information public that is related to oil and gas activities, while clarifying obligations pertaining to confidentiality of information received by either party.

On the administrative and technical side, this bill clarifies authorities of the Minister and the regulator to delegate their powers, duties, and functions to other qualified persons and also clarifies requirements surrounding proof of financial responsibilities of holders of oil and gas authorizations.

This bill is part of the government's work to improve the Northwest Territories land and resource management regime to ensure that Northerners are able to make decisions that support sustainable,

responsible development and protection of the environment while respecting Indigenous rights. This made-in-the-North legislation will help ensure that Northwest Territories residents are making decisions about how land and resources in our territory are developed and used on behalf of current residents and future generations.

To that end, this bill was developed through an extensive policy development effort, including legislative research; multiplatform engagement campaigns, where the public, industry, Indigenous governments, NGOs, and other interested stakeholders were invited to comment; feedback from other Members; and close collaboration with Indigenous governments through the Intergovernmental Council. The Department of Industry, Tourism and Investment also prepared plain language materials to support the public engagement process.

The Department of Industry, Tourism and Investment has worked with the legislative division of the Department of Justice on this bill. The department does not anticipate that new regulations are necessary for this initiative, but does anticipate working with the Office of the Regulator of Oil and Gas Operations to ensure that appropriate guidance is developed before bringing these changes into force, should the bill pass.

I wish to commend all Members on their continued engagement with constituents as this bill as moved through the legislative process, and I welcome any questions that the Members may have. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. I will turn to the chair of the committee which reviewed the bill. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chairman. Bill 37 was referred to the Standing Committee on Economic Development and Environment on February 22, 2019. The committee sent letters inviting input from an extensive list of stakeholders, including municipal and Indigenous governments in the Northwest Territories, as well as a number of non-governmental organizations and stakeholders.

The committee travelled throughout the territory and held public hearings in Inuvik, Norman Wells, and Yellowknife. The committee thanks everyone who attended these meetings or provided written submissions sharing their views on Bill 37.

The committee would also like to thank the Minister of Industry, Tourism and Investment and his staff for the collaborative approach on the review of the bill.

The committee concluded its review of Bill 37, An Act to Amend the Oil and Gas Operations Act, on

August 2nd, with a public clause-by-clause review held at the Legislative Assembly building. The committee moved two separate motions to amend Bill 37. One was carried with concurrence from the Minister.

With that, Mr. Chair, individual Members may have additional comments or questions as we proceed with consideration of this bill. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Vanthuyne. I see a number of witness chairs, so I will invite the Sergeant-at-Arms to escort the witnesses into the Chamber. The Minister may take a seat at the witness table. Would the Minister please introduce the witnesses for the record.

HON. WALLY SCHUMANN: Thank you, Mr. Chair. On my left is Menzie McEachern, director of mineral and petroleum resources. On my immediate right is Joel Marion, senior legislative advisor. On my far right is Christina Brownlee, the drafter. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Welcome back to the witnesses. I will open the floor to general comments on Bill 37. Any general comments from committee? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. First off, I guess I would like to clear the record. Yesterday I said that there were no submissions from the oil and gas industry with regard to the development of these bills, and when I went back and checked, there indeed was a letter from the Canadian Association of Petroleum Producers dated May 3, 2018. It was sent to the department in terms of development of these bills. It is 13 pages long, and I can confidently say that all of their concerns were addressed and have been incorporated into the bill, which is good news, but the standing committee did not receive any submissions from industry on the bill itself.

I do want to note that this made-in-the-North approach did not include amending section 53 of the act itself, and this is where a copy of each regulation that the Commissioner and Executive Council proposes to make shall be published in the Northwest Territories Gazette, and a reasonable opportunity shall be provided to any interested person to make representation to the Minister with respect to the proposed regulation.

That was something that the federal government had put into the legislation. We were required to mirror that approach, so thank goodness that the federal government had the good foresight to put that into the bill. In this made-in-the-North approach that our government has adopted to resource management legislation, why didn't they take that out of the bill? That is a question for the Minister. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister.

HON. WALLY SCHUMANN: Thank you, Mr. Chair. Our approach to this bill, as I said in the opening comments, was administrative in nature and improving transparency in the bill, as well. When we did public engagement, this was not an issue that was brought up, so it was not brought forward. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I am glad to see that that stays in the act. I think that this issue is going to come back in terms of reviewing some of the other bills that are still before the House. I will leave it at that for now.

This might be a bit of an interesting question. In the report that committee made on the bill, there were some recommendations. I had better go back and check this. If I could just have a moment, Mr. Chair. Yes, there are a number of recommendations in the report of standing committee on the two bills.

The committee spent a lot of time and effort on the road gathering evidence and a lot of time and effort over the summer to prepare these reports. Of course, time is going to run out. There is no requirement for an actual response from the Minister on these recommendations in the report. Is it the intention of the Minister to respond before the election to the committee recommendations in this report? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister.

HON. WALLY SCHUMANN: Thank you, Mr. Chair. We will respond to the recommendations in this report by the end of this Assembly. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I appreciate that commitment, and I know that everybody is working flat out on this. I appreciate that it is going to create extra work for the departmental staff, but I think that it will help close the accountability loop, so I want to thank the Minister for that.

Mr. Chair, I do have some additional points that I will raise on some of the clauses as we move through the bill, but that's it for now. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. In reviewing the Minister's opening remarks, there were a couple of paragraphs that made me reflect on last year's occasions that I had to support industry, as well as keeping an open mind on the local concerns. More specifically, this is related to the Enbridge Pipeline 21 repair just a bit upstream from the community of Fort Providence.

As I listened to the presentations made at the National Energy Board, the NWT Land and Water Board, and the many engagements and correspondence that they had with the surrounding community groups, as well as site visits, having knowledge of the legislation and regulations that we have in the House made me very confident that the proceedings leading up to the actual completion of the job, right from application, to the permit, to executing the permit, to executing the work, to inspections and site visits by stakeholders, which I was privileged to attend -- I believe it was until the 21st of 2018 -- advocating for the project in the spirit of responsible development while maintaining an open mind on section 35, which was brought up by local Indigenous groups.

As a result of everybody's collaboration and accommodation, there were joint management arrangements made between local Indigenous groups and the developer. At the end of the day, the oil field in Norman Wells was reactivated and brought back into operation in October of last year.

If we can reflect on some of the media coverage that project had, it was never done in the history of the Mackenzie River on a successful horizontal drill program at the depth of 100 metres below the riverbed and a length of 2.5 kilometres. The environmental audits that were repeatedly done by the monitor is really, to me, a showcase of the department's statements as made on page number 2 of 3 of the Minister's statement, when you look at the written material there, that the department has engaged with numerous groups.

This really, in my confidence, gives me support there that the engagements were done and now we have an end product, similar to what was done last year under the old regime. I just mention that story of last year's project, and I think it should be actually acknowledged moving forward on some of these pieces of legislation that we have to reflect that the system works. Community groups had time to make their presentation, their arguments through both forums when the application and engagement session came. Having said that, I have confidence that we as a government, all 19 Members, have done our homework, and now we have a revised Bill 37. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Seeing nothing further, we can move into the

clause-by-clause review of the bill. We will consider the bill number and title after consideration of the clauses. I will call out each clause individually. Please reply accordingly, based on whether you agree or not. I will give committee a moment to open up their binders. It looks like everyone is ready to begin.

---Clauses 1 through 4 approved

CHAIRPERSON (Mr. Simpson): Mr. O'Reilly, to clause 5.

MR. O'REILLY: Thanks, Mr. Chair. This clause would give the regulator the ability to hold public hearings, and the proposed change to section 19.1 of the act says, "The Regulator may conduct a public hearing in respect of the exercise of any of its powers," and so on. In committee, we had a discussion about this, and a motion was moved to not just say that the regulator "may conduct" a hearing but actually in addition to require the regulator to conduct a hearing based on whatever set of criteria that they may develop. Why was this drafted in a way that does not set the floor for when a public hearing should be held by the regulator? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister.

HON. WALLY SCHUMANN: Thank you, Mr. Chair. It's not clear what circumstances under the Oil and Gas Operations Act would require a mandatory public hearing. As a result, we need to maintain some flexibility here. We believe the best approach is to allow the regulator to develop a list of principles that the regulator will apply on a case-by-case basis to decide whether to conduct a public hearing. Should these bills pass, my understanding is that the regulator will be publishing guidelines and interpretation notes to provide additional guidance on the application and administration of its power to conduct public hearings, which would include principles for holding such hearings. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I am glad that the Minister came well-prepared for the Committee of the Whole review of the bill. I was not suggesting in any way that the list or criteria needs to be set out in the bill itself, but there should at least be a floor in here that says that the regulator "shall" prepare such a list, but the Minister was not able to concur with that. I am just wondering if he can explain why. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister.

HON. WALLY SCHUMANN: Thank you, Mr. Chair. Clause 5 provides the regulator with the authority to hold a public hearing when it determines doing so would be in the public interest. A decision would likely be made by the regulator with input from the chief conservation officer, the chief safety officer, and other senior staff, and will be based on a review of concerns related to a particular application or activity. As I said, it's not clear what circumstances under the Oil and Gas Operations Act would require a mandatory public hearing. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Yes, and I am very mindful of the Minister's opening remarks here about clarifying authority and ensuring Northerners are able to make decisions that support sustainable development. All of these things are good things that he said, but setting a floor for or at least requiring that there is a floor for when public hearings should be held, this clause doesn't do that. It just says it's up to the discretion of the regulator on a case-by-case basis, perhaps. I am not sure how this actually creates any certainty or clarity moving forward as to when a public hearing might actually be held. The reason why I raise this again is Northerners are used to water licensing, where there is a class A, class B water licences. A class B water licence, the thresholds for those are set out by regulation. Those thresholds require hearings on class A licences and amendments to class A licences. Class B licences, no problem; go ahead, and the board can issue a licence after it gives consideration. However, there is no floor here; there is no requirement for a floor. I say this because that is the kind of system that Northerners are used to through our co-management approach, is having a floor and setting clear expectations of when a hearing is going to be required. This bill does not do that, and maybe I would just ask the Minister why that certainty, that clarity is not provided. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Minister.

HON. WALLY SCHUMANN: Thank you, Mr. Chair. What I am going to say about this is these guidance notes will provide guidance when we move forward with this bill, and this will also allow for a public engagement process, so I do not see the need for doing this. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Mr. O'Reilly.

MR. O'REILLY: Yes, thanks, Mr. Chair. Yes, so what I will say is that this bill does not deliver on the made-in-the-North approach in terms of providing certainty and clarity as to a requirement for the regulator to develop that list. It may happen. That's

great, but there is no requirement in the bill for that to happen, so I don't think we have delivered on the promise. Thanks, Mr. Chair, and that is all I have for this clause. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Clause 5?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Clause 6. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I move -- or shall we wait until the motion is on the floor? I want to move this motion. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): If you have a motion to move, you can move the motion and the motion will be distributed after it is moved. Mr. O'Reilly.

COMMITTEE MOTION 168-18(3):
BILL 37: AN ACT TO AMEND THE OIL AND GAS
OPERATIONS ACT – CLAUSE 6, DEFEATED

MR. O'REILLY: Thanks, Mr. Chair. I move that clause 6 of Bill 37 be amended in proposed subclause 20.1(1) by striking out "in accordance with any applicable regulations" and substituting "including: (a) a list of all licences and authorizations issued under section 10 during the fiscal year, including the recipient of the licence or authorization; (b) a list of all declarations made under section 15 during that fiscal year; (c) a list of all certificates received under section 16 during that fiscal year; (d) a list of the information be made available to the public by the Regulator under section 22 during that fiscal year; (e) a list of all production orders made under section 55 during that fiscal year; (f) a list of any spills reported under section 62 during that fiscal year; (g) a list of all proofs of financial responsibility provided under section 64 during that fiscal year; (h) a summary of the activities of the committee during that fiscal year; (i) a summary of tolls and tariffs activity under part 1 during the fiscal year; (j) a summary of any inquiries held during that fiscal year; (k) a summary of all appeals heard during that fiscal year; and (l) a summary of all enforcement activities during that fiscal year." Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. There is a motion on the floor. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. So all of this is being done in a very compressed time frame, of course, and I want to recognize that the regulator, OROGO, as it's called, the Office of the Regulator of Oil and Gas Operations, does produce an annual report. That's a good thing. This bill does contain a

clause that would require the regulator, not just "may", the regulator "shall" within four months after the end of each fiscal year submit to the Minister a report on its activities, essentially.

What the purpose of this motion is, is to spell out what the content of that report might start to look like; and, in fact, some of these things are actually contained in the report that OROGO has voluntarily put together. So the way this was put together was we asked our law clerk to go through the bill to find out where clear permits, licenses, authorizations, decisions had been made with regard to oil and gas operations and put together that list for us, and that list was then provided to committee. We considered it. We felt that it was in the public interest to be more prescriptive in terms of the content of the annual report, just as we've done with a number of other bills that are before this House.

I guess it went back and forth between our department and our staff with the committee a few times. Unfortunately, we ran out of time. I wanted to bring this forward today so that it could receive consideration by the House, so that's the purpose of bringing this forward, and I am interested to hear what the Minister has to say about this more prescriptive list of what should be in the annual report. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I'm wondering if I can inquire with our law clerk: part 3 of clause 6 says, "The Commissioner and Executive Council may make regulations for the purposes of the section prescribing form or content of the report." Is it conceivable that the details of this amendment that is before the House right now could be accommodated with clause 3? Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Madam Law Clerk.

LAW CLERK OF THE HOUSE: Mr. Chairman, I'm not confident that it could be. I think it would be a challenge because the motion is fairly prescriptive in terms of what is required in the annual report. There are some aspects of it that could be accommodated; there are others that could not be. So each separate item that is mentioned in the Member's motion would need to be looked at in terms of assessing how prescriptive it is.

For example, (j), a summary of any inquiries held, that could be further fleshed out by a regulation, but a list of all licenses and authorizations issued under section 10 is fairly prescriptive. So the extent to which the content of the annual report could be further massaged would very much depend on each listed item.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. Testart.

MR. TESTART: Thank you kindly. Speaking to the motion, I think that there is, of course, a real need for independent regulators in any jurisdiction, but these annual reports are important for the public's right to know about what regulators have been doing. I know there has been some concern that a prescriptive list is somehow impinging on the independence of the regulator, but I don't think that's, in fact, true in this case. As the honourable Member for Frame Lake said, this is laying out the decision points that are already in existence in the act and ensuring that there is guidance in the issuance of these reports, and that the public will have a right-to-know around all of these points.

I think it's entirely appropriate for the Legislature to be setting a standard for the regulator to follow. They could still be, of course, independent in their decision-making and independent in their governance. This is just setting out a very clear statutory requirement of what the public can expect in terms of annual reporting.

I see nothing problematic with this motion, and I will be supporting it. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion. Would the mover of the motion like to close the debate on the motion? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Yes, I guess I had hoped to hear from the Minister on whether this was going to work or not, but we're not going to hear that until we get to a vote. Is that the procedure here?

CHAIRPERSON (Mr. Simpson): Apparently the Minister was waving his arm around and I missed it, so I will give the Minister time to speak to the motion.

HON. WALLY SCHUMANN: Good minister.

---Laughter

If there is a need to require specific content in the future, Bill 37 is required to have requirements related to the form or the content of the report outlined in the regulations. ITI staff has spoken with OROGO and the NEB regarding the proposed items that would be required under this motion, and OROGO and the NEB have raised concerns regarding the following: the onerous administrative burden created by some of these items; the lack of clarity and appropriateness of some of these items; duplication between certain items; and an incorrect statutory reference.

It is also not clear how the new confidentiality provision proposed in Bills 36 and 37 will apply and

intersect with this motion to require specific content, some of which may be confidential, to be included in the regulator's report. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. Mr. O'Reilly, you may close debate on the motion, as your last comment was procedural in nature, and that was my mistake. Mr. O'Reilly, to the motion.

MR. O'REILLY: Thanks, Mr. Chair. I believe I heard the Minister say that concerns had been raised by OROGO and the NEB. This gets back to this issue of concurrence by the federal government, and I'd like to raise a point of privilege that this is impinging upon my ability to do my job as an MLA and put forward a motion for consideration of the House. I think this is thwarting my ability to bring forward a motion that is in the public interest, in my view. I turn my mind to some of the comments that were made yesterday by the Minister, as well, where, you know, federal consent was being sought as far back as July 2018, when the bill was before the committee, and now I hear again today that concerns have been raised by the National Energy Board staff, perhaps, and that's going to influence, perhaps, the way that we vote in Committee of the Whole, now, and the work that I try to do as an MLA, so I'd like to raise this as a point of privilege. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly. I will consider the point of privilege, but I will need to take some advice, so we are going to take a brief recess while I consider it.

---SHORT RECESS

CHAIRPERSON (Mr. Simpson): I will call the committee back to order. Committee, thank you for your indulgence. This is the first point of privilege that has been raised this Assembly, I believe, so I just want to make sure we are getting it right.

I am going to go back to Mr. O'Reilly so that he can clearly lay out his point again, and then I am going to allow debate, after which time I will come to a ruling. First, I have Mr. Testart.

MR. TESTART: Point of order, Mr. Chair. I will just quote from our procedural text, Beauchesne's Parliamentary Rules and Forms, 6th edition. A question of privilege. This is 26(2).

A question of privilege, on the other hand, is a question partly of fact and partially of law, the law of contempt of Parliament, and it is a matter for the House to determine. The decision of the House on

a question of privilege, like every other matter which the House has to decide, can only be elicited by a question put from the Chair by the Speaker, and resolved either in the affirmative or the negative, and the question is necessarily founded on a motion made by a Member.

Further, part 3, the Speaker can rule on a question of order. The Speaker cannot rule on a question of privilege. If the question of privilege is raised, the Speaker's function is limited to deciding whether the matter is of such a character as to entitle the motion which the Member has raised, the question desires to move over the priority of the orders of the day.

In the case of committees, and I'll quote again from section 107, which is the extension of privilege to committees, it says, "Breaches of privilege in committee may be dealt with only by the House itself on report from the committee. Thus, should a point of privilege be raised, the appropriate course would be to refer it to the Speaker when the Chair of Committee of the Whole reports back to the House, and that the Speaker determine whether or not the point of privilege entitles the Member to raise a motion."

So, as pointed out, the precedent here is that the whole House must decide matters of privilege, as privilege is an inherent component of each individual Member who is elected to this House to exercise, and the House collectively, but only the House collectively, can exercise and determine questions of privilege. Therefore, it would be inappropriate for the Chair of a Committee or even the Speaker to exercise the final determination of privilege, and this matter should be reported to the House proper and the Speaker make a prima facie ruling on whether or not the Member who has raised this point should be allowed to raise it forward. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): According to our rules, section 20(4), the Speaker may allow debate to assist the Speaker to determine whether there is a prima facie case of breach of privilege. I misspoke. I am allowing debate to determine whether there is a prima facie breach of privilege and not to rule on the breach of privilege.

Thank you for the education in legislative rules, though, Mr. Testart. Once again, Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I brought forward this motion in good faith to attempt to provide some substance for the annual report requirements for the regulator. Committee raised this issue, as well. We have been working with the Minister's staff to try to come to some understanding or whatever on this.

I find out in the House from the Minister that the Minister and his staff have been talking to the National Energy Board and the Office of the Regulator of Oil and Gas Operations about whether this is acceptable to these outside organizations, institutions, and from what the Minister said there are concerns that have been raised that have the implication of influencing how some Members may vote on this.

We are here to do a job in the public interest to make the best possible laws. Having an outside body influencing what we are doing here I just don't think is an appropriate way for us to create new legislation.

Look, I recognize everybody is rushed, and in an ideal world there might have been an opportunity to reach some sort of accommodation on this understanding, but to receive the information in Committee of the Whole while the motion is before us is not helpful, and I think has the effect of chilling the kind of decision that we can and should be making freely as Members of this House to bring forward the best possible laws for our people. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Further from committee? Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I think the point that the Member is raising is fundamentally around the role of Members who are participating in committees such as this one to determine the merits of legislation in a detailed clause-by-clause review and proposed amendments, which is an inherent privilege of Members and an inherent role of the House in exercising its own independence, so the House is allowed to pursue its duties that are important for the passage of laws. To have outside interference either in the form of a consideration that has been raised by a third party that is, in fact, influencing the decision making of a Minister to concur with an amendment raised by committee, which is allowed by our rules but must be carefully balanced with, also, the merits of that. There is a difference between, I think the advice being given to a Minister to reject an amendment that is not in proper form, which is not keeping with the rules of amendment or has a serious public policy concern that the amendment could jeopardize the sound functioning of the law.

In this case, I don't think the justification and what the Member is relying on is something quite different. It is merely that these discussions are taking place at a level outside of this process, and as a result we are unable to make changes or modifications to the bill through the amending process. I think that directly impinges upon, as the Member has said, his rights as a Member to exercise bringing forward amendments and

changes in good faith within the realm of our rules and the realm of our privilege.

It just seems to me like these kind of determinations of outside actors, especially in keeping with the spirit of our consensus traditions, those should be freely shared with committee and made explicitly clear, and not just be told the rationale is we cannot change this because we have been told by someone we're not going to do it.

I think that does have serious consequences on the future of legislation that is brought forward. The role of committees is not merely to rubber-stamp legislation. It is to sincerely and solemnly review these things, and that is an inherent privilege. We jeopardize the ability of the House to freely and informally look at these things if those outside contingencies, especially when they are governments, are allowed to be the primary consideration in whether or not the Minister applies his concurrence on amendments, or whether or not the House does, in fact, vote something down for that justification.

I do support the point of privilege. I hope you will consider the merits of the point that has been raised. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Further from committee? Minister Schumann.

HON. WALLY SCHUMANN: Thank you, Mr. Chair. Let's make something very clear here. We didn't just go off and do this on our own. We talked to the law clerk about this issue before we went out and did this, and we got consent from the law clerk that we would be able to share this information. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister. Anything further? Seeing nothing further, I am going to once again call a brief recess while I consider the debate. Thank you, committee.

---SHORT RECESS

CHAIRPERSON (Mr. Simpson): Thank you, committee. I will now call Committee of the Whole to order. The Member for Frame Lake has raised a point of privilege. It is my role to determine whether this raises issues of privilege.

At the heart of the Member's point of privilege is that bodies outside this House may be influencing the Minister and Cabinet's consideration of his motion to amend a clause of Bill 37, and that this interferes with his privilege and prevents him from making changes to the bill.

First, the Member's point of privilege is premature. The Member moved a motion, and the question on that motion has not been called and no vote taken.

The Member supposes that, as the Minister does not support the motion, his efforts to amend the bill will not succeed.

The Member's concerns do not raise issues of privilege. The Member remains free to bring forward an amendment to the bill and encourage Members to support it. How Members choose to vote on the motion and what consultations or discussions they have had in reaching their decision is not relevant to the Member's ability to bring and encourage adoption of the motion.

I find that the Member has not raised an issue of privilege that should be referred to the House. Thank you, committee. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour? All those opposed?

---Defeated

To clause 6. Does committee agree?

---Clauses 6 through 8 inclusive approved

CHAIRPERSON (Mr. Simpson): Clause 9. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. This clause is about making sure that proof of financial responsibility remains in force during a suspension or abandonment of oil and gas facilities.

I want to thank the Minister for providing a letter to me yesterday. I tabled this earlier in the House. It provides some detail about how this is actually done in practice by OROGO. What this does is require that there be a one-year period after successful abandonment or decommissioning of a facility or an activity, I guess, that the financial responsibility has to stay in place for that long.

I would like to ask the Minister: how was the period of one year determined? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Minister.

HON. WALLY SCHUMANN: Thank you, Mr. Chair. ITI worked closely with OROGO and NEB to help ensure that the regulator holds proof of financial responsibility if there is a risk of spills or debris from work or an activity. Clause 9 extends the proof of financial responsibility requirement by requiring the holder of an authorization to ensure that the proof of financial responsibility remains in force for the duration of the work or the activity and for the period of one year after the regulator notifies the holder that all work that had been authorized has been successfully abandoned or decommissioned in accordance with the Oil and Gas Operations Act

and its regulations. The one-year period following successful abandonment or decommissioning is similar to subsection 27(1.2) of the Canadian Oil and Gas Operations Act. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Well, what I actually asked for was some rationale as to why the one-year period. I understand that that is the case in the federal legislation. It's what we inherited. So what kind of process did the department go through in examining whether this one-year period was appropriate or not? Thanks, Mr. Chair. You know, all I want to know is why one year was picked. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. McEachern.

DR. MCEACHERN: Mr. Chair, one could actually argue and consider that what would be fair to interest-holders would be to have no period at all following conformation from the regulator that their well or works have been successfully abandoned or decommissioned. In trusting one's regulator, if a regulator says something has been successfully abandoned or decommissioned, one would think that an interest-holder should have a deposit returned to them because, as anyone knows, a company needs that cash flow desperately to continue their business.

With that said, then the question becomes: how long after something has been successfully abandoned or decommissioned should that be held? Certainly, any extensive period of time would be unfair because they have already successfully completed their work, and for any government to hold that or any regulator to hold that money for an extended period of time jeopardizes a company's ability to conduct their business. With that said, a one-year period seems reasonable based on other legislations at the federal level and can ensure that there is at least a little bit of time should there prove to be anything that did not go right with the abandonment. That is typically in the industry, if anything did not go right with the abandonment and was not picked up by the regulator at that time, it would happen sooner rather than later to catch any issues, and so that one year is sufficient. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Dr. McEachern. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Okay. I don't agree with everything that has been said. I would like to know, after the one-year period, if something goes wrong, who is responsible and who pays? Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Dr. McEachern.

DR. MCEACHERN: Thank you, Mr. Chair. The well owner is responsible for anything that goes wrong with any sort of work on a well, well suspension, or well abandonment, and that continues beyond any period of time in which the proof of financial responsibility is held. If a well owner is proven at fault after the proof of financial responsibility is returned, if there is a problem with a well 10, 15, 20 years down the road, then that well owner is liable for cleaning up that well and for any damages associated with it, and there is no limit to that liability.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Well, I am glad to hear that there is no limitation period on the liability that might be associated when something does go wrong. I would like to know how much financial responsibility is held right now and what form it generally takes. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Dr. McEachern.

DR. MCEACHERN: Thank you, Mr. Chair. Yes, the regulator would have that information and could provide it, although we do not have it in front of us at this moment. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Can I get a commitment, then, out of the Minister to provide that information in the next few days, or maybe even tomorrow? Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Mr. Marion.

MR. MARION: Thanks, Mr. Chair. Yes, we can commit to asking the regulator. There may be concerns about the existing confidentiality provisions, but we can commit to asking the regulator for that information.

CHAIRPERSON (Mr. Simpson): Thank you, and noting that that is the regulator's information. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Yes, I get all of that, too. As I understood, I think the regulator is actually going through a process now of developing a methodology for determining financial responsibility, so I think the answer may actually be zero, but I just would like to get that confirmed. I understand, the OROGO, you can ask, but they may not be able to deliver, but I assume that they will. I think that is all I have on this. I still remain a

little bit concerned about the one-year period, but I will have to see how this plays out. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. O'Reilly.

--Clauses 9 and 10 approved

CHAIRPERSON (Mr. Simpson): Clause 11. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. So, like I asked yesterday and I think I heard in the Minister's opening remarks, there do not seem to be any regulations that are required for this bill to be brought into force, but can I have some explanation of when that is going to happen and what the schedule might look like? Thanks, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Dr. McEachern.

DR. MCEACHERN: Thank you, Mr. Chair. Yes, yesterday we committed to basically work out a plan for the so-called coming into force of the two bills related to oil and gas, so we will do that. We will basically look through the bills clause by clause and identify which parts of the bill, which clauses, can come into force right away versus other ones that will need some additional guidance work to support them and estimated timelines by engaging with the regulators where their assistance or where their leadership in developing these guidance notes will be required. Clearly, when the regulators develop guidance notes, they have an engagement process therein, so there would be elements of these bills that will need to wait for that, but there will be much here that will be able to come into force very expeditiously. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Nothing further from Mr. O'Reilly. Clause 11?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Please return to the bill number and title. Bill 37, An Act to Amend the Oil and Gas Operations Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. To the bill as a whole, does committee agree that Bill 37, An Act to Amend the Oil and Gas Operations Act, is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 37 is now ready for third reading. I would like to thank the witnesses. Sergeant-at-Arms, you may escort the witnesses from the

Chamber. Does committee agree this concludes our consideration of Bill 37?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Committee, we have next agreed to consider Committee Report 24-18(3), Standing Committee on Social Development Report on the Review of Bill 48, Post-Secondary Education Act. I will turn to the chair of the standing committee for any opening comments. Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chair. The Standing Committee on Social Development is pleased to report on its review of Bill 48, Post-secondary Education Act. The committee read their substantive report into the House on August 12, 2019. To commence its review of Bill 48, the Standing Committee on Social Development sent letters inviting input from an extensive list of stakeholders, including all municipal and Indigenous governments in the Northwest Territories, and a number of non-governmental organizations.

The committee held eight public hearings on Bill 48 in Fort Smith, Hay River, Fort Providence, Behchoko, Inuvik, Tuktoyaktuk, and Yellowknife. As well, the committee received three written submissions on the bill, from the Information and Privacy Commissioner, College nordique francophone, and N. Kabiri. On behalf of the committee, I would like to thank the communities who welcomed us on our travels and everyone who provided input on Bill 48.

The clause-by-clause review was held on August 6, 2019. At this meeting, the committee moved 18 separate motions to amend Bill 48. All 18 were carried with concurrence from the Minister.

Individual Members may have additional comments. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Are there general comments on the report? Ms. Green.

MS. GREEN: Thank you, Mr. Chair. This is primarily an administrative act to set up the framework for commissioning new post-secondary institutions, whether they are public or private. The real weakness of this act is that it doesn't lay out, even in aspirational detail, the terms and conditions for commissioning Indigenous institutions, of which we already have one in the NWT: Dechinta Centre for Learning. It also doesn't lay out any of the criteria for the partnership model that the College nordique is pursuing.

The fault that I find with this bill in general is that it doesn't address the institutions that already exist, while it does provide for institutions that may exist

in the future. The importance of the latter is that it provides clear direction on issues such as quality assurance and advisory committees and so on that would strengthen those post-secondary educations when and if additional institutions are applied for. I think that we have done some value-added work as a committee in ensuring that there is procedural fairness in this act, and I appreciate the Minister and her staff being willing to negotiate the changes that we agreed on. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. Further general comments on the report? Mr. Thompson.

COMMITTEE MOTION 169-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 48: POST-SECONDARY EDUCATION ACT –
ELIGIBILITY FOR POST-SECONDARY
INSTITUTION STATUS,
CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that the committee recommends that the Department of Education, Culture and Employment consult stakeholders in the development of eligible requirements by which application for status of post-secondary institution will be measured. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. There is a motion on the floor. The motion is in order and is being distributed. The report was, I believe, distributed on Monday. The motion has been distributed. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour? All those opposed?

---Carried

Mr. Thompson.

COMMITTEE MOTION 170-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 48: POST-SECONDARY EDUCATION ACT –
REGULATIONS FOR RECOGNITION OF
INDIGENOUS INSTITUTIONS,
CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that this committee recommends that the Department of Education, Culture and Employment target a comprehensive group of interested stakeholders in the development of regulations concerning the recognition of Indigenous institutions. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. There is a motion on the floor. The motion is in order. To the motion. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. We heard quite a bit about Indigenous institutions while we were on the road. There is, I think, some interest in creating Indigenous institutions and some disappointment that there was no detail in the act about what that might entail. What we heard was that there were stakeholders, and in particular, I recall the Gwich'in Tribal Council who said that they had already been consulted on this point. The way that the bill was developed, they are set up for a second round of consultation on the same topic. This is an area where there is a certain amount of duplication and consultation fatigue that will result, and it's not necessary. I think that the work should have been done up front on developing the section on Indigenous institutions.

Having said that, I certainly will support this motion. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour? All those opposed?

---Carried

Thank you, committee. Mr. Thompson.

COMMITTEE MOTION 171-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 48: POST-SECONDARY EDUCATION ACT –
REGULATIONS FOR MINISTER'S REASONS
FOR DECISIONS,
CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that this committee recommends that the Department of Education, Culture and Employment develop regulations containing a requirement that the Minister provide reasons, in writing, for his or her decisions under the act. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. There is a motion on the floor. The motion is in order. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I listened intently to committee's report on this recommendation. I am just wondering -- well, I guess I can't wonder; this isn't question period. These things are best dealt with by way of statute. You can do anything in regulations, just about, if pursuant to the contents of the act. My concern here is that those regulations may be a long time

coming, and they may not be as forthcoming as we may want.

I think that, as the committee noted, there needs to be some explanation given to people who are turned down. It would have been nice to see that coming forward in legislation. The committee that I serve on has dealt with a number of these kind of decision-making pieces, and written reasons have often been sought by the committee and agreed to. We have seen that come forward. I think it is unfortunate that that didn't make it into the bill, and I know that was contemplated by committee.

Although I support this recommendation, I don't think that it goes far enough. We should be giving certainty to the public and to stakeholders that, when they are rejected for qualifications or for certification, that there is something coming to tell them exactly why. Right now, apart from the goodwill that this motion represents, there is no requirement in law for them to do so. You might just be told "no," and that's it, without any way to understand why the decision was made. I think it is imperative that, as on overall thing, government and this Assembly endeavours to ensure that written reasons around decision-making, when sought, are put into law as much as possible. Clearly that was not possible by committee, so this recommendation will have to suffice. Thank you.

CHAIRPERSON (Mr. Simpson): Thank you. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour? All those opposed?

---Carried

Mr. Thompson.

COMMITTEE MOTION 172-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 48: POST-SECONDARY EDUCATION ACT –
GOVERNMENT RESPONSE TO
RECOMMENDATIONS,
CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move, to the extent it is possible before the dissolution of the 18th Assembly and for the public record, that the government provide a response to these recommendations, even of a preliminary nature, that the committee may publicly disclose. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you, Mr. Thompson. There is a motion on the floor. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Simpson): Question has been called. All those in favour? All those opposed?

---Carried

Thank you, committee. Does committee agree that this concludes our consideration of Committee Report 24-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. This concludes consideration of Committee Report 24-18(3). Committee, we have agreed to next consider Bill 48. I will give committee a moment to get the materials prepared. I will ask the Minister responsible for the bill to introduce it. Minister Cochrane.

HON. CAROLINE COCHRANE: Thank you, Mr. Chair. I am pleased to be here today to discuss Bill 48: Post-Secondary Education Act. The primary objective of this bill is to create a process of recognition within the Northwest Territories that ensures the effective governance and quality assurance of all post-secondary institutions and their programs. This new system of quality assurance will provide consumer protection for students and employers that rely on institutions to provide the appropriate level and types of education and training.

Currently in the Northwest Territories we do not have a clear and incremental pathway for an organization to gain recognition as a post-secondary institution. The Post-Secondary Education Act will promote the growth of our post-secondary system and enable organizations to gain different levels and types of recognition based on their own mission and goals. Such recognition is essential to maintaining the confidence of students, employers, and post-secondary education funders from the public and private sector.

For the first time, under one piece of legislation, organizations will be able to gain formal recognition as a private training institution, college, or university. Organizations may also apply for recognition of their degree program or private vocational training program.

In addition to quality assurance processes, the Post-Secondary Education Act creates the ability to recognize Indigenous post-secondary institutions operating in the Northwest Territories. However, the act is only the first step. The specific process and evaluation criteria will be developed through further engagements with Indigenous governments that will shape this important part of our post-secondary education system.

The Post-Secondary Education Act has grown out of a long process of engagement with stakeholders across the territory. The discussion paper released by the department in January 2018 outlined what we might achieve through this legislation and has served as the basis for ongoing dialogue with stakeholders. Officials from the department have been meeting regularly with stakeholders to hear their concerns and ideas, as well as to provide them with updates on development of the legislation.

The department will continue to engage stakeholders to ensure subsequent regulations are clear, effective, and supportive of organizations striving to grow their role in meeting the educational needs of Northerners. Under the new legislation, the post-secondary education system will increasingly become a collaboration between a growing number of post-secondary education organizations operating in the Northwest Territories. It provides a framework for how we will work together moving forward.

I would like to recognize the hard work of the Members of the Standing Committee on Social Development during their review of Bill 48. The questions they posed throughout the process were thoughtful and demonstrated an in-depth analysis of the bill.

Looking back over the past two years, the Standing Committee on Social Development has spent a significant amount of time collaborating with me on our post-secondary education initiatives. Together, we have accomplished several important milestones that I know will have significant and lasting benefits for residents of the Northwest Territories. Mahsi cho, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. I will now turn to the chair of the committee that considered the bill for any opening comments he may have. Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chair. I will be brief, as I have already done opening comments on the report. First and foremost, I would like to thank the Minister and her department for their willingness to work with us. It was a pleasure working with them. We had quick responses back and forth to get this bill done in a timely manner. Again, I would like to thank her staff for working with the staff from the Legislative Assembly. The staff worked extremely hard. I would like to thank them. I would also like to thank committee for all their hard work moving forward on this. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. I will ask the Sergeant-at-Arms to escort the witnesses into the Chamber. Minister, please take your seat at

the witness table. Minister, will you please introduce your witnesses for the record.

HON. CAROLINE COCHRANE: Thank you, Mr. Chair. With me today I have on my left-hand side Dr. Chris Joseph. He is the technical lead for Post-Secondary Education Act with the Department of Education, Culture and Employment. On my right, I have Ms. Cherie Jarock. She is the legislative counsel for the Department of Justice. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Simpson): Thank you. Welcome back to the witnesses. Are there any general comments on the bill? Seeing none, does committee agree that we move to clause-by-clause consideration of the bill?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. There are 69 clauses in the bill. Would committee be agreeable to group the clauses in groups of 10?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. I will call out the clauses in groups of 10. If committee is agreeable, please respond accordingly. If there is something in any of those clauses that committee has questions about or comments on, please raise your hand and let me know, and it will be discussed. Please turn to page 6 of the bill to begin. Clauses 1 through 10.

---Clauses 1 through 69 inclusive approved

Thank you, committee. Please return to the bill number and title. Bill 48: Post-Secondary Education Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. To the bill as a whole, does committee agree that Bill 48: Post-Secondary Education Act is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. Bill 48 is now ready for third reading. I want to thank the Minister and the witnesses for appearing before us. Sergeant-at-Arms, you may escort the witnesses from the Chamber. Does committee agree this concludes our consideration of Bill 48?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Simpson): Thank you, committee. We have concluded all the work we

have agreed to. What is the wish of committee? Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I move the chair rise and report progress. Thank you.

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

MR. SIMPSON: Mr. Speaker, your committee has been considering Bill 37, An Act to Amend the Oil and Gas Operations Act; Committee Report 24-18(3), Standing Committee on Social Development Review of Bill 48, Post-Secondary Education Act; and Bill 48, Post-Secondary Education Act, and would like to report that Committee Report 24-18(3) is concluded and that Bills 37 and 48 are ready for third reading, and, Mr. Speaker, I move that the report of Committee of the Whole be concurred with.

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

---Carried

Masi. Item 22, third reading of bills. Minister of Industry, Tourism and Investment.

Third Reading of Bills

BILL 36:
AN ACT TO AMEND THE PETROLEUM
RESOURCES ACT

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. I move, seconded by the honourable Member for Yellowknife South, that Bill 36, An Act to Amend the Petroleum Resources Act, be read for the third time, and, Mr. Speaker, I request a recorded vote. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. The Member has requested a recorded vote. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

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

RECORDED VOTE

COMMITTEE CLERK OF THE HOUSE (Ms. Franki-Smith): The Member for Hay River South, the Member for Thebacha, the Member for Hay River North, the Member for Mackenzie Delta, the Member for Sahtu, 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, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Yellowknife South, the Member for Inuvik Twin Lakes.

MR. SPEAKER: Masi. All those opposed, please stand. All those abstaining, please stand. The results of the recorded vote: 17 in favour, zero opposed, zero abstentions. The motion is carried.

---Carried

Bill 36 has had its third reading. Third reading of bills. Madam Clerk, orders of the day.

Orders of the Day

COMMITTEE CLERK OF THE HOUSE (Ms. Franki-Smith): [Translation] Orders of the day for Thursday, August 15, 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. Acknowledgements
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

18. First Reading of Bills

19. Second Reading of Bills

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

- Bill 25, An Act to Amend the Workers' Compensation Act
- Bill 39, Environmental Rights Act
- Bill 42, An Act to Amend the Petroleum Products Tax Act
- Bill 43, An Act to Amend the Income Tax Act
- Committee Report 25-18(3), Standing Committee on Economic Development and Environment Report on the Review of Bill 36: An Act to Amend the Petroleum Resources Act
- 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 211-18(3), Addressing the Caribou Crisis
- Tabled Document 442-18(3), 2030 NWT Climate Change Strategic Framework 2019-2023 Action Plan

21. Report of Committee of the Whole

22. Third Reading of Bills

- Bill 37, An Act to Amend the Oil and Gas Operations Act
- Bill 48, Post-Secondary Education Act

23. Orders of the Day

[Translation ends.]

MR. SPEAKER: Good job. [Translation] This House stands adjourned until Thursday, August 15, at 1:30 p.m. [Translation ends]

---ADJOURNMENT.

The House adjourned at 5:48 p.m.

