



NORTHWEST TERRITORIES LEGISLATIVE ASSEMBLY

3rd Session

Day 88

18th Assembly

HANSARD

Wednesday, August 21, 2019

Pages 6289 – 6352

The Honourable Jackson Lafferty, Speaker

Legislative Assembly of the Northwest Territories

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Published under the authority of the Speaker of the Legislative Assembly of the Northwest Territories

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ORDERS OF THE DAY6351

YELLOWKNIFE, NORTHWEST TERRITORIES**Wednesday, August 21, 2019****Members Present**

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

The House met at 1:33 p.m.

Prayer

---Prayer

SPEAKER (Hon. Jackson Lafferty): Mr. Clerk, would you ascertain that the honourable Commissioner Margaret Thom is ready to enter the Chambers to assent to bills.

ASSENT TO BILLS

COMMISSION OF THE NORTHWEST TERRITORIES (Hon. Margaret Thom): Please be seated. Mr. Speaker and Members of the Legislative Assembly, good afternoon. As Commissioner of the Northwest Territories, I am pleased to assent to the following Bills:

- Bill 25: An Act to Amend the Workers' Compensation Act
- Bill 36: An Act to Amend the Petroleum Resources Act
- Bill 37: An Act to Amend the Oil and Gas Operations Act
- Bill 39: Environmental Rights Act
- Bill 40: Smoking Control and Reduction Act
- Bill 41: Tobacco and Vapour Products Control Act
- Bill 42: An Act to Amend the Petroleum Products Tax Act
- Bill 43: An Act to Amend the Income Tax Act
- Bill 46: Public Land Act
- Bill 48: Post-Secondary Education Act
- Bill 54: Standard Interest Rate Statutes Amendment Act
- Bill 56: An Act to Amend the Legislative Assembly and Executive Council Act, No. 2
- Bill 57: An Act to Amend the Employment Standards Act

- Bill 58: Justice Administration Statutes Amendment Act.

Mahsi cho, thank you, quyanainni, merci beaucoup, koana.

MR. SPEAKER: Good afternoon, Members. Ministers' statements. The Honourable Premier.

Ministers' Statements

MINISTER'S STATEMENT 237-18(3):
MINISTER LATE

HON. BOB MCLEOD: Mr. Speaker, I wish to advise Members that the honourable Robert C. McLeod will be late arriving in the House today. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Minister of Health and Social Services.

MINISTER'S STATEMENT 238-18(3):
SENIORS REPORT

HON. GLEN ABERNETHY: Mr. Speaker, seniors and elders hold a unique place throughout our territory. They are our mentors, they are caregivers, and the wealth of knowledge and wisdom that they provide is beneficial to all Northwest Territories' residents. Seniors and elders are also the fastest-growing population in the Northwest Territories, and there is a need to understand how our government programs and services are supporting them now, as well as into the future.

As outlined in the priorities of the 18th Legislative Assembly, our government committed to taking action so that seniors in the NWT can age in place. We are dedicated to supporting our seniors and elders so that they can live in their homes for as long as possible, surrounded by family and community. Ensuring that appropriate supports, programs, and services are available is essential to the fulfillment of this commitment.

The development of the Continuing Care Services Action Plan is one of the ways that the Department of Health and Social Services is taking action on this commitment. The successful implementation of this plan requires strong partnerships and

integration across all regions of the territory. We are collaborating with partners across all health authorities and GNWT Departments, as well as local community governments and non-government organizations to make it happen.

For example, our partnership with the NWT Housing Corporation has found new space for adult day programming in four new independent housing complexes for seniors and elders in small communities. This dedicated space makes it possible for regional health centres to partner with communities to offer socialization and other supports to help seniors and elders to remain in their communities longer.

The department has also collaborated with the Northwest Territories Health and Social Services Authority, the Hay River Health and Social Services Authority, and the Tlicho Community Services Agency to design and develop the Paid Family/Caregiver Pilot Program. Initial implementation of the pilot begins this October and involves engaging with interested parties in select communities.

Mr. Speaker, it is projected that seniors and elders will make up over 20 percent of our territory's population by 2035. The time is now for the GNWT and its partners to better understand what challenges and opportunities exist when it comes to supporting these valued members of our communities. That is why, in November 2017, I committed to working with the NWT Seniors' Society to identify how seniors and elders in our territory access 16 different programs and services available to them, which are broken down into the following categories: health and wellness; housing; income assistance; law and victim services; and community services.

As a result, Mr. Speaker, I am pleased to release the Report on Seniors' Access to Programs and Services, which was developed in partnership with the NWT Seniors' Society. This report provides an important snapshot of the senior and elder population in the Northwest Territories and outlines how they accessed government programs and services in 2017-2018. With this information, the GNWT and its partners are better able to understand what challenges and opportunities exist when it comes to supporting the fastest-growing demographic in the Northwest Territories.

This report was truly an all-of-government initiative and its development was led by the Departments of Finance and Executive and Indigenous Affairs, with contributions from: the Department of Health and Social Services; the Department of Education, Culture and Employment; the Department of Justice; the Department of Municipal and

Community Affairs; and the NWT Housing Corporation.

The report has shown that the Government of the Northwest Territories generally offers the same types of programs found in other jurisdictions and, in some cases, provides additional supports and programs which reflect the unique geographic, cultural, and regional characteristics of NWT seniors and elders. With this information, the GNWT is better able to identify gaps in support and inform future planning for program and service delivery to seniors.

In considering how the report's findings can be used to enhance program effectiveness and ensure that all NWT residents have equitable access to supports in their communities, we will also draw from a new interRAI Clinical Information System to help identify regional trends.

InterRAI is an internationally recognized, evidence-based assessment system that is widely used in healthcare sectors throughout Canada, and is part of our Continuing Care and Services Action Plan. The interRAI homecare and long-term care assessment tools are user-friendly, person-centered, and standardized to provide comprehensive data and information that guide provision of care according to an individual's needs.

Mr. Speaker, we are in the process of implementing the interRAI system across the Northwest Territories health and social services system. InterRAI will provide case managers, homecare professionals, and long-term care facilities with:

- identification, prevention, and management of emerging and potential resident or client risks;
- access to assessment information;
- outcome measures to improve quality care;
- enhanced data quality with the use of a standardized data set;
- information to report on continuing care quality indicators; and
- reliable data for monitoring quality of care and evaluation of residents.

The Government of the Northwest Territories has been making investments and taking action to help our aging population remain in their communities for as long as possible. We also understand the importance of fostering cooperation and partnerships between our government and non-governmental organizations to achieve our goal of providing the best care and best health for a better future.

For example, we are working collaboratively with the Department of Municipal and Community Affairs, the NWT Seniors' Society, and the NWT Recreation and Parks Association to engage seniors and elders at the community level and encourage them to stay active. We have also partnered with NWT Recreation and Parks to support the Functional Fitness for Falls certification program to decrease the number of falls and ensure safer care environments for our seniors and elders. Additionally, we are supporting and encouraging the use of the NWT Association of Communities' Built Environment Guide and Healthy Communities Toolkit.

Part of our ongoing commitment to NWT seniors and elders is to support public awareness about senior and elder abuse. We are continuing work with the NWT Seniors' Society and with the health authorities to develop elder abuse screening tools and protocols for intervention, as well as support.

Seniors and elders are important contributors to the health and well-being of our communities, and it is important that we work together to better understand how we can support them to live active, healthy lives for as long as possible in their home communities. The Seniors' Report provides our government with a holistic perspective on the programs and services that we offer, and I would like to extend a sincere thank you to the NWT Seniors' Society for their enormous contributions to its creation. It is my hope that we will continue to work together on future initiatives to improve access to supports for our seniors and elders. Thank you, Mr. Speaker.

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

MINISTER'S STATEMENT 239-18(3):
HOUSING FOR VULNERABLE POPULATIONS

HON. ALFRED MOSES: Thank you, Mr. Speaker. Addressing the housing needs of vulnerable people, including seniors, single people, and homeless individuals, has been a key priority of this government and all Members of this legislature. The Northwest Territories Housing Corporation is addressing the housing challenges faced by vulnerable groups through its investments and infrastructure projects.

On August 1, 2019, we opened the new seniors' nine-plex building in Fort McPherson. This building is one of five that were designed in collaboration with the Department of Health and Social Services and with input from the community. These new independent living facilities will allow seniors to remain in their home community and be near their families, part of our commitment to helping elders

age in place while enabling them to have access to important support services. The seniors' nine-plex design includes modern features that will help residents in their day-to-day living and common areas to promote supportive programming and socializing.

Along with giving seniors the opportunity to age in place in their communities, these projects also play an integral part in alleviating strain on the Northwest Territories Housing Corporation's public housing stock.

The Northwest Territories Housing Corporation has a commitment to address the need for more units for single people. One key piece of feedback from our Housing Engagement Survey was that there is a need for singles' housing in Inuvik. On August 2nd, we opened up a 17-unit singles' building in Inuvik to replace the old Sydney Apartment Building. This investment is part of the corporation's ongoing work to meet the housing needs of Northwest Territories residents by increasing the availability of safe, affordable housing that reflects community values and priorities.

The Northwest Territories Housing Corporation is working to help residents vulnerable to homelessness in the territory through the Northern Pathways to Housing Pilot Program. This initiative aims to address homelessness outside Yellowknife by providing supportive housing programs for single adults who are experiencing housing instability. We now have three Northern Pathways programs up and running that include multi-year contribution agreements with partners who will provide support programs for the residents.

Mr. Speaker, vulnerable people often face unstable housing conditions. Our government has focused its housing infrastructure investments to meet the needs of vulnerable residents and the priorities of the communities. The Northwest Territories Housing Corporation has worked to develop housing options for vulnerable people and to provide them with safe, secure, and stable housing for years to come. We are coming to the end of our term as a government and as an Assembly, but I do have faith that this work will continue, because it is the right thing to do. Thank you and mahsi cho, Mr. Speaker.

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

MINISTER'S STATEMENT 240-18(3):
POST-SECONDARY EDUCATION UPDATE

HON. CAROLINE COCHRANE: Mr. Speaker, this government is committed to ensuring that the people of the Northwest Territories have access to a wealth of high-quality post-secondary education

opportunities. Educated citizens are critical to a healthy northern society and a strong and prosperous economy. Our government is acting on the 18th Assembly's mandate priorities to expand opportunities for post-secondary education, trades-oriented learning, and northern educational institutions, and to foster the knowledge economy.

Mr. Speaker, we have developed the territory's first-ever overarching post-secondary education legislation, which regulates post-secondary institutions operating in the territory. This is a critical step in expanding high-quality education programming and providing a greater variety of post-secondary opportunities. The new quality assurance measures in the legislation will help us build a strong and sustainable post-secondary education system.

Later today, at the appropriate time, I will also table the post-secondary education vision and goals developed through engagement with residents and Indigenous governments, as part of the post-secondary education framework. Our government is committed to an ongoing process of collaboration with post-secondary education institutions and key stakeholders from across the territory as we continue to improve the post-secondary education system.

Through community engagement, we have developed our government's post-secondary education vision. The vision statement is that every resident of the Northwest Territories has an equitable opportunity to reach their full potential by obtaining a post-secondary education from institutions that are student-centred, accessible, high-quality, relevant, and accountable. We have also identified goals to achieve our vision. We know we must prioritize student success, increase access to post-secondary education opportunities, remain responsive to labour demands in the NWT, remain responsive to local and regional needs, and support the growth of the knowledge economy.

We are already working toward our goals as the transformation of Aurora College into a polytechnic university moves forward. I am pleased to announce another project milestone: the terms of reference for the academic advisory council are complete and available on the departmental website. The academic advisory council is not a governing body for the institution; however, it will provide expert guidance throughout the transformation. The full list of member institutions from across Canada will be confirmed in the coming weeks. I look forward to the significant academic and administrative experience the council will bring to the transformation process.

Mr. Speaker, this fall, as recommended in the government's response to the Aurora College

foundational review, Aurora College will be developing a three-year strategic plan. This strategic plan will guide the college while the institution strengthens its foundations and plans for the transformation. The college will develop its strategic plan through engagement in campus communities, regional centres, and at least one small community in each education region.

Once the transformation is complete, the new polytechnic university will provide students with challenging, relevant, and accessible post-secondary education opportunities. The Department of Education is already piloting a new team of career and education advisors to help students plan for these opportunities, starting as early as grade seven. The advisors will help students make education decisions that keep them on a pathway to the job or career of their choice. They will also provide youth with current information about jobs in the Northwest Territories that will have a high demand for workers, both today and in the future.

The NWT labour market data forecasts that 78 percent of these jobs will require post-secondary education. We will continue to support NWT post-secondary students through Student Financial Assistance, apprenticeship, and labour market programs. All of these initiatives support the development of our people and our economy.

Mr. Speaker, I am confident that we are taking the right steps today to strengthen our post-secondary education system and to provide more opportunities to our residents in the years to come. Masi, Mr. Speaker.

MR. SPEAKER: Masi. Ministers' statements. Colleagues, please allow me to draw your attention to the presence at the clerks' table here today of Mr. Anthony W.J. Whitford. As many of you know, former Commissioner, former Speaker, former Minister, former Member, former Sergeant-at-Arms, honorary Clerk at the table, and Member of the Order of the NWT. Please join me in welcoming Mr. Whitford to the House this afternoon. It is always great to have you here as part of our team. Item 3, Members' statements. Member for Hay River North.

Members' Statements

MEMBER'S STATEMENT ON RECOGNITION OF "BUFFALO" JOE MCBRYAN

MR. SIMPSON: Thank you, Mr. Speaker. Yesterday Mr. Joe McBryan of Hay River, known to many as Buffalo Joe, was awarded the Order of the Northwest Territories. The Order recognizes those who have served with great distinction and excellence in any field of work benefiting the people of the Northwest Territories or elsewhere. It is the

highest official honour that the Northwest Territories can bestow upon a current or former resident.

To many of the people I spoke with, Buffalo Joe's induction into the Order came as a surprise: not because they thought he was undeserving; they were surprised that he hadn't already been inducted long ago.

Joe McBryan founded Buffalo Airways in 1970. As with any business that's been around nearly 50 years, there have been ups and downs. After spending the first decade building the company, the downturn in the mining industry hit Buffalo hard, and its fleet was reduced to a single aircraft. That single plane, a DC-3, of course, was all that Buffalo Joe needed to get back on track. Today Buffalo Airways has a fleet of 52 registered aircraft; bases in Hay River, Yellowknife, and Red Deer; is the largest courier service in the NWT; has a successful line of merchandise; and has gained international notoriety and legions of fans with Ice Pilots NWT, the TV series that featured the day-to-day operations of Buffalo and ran for six seasons.

Of course, Mr. Speaker, he had some help along the way, notably his children who have been, and still are, instrumental in the business.

However, Buffalo Joe is the heart of Buffalo Airways, and he's the reason that Buffalo has become part of the very fabric of the Northwest Territories. We can't talk about the history of the NWT without talking about Buffalo Joe, and not just because of what he did, but also because of how he did it.

When people talk about Buffalo Joe, people in Hay River, at least, they speak most often about his kindness and his humility. It's pretty ironic that he's become world-famous, because he has never sought the limelight, and he doesn't even like receiving accolades for the good he has done, and he has done more than most, Mr. Speaker. For Buffalo Joe, a community resupply is not just a contract; it's a way to help people, and stories about the lengths he has gone to to ensure people have gotten what they needed are legendary. He has helped out countless people and families in need. If you really needed to get somewhere but did not have the money, he would make sure you got to your destination. That was especially true for elders. Even if an elder showed up with a ticket, there is a good chance he would tell them to hold onto it and use it another time. Mr. Speaker, I seek unanimous consent to conclude my statement.

---Unanimous consent granted

MR. SIMPSON: If a loved one gets sick or passes away and you need to be by their side or to mourn, he will help you get to them and ask nothing in

return. If you had to spend Christmas at the hospital in Edmonton away from your family, he would make sure that you got your Christmas gifts free of charge.

Mr. Speaker, these are just a few of the examples of Buffalo Joe's acts of generosity, and, when you consider that he has been at it for nearly half a century, you know that there are countless more. These are the reasons that Buffalo Joe McBryan was inducted into the Order of the NWT. I want to thank him for all he has done and congratulate him on receiving a well-deserved honour. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON NATIONAL PHARMACARE

MR. O'REILLY: Merci, Monsieur le President. In June, the National Advisory Council on the Implementation of National Pharmacare released its final report, containing the recommendation that the Government of Canada work in partnership with provincial and territorial governments to establish universal, single-payer, public prescription drug coverage for all Canadians. As the only nation in the world with a public healthcare system that does not include prescription medicine coverage, this improvement is long overdue.

A universal national system would extend coverage to include the estimated one in five uninsured or underinsured Canadians who cannot afford prescription medicines. The report says Canadian families would save an average of \$350 per year and businesses would get relief from the increasing costs of employee drug coverage, a \$750 saving per employee per year.

This work is recommended to begin with the establishment of a Canadian drug agency, which would be responsible for developing a national list of prescription drugs. First would be a list or "formulary" of essential medicines by January 1, 2022, and a full formulary developed by January 1, 2027. Ultimately, all Canadians would have access to the same range of medications. A parallel program with dedicated funds is proposed for the more expensive rare-disease medications. Through the new drug agency, it is proposed that the approval process for drugs be streamlined so that Canadians can get faster access to new, innovative drugs.

The advisory council's report also makes the case for a single-payer public system that would provide total savings up to \$5 billion per year for governments, businesses, and individuals, through pharmacare's stronger negotiating power and lower

administration costs. The council recommends that Canadians and employers continue to be able to purchase supplementary private insurance.

Our government has been, as I understand, a full participant in the deliberations leading up to that report. I will have questions for the Minister of Health and Social Services on the status of our involvement and next steps in this process. Mahsi, Mr. Speaker.

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

MEMBER'S STATEMENT ON LAND ADMINISTRATION AND MANAGEMENT

MR. MCNEELY: Thank you, Mr. Speaker. The Northwest Territories covers 1.3 million square kilometres, with a population of less than most southern cities. This vast area is rich in culture, natural resources, and a potential in a number of sectors that is beyond our comprehension, especially for those who spend considerable time in smaller communities. They would envision and understand the potential.

Mr. Speaker, as legislators and stewards of this great territory, acknowledging this potential and allowing land access developments is truly our demonstration on our abilities to balance our responsibilities in a meaningful approach while addressing the social challenges faced by our small communities.

Our lands department was created by the NWT Devolution Agreement. Remarkable achievements are occurring within this new division. Our neighbours to the West hold and held devolution responsibilities for the past 16 years, but there still remain two land administration pieces.

Mr. Speaker, the process of legislation modernization is a healthy and prudent element of land management and administration. Having one administration simplifies and clarifies our complex regime. There remains a large amount of work to be done. I am confident that drafting our new regulations will only simplify the working relationship between our Government of the Northwest Territories and the stakeholders. Mahsi, Mr. Speaker.

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

MEMBER'S STATEMENT ON LAND RIGHTS AGREEMENTS

MR. VANTHUYNE: Thank you, Mr. Speaker. When the 18th Assembly began, we had high hopes for the completion of land rights agreements, enough

so that we enshrined the commitment in our mandate.

Mr. Speaker, I have said it several times in this Chamber: many of our priority areas cannot go forward until land rights agreements are resolved. Without them, we cannot move on many areas of economic diversification and growth; our goals in health, social just, and education are delayed; we will be set back in developing tourism, resolving land use questions, and dealing with a whole host of other public matters.

The Northwest Territories needs these agreements in place. With certainty on land rights and self-government in place, communities and regions will be able to build their own priorities, grow their own economies, and put their own people to work. They will see a future. For our system to work, we must empower Indigenous governments with authority to achieve self-determination.

Mr. Speaker, we are now at the end of the 18th Assembly. While some positive progress has been made, none of the major agreements, the Deh Cho, the Akaitcho, and Metis, have been concluded. This is not the outcome any of us had hoped for.

That said, we know it is a complex and detailed job and not always completely under our control. Indeed, I offer my respect and appreciation to the people charged with the task. I think it's fair to say it is the biggest challenge facing public governance in our territory, and, as we know, this has been going on for a lifetime. Northerners know how important these agreements are. They know what depends on fair resolution of these issues, and, like all of us in this House, they want to see this job done. They want certainty.

Mr. Speaker, these issues will not go away. The job of negotiating and seeking solutions on the remaining land rights and self-government agreements will now fall to the Members of the 19th Assembly. Without question, it will be one of their highest priorities, and, Mr. Speaker, I know it will remain one of mine. Thank you.

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

MEMBER'S STATEMENT ON ELIGIBILITY FOR HOME IMPROVEMENT FUNDING

MR. NADLI: Mahsi, Mr. Speaker. It is getting harder and harder for our lower-income families to make ends meet. These days, people have to scrimp and save every penny to pay the bills. This often means that things which were once considered a necessity, like insurance, are becoming a luxury that people cannot afford.

According to a 2018 study by JD Power, the average annual home insurance premium in Western Canada is \$1,200, meaning it is likely to be even higher in the North, and, with the catastrophes wrought by climate change, insurance costs are on the rise. When it comes to the choice between spending \$100 per month on food for your children versus paying the money to an insurance company for peace of mind, I know what choice most people would make.

[Translation] just not long ago, I talked to the chief of K'atloodeeche First Nation. They wanted to fix their house, but they could not because Northwest Territories Housing Corporation said no. So a lot of them do not have any homes, like the Katlo Deedhe, too, and we need to do that. That is why we need to do these things. We need to review it. We need to look at it. [Translation ends]. Under these programs, their household income must be below the core need income threshold for their community, which means that these people are of modest means. Most of them have worked very hard to be able to own their own homes, and they have a long history of being responsible and independent.

It is important for people who own their homes to keep up with repairs. Routine maintenance can help lower heating costs and keep a home safe and cozy. Other repairs such as roofing or structural improvements require specialized work, but they are also important for ensuring that a house will be liveable for many years to come.

While I can understand that the Housing Corporation wants to make sure their investment in these homes is protected, the requirement for homeowners insurance is a big barrier to accessing the program. As my constituent pointed out, for some seniors, it's not just an affordability issue. Sometimes, people get denied for other reasons. As he pointed out, "It is not like seniors have a right that the insurance companies must honour." In the North, people have the added challenge that they can't shop around for the best insurance rates. In Hay River, there is only one insurance provider. Mr. Speaker, I seek unanimous consent to continue my statement.

---Unanimous consent granted

MR. NADLI: Mahsi, Mr. Speaker. I would like to challenge the NWT Housing Corporation to be more flexible in how it applies its policies. If an applicant doesn't have homeowner's insurance, instead of turning the applicant away, why doesn't the NWTHC let them apply a portion of the loan to pay for the insurance? That way, the applicant can still get needed repairs, plus help funding the cost of insurance. Mahsi, Mr. Speaker.

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

MEMBER'S STATEMENT ON CHILD AND FAMILY SERVICES QUALITY IMPROVEMENT PLAN

MS. GREEN: Mahsi, Mr. Speaker. I welcome the release this week of the Child and Family Services Quality Improvement Plan. This plan responds to the Office of the Auditor General's report last year about the ways in which government continued to fail kids in care despite a 2014 Office of the Auditor General report that identified many of the same problems.

The plan stresses how improving outcomes for the 1,000 children in care in the Northwest Territories must be achieved, specifically by complying with the policies and legislation that govern their care. Some highlights of the plan for me come from the cultural safety and respect section, including:

- growing the Indigenous workforce within Child and Family Services;
- developing a family preservation program that strengthens partnerships within communities;
- improving communications with Indigenous communities to support and care for children and families in their communities; and
- exploring options agreements with these communities to increase their role within Child and Family Services.

All of these actions are described as "on track," and I am looking forward to continuous reporting that demonstrates this is the case.

I do, however, have some concerns. The first is about the sheer number of action items, 70 in all. That's a lot of balls to keep in the air, as we all know. I am also concerned that there is an almost single-minded focus on process. I understand that process leads to outcomes, but one of the most important findings of the Auditor General's report is that social workers needed to spend more time with the kids and less time at their desks. The outcome I most want to see is that mandatory check-ins and time with children in care is not only met but exceeded. My final observation is that the plan doesn't reflect the systemic issues that drive neglect, including low income, inadequate housing, and a lack of food. We need to think about how to keep children out of care altogether as well as what happens to them when they are in care.

Finally, Mr. Speaker, I want to repeat my call for a debate about creating a child and youth advocate for the Northwest Territories. Children in care have

rights, including the right to be heard and treated fairly. A child advocate can link the different players in the child's life to further his or her interests. I believe that better services for children include this key position, and I will continue to advocate for it. Mahsi, Mr. Speaker.

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

MEMBER'S STATEMENT ON RECOGNITION OF GABE HARDISTY

MR. THOMPSON: Thank you, Mr. Speaker. Today I would like to would like to speak about a respected elder from Wrigley, Mr. Gabe Hardisty. Gabe Hardisty was born in the bush, just outside Wrigley, on September 21, 1945. He spent the first 13 years of his life with his parents learning his language and culture and traditional ways.

In 1959, at the age of 14, he went off to school for the first time in his life. He travelled up to Inuvik. In 1960, Mr. Hardisty went to Fort Simpson, where he spent the next four years of his life. He is very proud to say that he completed grade seven, and it has helped him throughout his life.

Mr. Speaker, in speaking with Mr. Hardisty, we talked about his love for hunting and trapping. In the wintertime, he would travel about 200 miles a week with his cousin David Horassi by dog team to check things out. It was an 80-mile trip into the mountain with three routes to choose from once there. One season, they trapped over 60 martins.

As for his hunting, it was about providing for his and the extended family. They would average about five moose a year. When we chatted about his dog team, he would say with a big smile it was the best thing about being outdoors, not like today with snowmobiles.

Mr. Hardisty met with the love of his life, Elsie. They had three daughter, three granddaughters, one grandson, and one great-granddaughter.

Ever since I have known Mr. Hardisty, he has been involved in the community and regional politics. It started in 1972, when he was elected to band council and later on became the chief. He is still passionate about the politics even now. He presently sits on the Elders Committee and on the Dehcho Business Development Board.

When asked what advice he would give to people wishing to get into politics, he would say get to know the people you are going to represent, know what the job is all about and what things need to be accomplished. This way, when you step into your role, you have a clear understanding of what needs to be done and what is your responsibility.

Mr. Speaker, I would like to thank Mr. Hardisty for his continued commitment to the Nahendeh and the Deh Cho region and the Northwest Territories. Thank you, Mr. Speaker.

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

MEMBER'S STATEMENT ON WASTE RESOURCE MANAGEMENT AND SINGLE-USE PLASTICS BAN

MR. TESTART: Thank you, Mr. Speaker. Today I rise on a multifaceted issue that several constituents have brought to my attention: single-use plastics and the sustainability of our economy and environment. Earlier this year, the federal government announced its intention to ban single-use plastics by 2021. This would be following suit to many jurisdictions around the world which have been responding to the appalling amount of plastic waste clogging waterways, polluting lands and water sources, poisoning our food, and killing marine life en masse.

I am happy to see that the GNWT has announced the beginning of the process to address waste reduction through the recently published Waste Resource Management Strategy and Implementation Plan. I hope that the next Assembly will continue to advocate and take a lead in the process of banning single-use plastics and other waste management strategies. The capacity to achieve this already exists locally in the NWT. Some vendors have already begun using compostable take-away containers, and I feel we should investigate other northern solutions to this problem. I also feel that we should be incentivizing this shift in behaviour by providing cash incentives and supporting waste management projects in our private sector.

For example, the Vuntut Gwitchin people from the community of Old Crow, Yukon, began down this path in 2012 with the commissioning of a waste-to-energy facility. Since 2014, the facility has been operating and cleanly destroys up to three batches of 1.5 tonnes each per day of waste that would otherwise end up in a landfill.

This is but one part of the solution to the multifaceted problem of waste management that we face as a society. The GNWT can also take on a leading role on this matter. We have ENR offices all throughout our territory which could be used as collection points for recyclable materials. We can incentivize the use of compostable over single-use plastics, and we should be banning products like Styrofoam.

There are already a lot of people and groups around the world working on these issues.

Conferences are held regularly. There is funding available from Ottawa and from philanthropic NGOs. I hope that we will all do our part to try to clean up our world and set a clearer path forward for future generations and ensure that the transition to a single-use plastic ban is done in a way that supports our private sector and supports those who are most concerned about this, individual families, households, business community, Indigenous governments, small communities who lack access to recycling facilities. We need a real plan that brings those resources to bear and ensure that we have a sound waste management system before this ban comes in place. Thank you Mr. Speaker.

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

MEMBER'S STATEMENT ON ARCTIC SOVEREIGNTY

MR. NAKIMAYAK: Thank you, Mr. Speaker. Yesterday the Premier made a statement on strengthening Canada's Arctic in the face of a rapidly changing geopolitical landscape. I agreed with much of what the Premier said, so my statement today is going to echo some key points that I, too, hope to see develop in our territory in terms of Arctic Sovereignty.

Mr. Speaker, as we speak there are currently two major phenomena that are unfolding across the circumpolar world which will have long-lasting impacts and global implications for generations to come; those being the effects of global climate change and, along with it, an increase in the amount of land and economic development that comes with a warmer climate. These two things, Mr. Speaker, will come hand-in-hand, whether we like it or not.

As a person from a remote community, I have seen firsthand and have heard from many constituents of some of the many adverse effects that climate change has been having on our environment. We see the impacts in many forms, whether it is coastal erosion, dwindling sea ice, oceans warming, or increasingly volatile and unpredictable wildfire seasons, across the Northwest Territories.

However, on the other side of the coin, we, as a territory and as a country, must not be deterred by the effects of climate change. While, yes, it is imperative for the world to collectively work together to limit our greenhouse gas output, it is also important that we work to mitigate the effects of, and learn to adapt to, the new climate reality that we seem to be headed toward.

What I am saying, Mr. Speaker, is that we can't be afraid to think boldly in terms of our territory's potential to be an international trade or

transportation hub. As our Premier said yesterday, and in previous statements, we must not stand idly by and let the other circumpolar nations surge ahead in front of us on this. I believe that our territory would greatly benefit from a steady flow of strategic investments into critical infrastructure projects such as renewable energy, deep-sea ports, and increased airport and highway capacities, among others. In many respects, our country could be leading the way on this front, but it appears that we are struggling to merely keep up.

In closing, Mr. Speaker, as we look ahead and move forward into these uncharted waters, adaptability is inherent to the way of life for Indigenous peoples. We must move forward with confidence, collaboration, and cooperation with leadership at all levels as we find dynamic solutions to help manage our evolving Arctic. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Members' statements. Item 4, returns to oral questions. Item 5, recognition of visitors in the gallery.

Recognition of Visitors in the Gallery

MR. SPEAKER: Colleagues, I would like to draw your attention to the visitors in the gallery. Here with us today is Chief Alphonse Nitsiza of Whati. Thanks for being here with us. Recognition of visitors in the gallery. Member for Great Slave.

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. Today I would like to recognize the executive director from the Seniors' Society of the Northwest Territories, who helped us with the seniors' report that I will be tabling later today, Ms. Suzette Montreuil. Welcome.

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

MR. SIMPSON: Thank you, Mr. Speaker. Today I want to recognize a constituent in the gallery, who is also my girlfriend, life partner, spouse, and whatever other terms you can use, Ms. Chantelle Lafferty. She has rearranged her entire work schedule so that she can spend some time with me while I am up in here Yellowknife, even though I am mostly here. I'm never really at home, but I really appreciate it, and I want to welcome her. Thank you.

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

HON. BOB MCLEOD: Thank you, Mr. Speaker. I am very pleased to recognize a constituent of Yellowknife South, Caroline Wawzonek. Caroline has indicated that she will be a candidate in the

upcoming election in the riding of Yellowknife South. I wish her every success. Thank you.

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

MR. VANTHUYNE: Thank you, Mr. Speaker. I would like to recognize three constituents from Yellowknife North today. First, we have visiting, a long-time community advocate and social advocate, well-known in Yellowknife for all of her hard work, Arlene Hache. I want to congratulate her for her announcement today. She has been selected to be on the National Advisory Council on Poverty. Congratulations, Arlene.

I also want to acknowledge Josee Clermont, who is the directrice generale for College nordique francophone, and of course, a man of many hats, Yellowknife North resident Mr. Tony Whitford. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Congratulations, Ms. Hache, on your appointment. Recognition of visitors in the gallery. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. I would like to welcome the executive director of the NWT Seniors' Society to the gallery, Suzette Montreuil. She is also a Frame Lake resident and just happens to be my wife. I haven't really seen a lot of her in the last ten days, so hi, honey. Thanks for being here and there at home. Mahsi, Mr. Speaker.

MR. SPEAKER: Must be the last few days of session here. Masi. Recognition of visitors in the gallery. Member for Range Lake.

HON. CAROLINE COCHRANE: Thank you, Mr. Speaker. I would like to recognize two people in the education field, Ms. Suzette Montreuil with the Commission scolaire, and also Ms. Josee Clermont with the College nordique. I do want to say that, College nordique, we have had many meetings working with them on advancing our post-secondary education. It has been very, very good. I am hoping that the next Assembly will carry forward the great work. By working together, we provide a better education. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Member for Inuvik Boot Lake.

HON. ALFRED MOSES: Thank you, Mr. Speaker. I have had the honour of doing a lot of work over the years and being on the front lines and doing some great health promotion work with a great team. As Members know, I am leaving. Up in the gallery, I would like to recognize Elsie DeRoose, who was a strong mentor and strong leader within the health promotion. I am really glad that she is here in the gallery today. It is really good to see you. I just want

to thank you for all of the support and the work that you have done.

As always, Anthony J. Whitford, I know that you made some time to come and join us here today, so I just want to say thank you and mahsi, and mahsi to Elsie. Thank you, Mr. Speaker.

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

MR. NAKIMAYAK: Thank you, Mr. Speaker. I, too, would like to recognize Mr. Alphonse Nitsiza. Mr. Speaker, Alphonse is one person who works for Indigenous government. I mention that a lot, and coming from that background, I have a lot of respect and I look up to Alphonse and all of the hard work he has done for the Tlicho region, especially for the outlying and remote communities. I would like to welcome Alphonse and, once again, thank him for all of his hard work. I look up to that. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. Member for Kam Lake.

MR. TESTART: Thank you, Mr. Speaker. I would like to recognize two of my constituents who have joined us today, Ms. Caitlin Cleveland and Ms. Elsie DeRoose. Thank you for being here today and taking an interest in our proceedings.

MR. SPEAKER: Masi. Recognition of visitors in the gallery. If we missed anyone in the gallery, thanks for being here with us. It is always great to have an audience as part of our proceedings. Masi. Item 6, acknowledgements. Item 7, oral questions. Member for Nahendeh.

Oral Questions

QUESTION 839-18(3): ACCESS TO HEALTH SERVICES IN FORT NELSON, BC

MR. THOMPSON: Thank you, Mr. Speaker. My questions today are for the Minister of Health and Social Services. It's that time of year again, and I apologize to him, but I have to get these questions out. I want to talk to him about medical travel and the utilization of the Fort Nelson hospital again. Can the Minister advise the House whether his department and NWT HHSA have been able to complete the MOU for the residents of Fort Liard and Nahanni Butte to access services in Fort Nelson that are referable where possible? Thank you, Mr. Speaker.

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

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. The territorial authority has been working with the healthcare services in Fort Nelson to develop an agreement on how people from Fort Liard, as well as Nahanni Butte, will receive services in Fort Nelson.

Unfortunately, the MOU hasn't been completed at this time, but we are working on it. The agreement will define the process for how NWT residents are referred to health services in Fort Nelson and how they can actually be referred back to the health and social services system here in the Northwest Territories.

Senior staff from the authority in the Deh Cho region will be travelling to Fort Liard in the next few weeks to share a review of the standard operating procedures with the community health centre staff. This really, Mr. Speaker, is the necessary first step which provides access to services in BC.

In addition, our handouts and posters and brochures have actually been prepared and have been shared with community leaders and residents to make them aware of these procedures, for accessing these procedures in Fort Nelson. We are hoping that these will be distributed at that time when they're meeting which will, hopefully, be September of this year.

MR. THOMPSON: It kind of led into my second question, but I appreciate the Minister's answer with all that information. Can the Minister advise: when does he think the MoU will be done so the community can actually see it in writing? Right now, they are very happy with the work that the department has done and happy with what Dehcho Health and Social Services has been doing.

HON. GLEN ABERNETHY: Given that the MoU hasn't been completed yet, the standard operating procedures that we have negotiated with Fort Liard actually give us a roadmap, if you will, that the residents of Fort Liard and Nahanni Butte can use. As these procedures unfold, a more formalized MoU between BC and the Northwest Territories can be developed, but we want to see how these procedures work to make sure they're actually doing things that actually provide benefit that will help inform the MoU. That work will continue. It likely will not occur in the life of this government, the last week that we have, but it will carry on into the next government.

MR. THOMPSON: I have to give credit to the Minister and his staff for working on this issue. I know I have been bringing it up for the last four years. They have actually reached out. It's been quite interesting, being at meetings with them there. Can the Minister advise this House: has he made recommendation for the new Minister coming

forward that this is an issue that he needs to be kept aware of?

HON. GLEN ABERNETHY: I don't know who the next Minister of Health and Social Services will be, but I do know the work we are doing to support Liard and Nahanni Butte is incredibly important work and is consistent with the mandate of the Department of Health and Social Services, which is to provide care as close to home as possible and to make sure our residents are receiving access to the best care possible. I believe our work with Fort Nelson is consistent with that. I am optimistic and hopeful that the next Minister will continue to see the value that this relationship will bring, and that he or she will continue that relationship.

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

QUESTION 840-18(3):
SINGLE-USE PLASTICS BAN

MR. TESTART: Thank you, Mr. Speaker. In my Member's statement, I talked about how one of the issues raised around sustainable was the single use plastic ban that the federal government intends to bring forward across the country. I'm just wondering if the Minister responsible for, I believe, Environment and Natural Resources in this case has had any discussions with his federal counterparts on how the single-use plastic ban will impact the Northwest Territories? Thank you.

MR. SPEAKER: Masi. Minister of Environment and Natural Resources.

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I can understand the Member's concern with the use of single-use plastic bags across the Northwest Territories. As Minister of MACA, I went to a lot of waste sites across the Northwest Territories. I've seen all the white plastic bags that were there, and I can assure the Member that we have had some discussions with our federal counterparts and our colleagues from across the country. I believe we have come out with a strategy on single-use plastic bags. I'm not quite familiar with the details right now, but I'd be more than happy to get those and share them with the Member.

MR. TESTART: I know this is somewhat forecasting, but we have a federal intention. I guess my concern is for the many businesses who are currently using plastic knives and forks, food services, for example, that they're going to be hit with a lot of costs when this happens. Has the government considered that problem? Are they working with industry to help transition them into this new reality, whether it will be a single-use plastic ban?

HON. ROBERT MCLEOD: Of course, we need to have our conversations with industry. I don't know if the conversations have actually happened yet, at the official level. Again, I would have to confirm that information. I do recognize concern that folks from across the Northwest Territories have about single-use plastic, and I believe it's incumbent on us to try and do what we can to eliminate those across the Northwest Territories

MR. TESTART: I reflected on the Minister's recent statement on the new strategy, the waste strategy that is coming out, and I think there are a lot of good details in that. How is the department adapting to the lack of recycling facilities? My honourable friend from Nahendeh raised this, as well. Could the department's regional offices, through ENR regional offices, be used as collection points for recycling? Thank you, Mr. Speaker.

HON. ROBERT MCLEOD: As you have heard the last week or so with some of the questions I have been getting from a couple of the Members on our concern with the wildlife running around in the community, we will do what we can. I don't think I will direct my department to have our officers and local offices collecting recyclables. They have other tasks that they need to do which we feel are a priority, especially the safety of the public. What we can do is to try to work with those who may be able to provide that service for us. I'm not sure what the details are yet, and I'm going to be honest about that. I know we are looking at trying to reduce our single-use plastic, as well.

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

MR. TESTART: Thank you, Mr. Speaker. My final question is: is the department prepared to provide a leadership and kind of a central support role for municipalities as they seek to solve their waste management issues and the coming single-use plastic ban? Is that something the department can do? Thank you.

HON. ROBERT MCLEOD: This department does provide a lot of leadership, and this is another one of those cases where we need to work with our partners. In the environment we operate in the Northwest Territories with all our municipal and Indigenous governments and our partners, we need to do what we can to work with our partners to ensure that unilateral decisions are not being made by this Assembly and implemented. I think it's good counsel to work with our partners to try to come up with strategies and plans that are a benefit to all. Thank you, Mr. Speaker.

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

QUESTION 841-18(3):
CHILD AND FAMILY SERVICES QUALITY
IMPROVEMENT PLAN

MS. GREEN: Mahsi, Mr. Speaker. My questions are for the Minister of Health and Social Services. In my statement today I spoke about the quality improvement plan for Child and Family Services that was tabled earlier this week. As I mentioned, the plan has many strengths, but I do have some concerns. The Minister has often said that too many priorities result in no priorities at all. Can the Minister say why he then endorsed 70 priorities in this plan? Thank you.

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

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. In coming up with the quality improvement plan, we did actually have more actions that we would like to have pursued, but we did reach out to our staff. We did reach out to stakeholders who indicated that some of them would be very difficult, given that it is a two-year plan. As a result, we did reduce the number of actions. We modified some timelines. We stretched this out over two years. Many of these actions are policy-based. We are modifying our policies to be consistent and current, and we feel at this time that the plan we have is doable within the two-year time limit.

I want to point out that we do see this as a living document, and as we move forward with those actions in that action plan, we recognize that we may find that we may have overreached, or we may not have the capacity to do that within the timeline. We have left the ability to be flexible, to modify our timelines. We also recognize that, at the end of this plan in two years, we will have to reassess where we are and set a new plan forward to bring in the rest of the changes that are needed to make our Child and Family Services system a truly prevention-based system as opposed to the traditional apprehension-based system. There are a lot of things happening. I agree with the Member. I do recognize there is pressure on the staff, but we have also increased the number of positions, 21 new positions as a result of this quality improvement plan, and a third of those positions are focused on design and training to make sure that our frontline staff have the resources they need and have the supports they need to transition their practice from apprehension to prevention. So there are a lot of things happening. We get it. We have got great people. We have listened to them. We removed some actions, and we stretched out timelines on others. It is a living document. We are optimistic we can get this done.

MS. GREEN: Thanks to the Minister for his response. A second concern I have is about the

staff time, the time that is that staff will be spending on compliance processes versus time they will spend with their eyes on their clients. I can understand that this approach is somewhat a reaction to the report from the Office of the Auditor General and to step up compliance, but can the Minister assure us that, despite the focus on process, time with clients will actually improve?

HON. GLEN ABERNETHY: When we came forward with Building Stronger Families, we were hoping to change from an apprehension-based system to a prevention-based system. Building Stronger Families is still the right way to go, but what we realized and what we heard from the Auditor General is we did not have enough feet on the street to make this a reality, and we were overburdening a number of our people, and, as a result, they were not doing the record-keeping that was necessary to ensure that we were monitoring its success and/or failures. We have increased the number of positions in the last budget by 21.

As I said, a third of those will be focused on training and policy development and making sure the program is right, but the rest are front-line delivery. There is a second ask for future years, Mr. Speaker, that we invest in more positions, with a greater focus on things like family advocates or family support workers. We believe that this is an important step and it's a necessary step to provide those families with the supports they need so that they can keep their children with them, so we are no longer taking children from families. That will be a decision of the next government. I think it is an incredibly important decision, and I hope the next government continues to maintain a focus on child and family services and that that does occur.

MS. GREEN: That sounds like an interesting initiative. A final concern I have which the Minister has touched on is about the systemic changes needed to prevent children from going into care because of issues such as a lack of food and inadequate housing. The anti-poverty commitments, which the Minister has also represented, include a continuum of service and maybe should include a continuum of support. Can the Minister say what kind of prevention is taking place around this issue of neglect driving children into care?

HON. GLEN ABERNETHY: The premise of Building Stronger Families is finding ways to support families so that children do not have to be apprehended. This could be as simple as providing diapers or food to an individual family who might be in crisis at a particular point. We have done a pilot in Behchoko where we actually covered individuals' rent for a couple of weeks when they were in crisis, because we believe that, if those individuals had been taken out of their homes, it would have also

resulted in a direct apprehension. We are looking at spreading these concepts and these ideas out across the Northwest Territories to help families. We have also been able to send families' parents out for treatment and to provide short-term placement for kids with family so that they maintain that family relationship.

There are many more things we could do. Many of them will be one-offs because every situation is different, and we need to be flexible enough to do that. Our social workers are receiving more and more voluntary applications, more people coming in on a voluntary basis. I think this is a good thing because, when they come in on a voluntary basis, we can develop a case plan that works for them and is individualized to their needs and allows those children to stay in those families and in those homes. Our caseload is up, Mr. Speaker, but the number of people going into permanent care is down, and I think that is indicative that the concepts work. We failed at reporting. We failed at some of the things that we were trying to do. We have taken from this committee, from this Auditor General, the lessons that we needed, and we are making improvements today.

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

MS. GREEN: Thank you, Mr. Speaker, and I thank the Minister for the passion that he brings to this issue. Lastly, I want to follow up the statement that I made in the winter about the need for a child and youth advocate. The Minister indicated that his staff could update research on the idea, and I am wondering what progress he can report on this commitment.

HON. GLEN ABERNETHY: As the Member for Yellowknife Centre has already pointed out, we do have a significantly large action plan with 70 items, and our staff have been quite busy. As a result, we have not done that additional research on a child advocate at this point. However, I would like to note that I was a member of the committee that did a review of the implementation of child and family services in the 16th Assembly, and, at that time, I and my colleagues had an opportunity to go and meet with child advocates from other jurisdictions and learn about the roles that they provide. A child advocate tends to be an officer of the Legislature in most of the other jurisdictions. That is not unlike an ombud that we have recently created here in the Northwest Territories. They are usually not singularly focused on child and family services, but instead focus on children's issues that may be through education or justice or other government functions, questions pertaining to the machinery of government offices such as an ombud or Legislature.

If a child advocate were to be created, it would likely be an office of the Legislature. We are all part of that, but it just is not a Health and Social Services pursuit. I would also note that the mandate of child advocates, if you look at what's happening in other jurisdictions and granted this information might be a little dated because it's based on the review we did in the 16th Assembly, but a lot of those services are done by positions we have already created here in the Northwest Territories, like a children's lawyer, the territorial director, the ombud that we have recently created, so some of these positions can do some that work. However, I am also optimistic that, as we get more involved in Building Stronger Families and with a better focus on prevention, some of the reasons that people want a child advocate ombud today might not be as strong if we are more successful with the work that we intend to do. We already know that an ombud is very expensive, and I think that money may be better spent on front-line delivery of services to families. Thank you, Mr. Speaker.

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

QUESTION 842-18(3):
ELIGIBILITY FOR HOME IMPROVEMENT
FUNDING

MR. NADLI: Mahsi, Mr. Speaker. As I stated in my Member's statement, some residents of the K'atlodeeche First Nation want to repair their homes but do not have home insurance and so were denied assistance. My question is to the Minister responsible for the Northwest Territories Housing Corporation. What kind of education or information does the NWT Housing Corporation offer for homeownership clients, to encourage the need for home insurance? Mahsi.

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

HON. ALFRED MOSES: Thank you, Mr. Speaker. As part of our education courses for homeownership clients, we do provide information on the importance and need for home insurance. As all Members know and residents know, that is a big investment for any family, and we want to make sure that they are provided the services and are able to have that insurance should something happen to them. We are working with our financial partners, though, Mr. Speaker, to look at areas such as financial literacy and also increasing the accessibility on insurance coverage for our residents and exploring options around discounts on the cost of insurance plans. I would also want to let the Member know that this past weekend we did sit down with the district office managers and board chairs and members to address this issue, and they brought it up, and I did let the board chairs know

that all MLAs within this government have been bringing up housing issues, and this is one of them that we are looking at addressing.

MR. NADLI: The second question is: does the Northwest Territories Housing Corporation deny public housing applicants who do not qualify for tenants' insurance?

HON. ALFRED MOSES: Before anything, we always try to provide the best services for our residents and tenants that reply for housing throughout the Northwest Territories. We give all of our residents every opportunity to stay in their homes. We do not deny public housing applications to those who can't afford insurance. We strongly recommend that public housing tenants do get insurance, though, and we work with our partners to try to address that.

It is also mentioned in the lease agreements that tenants are advised to obtain some type of insurance moving forward, not only for the housing complex, but for their own assets that they have. We continue to work with our tenants to provide the education that is needed moving forward.

MR. NADLI: Has the Northwest Territories Housing Corporation done any analysis to determine what its annual losses might be if it provided these programs to low-income clients without the need for homeowners' insurance? In other words, is the valley of investment so high that it is worth denying low-income clients who need home ownership assistance just because they don't have insurance?

HON. ALFRED MOSES: The majority of our programming for homeowners do not require home ownership insurance. Also, many of our low-income homeowners will not be denied our programming if they do not have insurance. As I said earlier, we want to make sure that our residents and people of the Northwest Territories have an opportunity to have a roof over their heads. However, we really do want to see homeowners having up-to-date insurance on their homes, as many of us do.

We do have two programs, CARE Major and CARE Mobility, where we do require homeowners insurance, and it goes back to the Member's question earlier. We need to get that education out, and we need to make sure that our managers and our board members give that information to residents of the Northwest Territories. This is due to the fact that these programs provide a considerable amount of financial assistance, up to \$100,000.

I will make a commitment here, that we will start working on getting that information out. As I said, last weekend was the first time that we did meet with the board chairs, the first time ever, and also with our district managers. It is ground-breaking. I

mentioned, and our staff mentioned, that we do need to get that information out to our residents, so that they know what kind of programs they can access.

MR. SPEAKER: Masi. Member for Deh Cho.

MR. NADLI: Thank you, Mr. Speaker. Has the Northwest Territories Housing Corporation considered any alternatives, like allowing applicants to use some of the funds they receive to purchase homeowners insurance, or what about organizing group insurance for low-income clients through the district office; perhaps the idea of a credit union? Mahsi.

HON. ALFRED MOSES: Really quickly, we are working with our partners to see what options are out there that allow our clients to face fewer barriers around insurance. I think that education is going to be a part of that. We need to work with our financial partners to address this. I think that, moving into the 19th Assembly, because we are right on the tail end of this session, that is something that we need to look at addressing. Members coming into the 19th, I think, should continue to have these types of questions moving forward for our residents across the territory. Thank you, Mr. Speaker.

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

QUESTION 843-18(3):
NATIONAL PHARMACARE AND THE NWT

MR. O'REILLY: Merci, Monsieur le President. My questions are for the Minister of Health and Social Services regarding the development of a national pharmacare program. First, could the Minister explain what our role was in relation to the national Advisory Council on the Implementation of National Pharmacare, and what our role will be going forward, especially with regard to prescription drug costs and improved health outcomes? Mahsi, Mr. Speaker.

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

HON. GLEN ABERNETHY: Thank you, Mr. Speaker. With respect to the national Advisory Council on the Implementation of National Pharmacare, we did have an opportunity to make presentation to the council, and we outlined the challenges of providing healthcare in the Northwest Territories. We outlined the different public benefit plans that we administer here in the Government of the Northwest Territories, our Extended Health Benefits. We talked about the trends over the last ten years so that they could see where some of the usage is or uptake in some of the prescription drugs that are being utilized here in the Northwest

Territories. We also had an opportunity to share some observations of what we would like to see in a pharmacare plan for Canada.

We also had an opportunity, through the federal-provincial-territorial Ministers of Health meetings, to identify an FTP working group of staff that also had an opportunity to compile more information and make sure that the NWT perspective was included and share that with the advisory council through that means, as well.

I imagine that pharmacare is going to become an election issue at a federal level in this upcoming election. There is no pharmacare plan in place today. The federal government did get the report. We are watching very closely to see how they proceed with that. Regardless, Mr. Speaker, at the same time, the GNWT does actually participate in the Pan-Canadian Pharmaceutical Alliance, which basically conducts joint provincial, territorial, and federal negotiations for brand name and generic drugs in Canada to achieve greater value. We are trying to do things to help control and reduce costs of drugs.

I look forward, personally, to seeing a pharmacare plan in Canada. We are the only first-world country with a medicare plan that doesn't have pharmacare, and I think that it is time that the federal government in this country stood up and moved forward with pharmacare. Thank you, Mr. Speaker.

MR. O'REILLY: I want to thank the Minister for that and his personal interest and commitment on moving this forward. Our Extended Health Benefits plan is based upon a list of medicines that are approved. The national proposal has developed an initial formula of essential drugs by 2022 and a full list by 2027. Can the Minister explain how this list will apply to the NWT, and whether we will need to maintain a regional supplementary formulary to address any of our special needs?

HON. GLEN ABERNETHY: The national Advisory Council on the Implementation of National Pharmacare Report actually did include some recommendations as to what measures that the federal government should take with respect to a formulary. This advice, obviously, is going to be considered by the Government of Canada on how best to implement national pharmacare. If it does move ahead, and if there is a national formulary list, the NWT will have an option to maintain a regional supplementary formulary to address any of the specific needs that exist.

However, it is my understanding that, if we do have a secondary supplementary list, the costs associated with that secondary supplementary list would be the responsibility of the provincial or territorial government that has that list and not the

federal government, because they will be moving forward with their list.

MR. O'REILLY: Thanks to the Minister for that. Obviously, we will want to make sure that many of our special needs are recognized and incorporated into the national list.

The national advisory council report also contained a recommendation on a way to deal with the supply of medications for rare conditions, which are often some of the most expensive prescriptions. Can the Minister explain how this element of the proposal should work in the Northwest Territories?

HON. GLEN ABERNETHY: It is kind of difficult to answer that question because we aren't actually sure what the federal government is going to do in this particular area. The question may, unfortunately, be a little premature, but what I can say is that we are watching this very closely. Regardless of which government makes up the federal government in the next term, I am hopeful and optimistic that they will continue to work on pharmacare, and we as a government should and must continue to make sure that our voice is heard during those discussions, but frankly I think it's a little early to speculate on what it might look like. It might be a hypothetical response, and I'm not prepared to do that at this point.

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

MR. O'REILLY: Merci, Monsieur le President. Thanks to the Minister for that, and I was careful with my question; I said how should it work in our jurisdiction, not how could it work or how will it work. That's okay.

In a related development, the federal government recently announced they are going to revise the rules and tools for the Patented Medicine Prices Review Board. In no way could that ever constitute a national pharmacare program, but the changes could result in the savings of billions of dollars on prescription medicine. Can the Minister tell us if his department knows about these developments with the Patented Medicine Prices Review Board and what we're doing to look at the impacts of these changes on our healthcare system? Mahsi, Mr. Speaker.

HON. GLEN ABERNETHY: Canadian patent medicine prices are among the highest in the world, here in Canada. In fact, I think we're the third highest, behind Switzerland and the United States. That's not something I think Canadians should be super proud of. On August 9th, Health Canada did announce, as the Member said, amendments to the Patented Medicine Regulations. The Patented Medicine Prices Review Board is reviewing and

examining the newly released amendments to the Patented Medicine Regulations and will identify any changes that may warrant an adjustment to its proposed guidelines framework and further considers.

Currently, it is difficult to speculate how the regulatory tools available to the Patented Medicine Prices Review Board may be changed; however, the NWT is supportive of reducing the cost of patented medicines for its residents and all Canadians, and we will continue to work at the Federal-Provincial-Territorial table to ensure that the voices of the Northwest Territories, the provinces, and Canadians are heard. Thank you, Mr. Speaker.

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

QUESTION 844-18(3):
FORT MCPHERSON HOUSING UNITS

MR. BLAKE: Thank you, Mr. Speaker. I have a few questions for the Minister responsible for the NWT Housing Corporation. In Fort McPherson, we have a number of new units that were just waiting patiently for people to move into. We have two duplexes and the elders' facility that the Minister mentioned earlier today. I'd like to ask the Minister: when will these units be ready to move into? Thank you, Mr. Speaker.

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

HON. ALFRED MOSES: Thank you, Mr. Speaker. I know the Member has brought these questions up previously. Especially with the meters that have been installed for the two duplexes in Fort McPherson, I'd like to let the Member know that those meters have been installed and the units are being finalized and will be ready for occupancy September 1st. I'd like to thank the member for being there when we did the opening of the nine-plex in Fort McPherson just recently. Thank you, Mr. Speaker.

MR. BLAKE: That's good news. I know the department had to order a bunch of appliances for the elders' home, so I'd just like to ask the Minister: will the Minister ensure that the department has everything they need for our elders to start moving in before we start getting snow and bad weather? Usually in September or October we get a lot of bad weather, so I just want to make sure our elders move in before this time of year.

HON. ALFRED MOSES: As I mentioned with the seniors' complex, we want to make sure that we do our best to ensure that we get our seniors moving into the nine-plex that we just opened up, but at the

same time, I mean, one other good-news story is that, if we get our seniors moving out of public housing into the nine-plex, then we open up more units for any of our residents who need to move into public housing. So we are going to try our best, and I will keep the Member updated on how we are moving in terms of getting the appliances into the nine-plex.

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 Hay River North.

Reports of Standing and Special Committees

COMMITTEE REPORT 35-18(3): "LESSONS LEARNED" REPORT OF THE SPECIAL COMMITTEE ON TRANSITION MATTERS

MR. SIMPSON: Thank you, Mr. Speaker. I am pleased to provide the "Lessons Learned" Report of the Special Committee on Transition Matters. This report represents the work of the Special Committee on Transition Matters, the second of its kind. The report reflects the committee's shared commitment to make incremental improvements to the unique form of consensus government that exists in the Northwest Territories. Its intention is to offer the best advice and accumulated wisdom of the Members of the 18th Legislative Assembly to those of the 19th.

The terms of reference for this committee were more narrowly defined than those of its predecessor in the 17th Assembly. Most notably, the committee did not have a mandate to make recommendations as to the priorities of the 19th Assembly. Rather, its focus was on improvements to the "machinery of consensus government." This included:

- The planning and staging of new Member orientation;
- The process to set and report upon priorities;
- The size, structure and appointment of Cabinet and standing committees;
- The business planning and budget development processes; and
- The conduct of mid-term reviews.

In addition, the committee set its mind to the role of Caucus in consensus government, as well as

potential improvements to the process of enacting legislation.

The special committee's recommendations reflect a number of themes that emerged from its work. These include:

- The need to maintain unity amongst newly elected and returning Members at the commencement of a new Assembly;
- The desire to set priorities, mandates, and budgets earlier in the term of a new Assembly;
- The requirement to evolve the processes of consensus government to reflect the increasingly complex policy-making environment in the post-devolution era; and
- Increasing public expectations for accountability, meaningful communication, and transparency.

Given the volume of legislation before standing committees in the final months of the 18th Legislative Assembly, the committee was, unfortunately, unable to conduct public hearings as part of its work. Consequently, the committee was reluctant to recommend fundamental changes to the way consensus government operates. This was most evident during the committee's discussions of potential new ways to select the Premier and Cabinet. Potential options, such as the election of the Premier at large or alternatives to the 2-2-2 convention of selecting Cabinet, were seen by the committee as too important to make absent widespread public input. Rather, the committee recommends that the 19th Legislative Assembly establish an independent committee to consult on, review, and make recommendations on these matters.

The committee's report includes 37 recommendations. These include an orientation program for Members of the 19th Legislative Assembly that will commence on October 8, 2019, just one week after the general election. Other notable recommendations call for the establishment of a Public Accounts Committee, greater resources for standing committees, revised processes for the adoption of the 19th Legislative Assembly's first and subsequent budgets, and changes to the legislation enactment process. The special committee recommends against the conduct of a mid-term review of Cabinet performance and appointments and, in its place, calls for the greater use of Caucus and so called "firside chats" between the Premier and Regular Members to enhance and maintain relationships and ensure effective accountability.

1.0 Introduction

One of the fundamental hallmarks of a liberal democratic society is the peaceful, coordinated, and timely transition of power from one group of elected leaders to another following a general election. This year, the 18th Legislative Assembly will be dissolved at midnight on August 31 to make way for a general election on October 1, 2019. Following the return of the writs of election for the Territory's 19 electoral districts, the Members-elect of the 19th Legislative Assembly will convene in Yellowknife to begin the formal transition of power from one Assembly to another.

The transition of power following a general election is unique in the consensus style of government practiced in the NWT. For starters, due to the absence of registered political parties, it is not immediately clear who will form the Executive branch of government, namely the Premier and members of the Executive Council (Cabinet), after polling day. Both the means of selecting Cabinet as well as its size and composition are matters left to each incoming Assembly to decide. The same can be said for the structure and membership of the various standing committees of the Assembly, as well as the Legislative Assembly Board of Management.

Previous transition processes have assumed a one-third attrition rate following a general election. In other words, the assumption has been that 12 or 13 of the Assembly's 19 Members would be re-elected. Prior to the 2015 general election, this assumption largely reflected reality. The result has been a high degree of consistency from one Assembly to the next in terms of priorities and the so-called "machinery of government." The 2015 general election witnessed the unprecedented turnover of nearly 60 percent as a result of the election of 11 new members. This turnover resulted in the introduction of a number of important new processes, a focus on transparency and accountability, and a realignment of committee mandates. Interestingly, it also resulted in the election of the NWT's first two-term Premier.

This report reflects the collective work of the 18th Legislative Assembly's Special Committee on Transition Matters, the second of its kind. As with its predecessor from the 17th Assembly, this report makes recommendations that are intended to guide, but not bind or restrict, the decisions of the 19th Legislative Assembly with respect to its priorities, structure, and modus operandi. Unlike its predecessor, this special committee did not have a mandate to make recommendations as to the key issues for the incoming Assembly. Rather, its terms of reference (Attachment 1) are focused on the following items:

- The timing and staging of new-Member orientation;
- The process for setting and reporting on priorities;
- The size, structure, and appointment of Cabinet and standing committees;
- The business plan and budget development processes; and
- The conduct of mid-term reviews of both the Assembly's priorities and the performance of Ministers, both individually and collectively.

The members of the special committee are mindful of the limited attention that was paid to the recommendations of their predecessor committee at the commencement of the current Assembly. One of the fundamental tenets of our system of government is that an outgoing Assembly can and should not fetter the discretion of an incoming one. The title of this report, "Lessons Learned," is intended to frame the committee's recommendations and discussions as well-intentioned advice to the 19th Assembly, rather than an attempt to reach into and unduly influence its decisions. We will view our work as successful if it causes the elected Members of the 19th Legislative Assembly to reflect upon potential improvements to the operation of consensus government and keep an open mind to new ways of doing business.

The 18th Legislative Assembly encountered its fair share of bumps along the road. Consensus government is far from a perfect adaptation of either the Indigenous or Westminster traditions that form its core. Like all systems of government, it has notable weaknesses. At some future point, the people of the Northwest Territories may choose a radically different approach to how they are governed. Changes of this magnitude are beyond the scope of this committee and, if pursued, must involve broad-based public consultation and participation. As such, the recommendations and observations included in this report present what we feel are incremental but substantive improvements to the current system. We hope that the Members of the 19th Legislative Assembly will find wisdom in the collective experience of its authors and use our advice as a stepping stone to making the 19th Legislative Assembly their own. We wish them every success.

2.0 Orientation

Committee Members reflected upon their experience during orientation in 2015. The eleven newly elected Members held several days of orientation following the election in isolation from

their eight returning colleagues. The purpose for these separate sessions was to focus on the information that newly elected Members need and that would be redundant for returning Members. It was also felt that newly elected Members might be less intimidated and more inclined to ask questions if not in the presence of more experienced Members.

2.1 Group Cohesiveness

It was noted that these separate sessions had the effect of creating two distinct groups at the commencement of orientation; the 11 newly elected Members, and the eight returning ones. When the time came to bring the entire group together, this early separation resulted in some tension between the new and returning Members that did not dissipate until Cabinet was selected. As one committee member noted, "We shouldn't keep our most experienced players on the bench at the start of an Assembly." Committee agreed that all Members should start working together as a team from the start. It was suggested that each newly elected Member be teamed up with a returning Member to help build stronger and more lasting relationships.

Recommendation:

1. That all 19 elected Members of the 19th Assembly work together as a group throughout the orientation and priority setting process.

2.2 Staff Roles and Responsibilities

Committee discussed the importance of getting a good sense of who the various Legislative Assembly staff are, their roles and the services they can provide to Members. Particular mention was made of the services available from the law clerk and the legislative library. It was suggested that all staff be invited to introduce themselves to MLAs early in the orientation program.

Recommendation:

2. That the orientation program for Members include more detail about the services available to Members including, but not limited to, the services of the law clerks and legislative library.

2.3 Ongoing Training Opportunities

Committee members expressed an appreciation for the need to strike a balance between providing newly elected MLAs with too much or too little information. Members agreed that there was some urgency to "hit the ground running," but also

identified a need for ongoing training after the initial orientation program was complete. The following areas were identified as potential subjects for ongoing training and professional development:

- Records Management
- Media Relations
- Information technology
- Parliamentary procedure
- Research
- Legislative drafting and interpretation

Recommendation:

3. That more in-depth and ongoing training opportunities be provided to Members following orientation, priority setting, and cabinet selection.

2.4 Financial Overview

The committee debated the merits of providing Members with an overview of the government's financial situation early in the orientation program. Some Members were of the view that such an overview had the tendency to throw cold water on the ideas for new initiatives that candidates heard during the election campaign. Others felt that it was not possible to set realistic priorities without an understanding of the government's financial situation. In the end, committee agreed that an early session on both the government's fiscal operations and status would be of value.

Recommendation:

4. That a half-day session on the GNWT's financial policies and status be scheduled early in the orientation program.

2.5 Advanced Circulation of Orientation Materials

Committee discussed the merits of preparing an "Issues Wiki" that allows Members to drill down as deeply as they like to understand specific issues. It was noted that the Wiki prepared for the 18th Legislative Assembly was not user-friendly and that much of the information was available on departmental websites. Regardless of what format is used to brief newly elected Members, it was agreed that materials need to be distributed to Members well in advance of their first day of orientation.

Recommendation:

5. That orientation and issue briefing materials be provided to Members-elect within a day or two following the election, preferably in electronic format, to allow them an opportunity for advanced preparation.

2.6 Orientation Program

Committee made considerable adjustments to the orientation program that was used at the commencement of the 18th Legislative Assembly. In addition to keeping all Members together for the duration of orientation, the revised program envisions having Members make a public statement of their individual priorities on the second day of orientation and includes a number of breaks to allow Members to return to their home communities or begin to look for constituency assistants and accommodation in Yellowknife. Additional changes to the orientation program will be highlighted in subsequent sections of this report.

Recommendation:

6. That the Orientation Program for the 19th Legislative Assembly, included as Attachment 2 of this report, be adopted.

3.0 Priority Setting

Committee spent considerable time reflecting upon the priority setting and mandate development processes employed at the beginning of the 18th Legislative Assembly. It was noted that there is a significant level of consistency between the priorities adopted by the last four Assemblies. Many of these priorities are aspirational and attempt to cover all areas of responsibility of the GNWT. Ideally, each priority should focus on what, specifically, the Assembly hopes to achieve during its term and beyond. The "How," "How Much," and "How are we doing?" questions will be answered in subsequent processes such as the mandate, business plans, budgets, and progress reports.

A significant concern related to the amount of time it took to get a mandate in place and the number of mandate commitments that flowed from it. The focus of the 18th Assembly turned quickly from the collective priorities established by Caucus to the more than 200 mandate commitments, many of which were worded in a way that made them challenging to measure.

3.1 Process Convention on Priority Setting and Reporting

Committee reviewed the Process Convention on Priority Setting and Reporting in detail. It was agreed that future Legislative Assemblies should attempt to limit the number and scope of their priorities in an effort to reflect real choices. These priorities should be agreed to by Caucus and form the basis for Cabinet's mandate document. The priorities should reflect what Members heard during the election campaign, key issues that arise during orientation and the input of northern Indigenous and community leaders.

Once the Caucus priorities have been established, Cabinet should proceed to draft specific mandate commitments to fulfill the Caucus priorities. Again, these should be specific, outcome-based and measurable. Although the Mandate will be a Cabinet document, the importance of consulting with Regular Members was stressed. To this end, it was agreed that Cabinet should consult with the Standing Committee on Priorities and Planning on the mandate document, rather than have these discussions take place in Caucus. A number of meetings with the committee may be required prior to Cabinet tabling the document in the House. Once tabled, the mandate will be referred to Committee of the Whole for debate. Similar to other tabled documents, however, the Mandate will not be subject to amendment or adoption by the Assembly.

Recommendations:

7. That the attached revised Process Convention of Priority Setting and Reporting, included as Attachment 3, be adopted by Caucus.

8. That the proposed Priority Setting flow chart and schedule, included as Attachment 3, be adopted by the 19th Legislative Assembly.

3.2 Consultation on Priorities

Committee discussed the importance of consulting with elected Indigenous government and community leaders in the development of priorities. While the Intergovernmental Council plays an important role in the drafting of revised legislation and other matters in follow up to the 2014 Devolution Agreement, its relationship is primarily with Cabinet and not the Legislative Assembly as a whole. As such, all regional Indigenous governments and organizations, as well as the NWT Association of Communities, should be included in consultations on the Assembly's priorities. As part of the Orientation Program adopted earlier, this consultation with northern leaders has been scheduled for October 17, 2019. Committee recommended that participants be

invited to attend these meeting well in advance to allow them to plan to attend.

Recommendation:

9. That elected Indigenous and community government leaders be invited to a round table discussion on the establishment of the priorities of the 19th Legislative Assembly on October 17, 2019, and that invitations to attend this meeting be sent to invitees at least a month in advance.

3.3 Mid-term Review of Priorities

The 18th Legislative Assembly conducted a mid-term review of both its priorities and the performance of individual members of Cabinet and Cabinet as a whole. This section deals with the former. The next section of this report will address the latter.

The 18th Legislative Assembly conducted a mid-term review of its priorities and the various mandate commitments. This review took place during the prorogation of the 2nd Session and the resulting changes were reflected in the Commissioner's Opening Address at the commencement of the 3rd and final Session. Committee was of the view that a review of the 19th Legislative Assembly's priorities should be conducted at mid-term. Such a review allows an Assembly to take stock of its accomplishments in a focused manner half way into its term and adjust its high level priorities to reflect macro-level changes that have arisen since the election.

Recommendation

10. That the 19th Legislative Assembly prorogue following the Spring 2021 session to review its priorities in advance of a Commissioner's Opening Address to commence the 3rd and final Session in the fall of 2021.

3.4 Accountability

Given that Cabinet's mandate will not be formally adopted by the Legislative Assembly, some committee members raised concerns over the ability of the Assembly to hold cabinet to account for the implementation of its mandate. It was noted that, in many partisan legislatures, the debate on the Speech from the Throne is considered a matter of confidence in the government. If an amendment to the Speech from the Throne is adopted by the House, it constitutes an expression of loss of confidence in the government and will trigger an election.

The concept of confidence is virtually non-existent in consensus government. Individual Cabinet Members continue to hold confidence until a motion withdrawing that confidence is formally adopted. It is uncertain whether the defeat of Cabinet's budget would constitute a loss of confidence, as it has never been tested. Given the 18th Legislative Assembly's experience with the conduct of a mid-term review of Cabinet performance, both collectively and individually, it was agreed that the 19th Legislative Assembly consider and adopt a Consensus Government Process Convention on Expressions of Non-confidence in Cabinet. This convention would clarify what constitutes an expression of non-confidence as well as the consequences of such an expression. It could also provide a mechanism for the Legislative Assembly to defeat the Commissioner's Address if a majority of Members do not feel it lives up to the priorities established by Caucus.

Recommendation:

11. That a Process Convention on the Expression of Non-confidence be developed and presented to the Caucus of the 19th Legislative Assembly.

4.0 Structure and Selection of Cabinet and Standing Committees

4.1 Cabinet Selection

The selection and structure of Cabinet is decided by each Assembly at the commencement of its term. There is nothing in legislation that determines the size and composition of Cabinet or the process used to recommend the appointment of the Premier and individual Ministers. Since division of the Northwest Territories in 1999, the size and structure of Cabinet has remained consistent. The Territorial Leadership Committee, consisting of all 19 members, meets in public following orientation and the setting of priorities. The Clerk of the Legislative Assembly calls the committee to order and opens the floor to nominations for Speaker of the Legislative Assembly. If only one nomination is received, the Clerk invites the Speaker-elect to assume the chair. If more than one nomination is received, a series of exhaustive secret ballots are held until one candidate attains a majority of votes. At each successive ballot, the name of the nominee with the fewest votes is removed from the ballot for the next round of voting.

Once a Speaker-elect is chosen, s/he opens the floor to nominations for Premier. During the 18th Legislative Assembly, the committee was adjourned for approximately a week following the close of nominations to allow Members to consult with their constituents as to a preferred candidate. When the

committee reconvened, each Member is entitled to ask up to three questions of each candidate. When questions and answers are complete, a series of exhaustive secret ballot votes is held until one nominee emerges with a majority of votes and is declared Premier-elect.

Since Division, the Cabinet has consisted of six Members, each representing a distinct geographical region of the Territory; two from those constituencies north of Great Slave Lake, two from those south of Great Slave Lake, and two from Yellowknife. This system has come to be known as the 2-2-2 structure. Nominations are accepted for each of the three distinct regions. Each nominee is then called upon to deliver a 10-minute speech. No questions and answer period exists for the selection of Cabinet members. Once speeches are concluded, a series of exhaustive secret ballots are held for each of the three regions until two nominees from each attain a majority of support. Overall results are not announced until majorities have been attained in each region. The specific results of each vote are not released.

The first sitting of the Legislative Assembly is normally convened on the day following the Territorial Leadership Committee. On this day, the Speaker, Premier, and Cabinet Members-elect are formally appointed by motion of the House and are sworn in by the Commissioner at the rise of the House the same day.

Committee considered a discussion paper, included as Attachment 4 to this report, laying out the advantages and disadvantages of the above-described process and offering a number of alternative options. The advantages of the existing system include:

- it ensures regional diversity on Cabinet and prevents the domination of one region over another Cabinet;
- it has traditionally provided for an acceptable level of diversity on Cabinet in terms of Indigenous and non-Indigenous Members as well as those representing urban and rural constituencies; and
- is well established and understood by both Members and the public.

The disadvantages include:

- the encouragement of strategic voting for Premier whereby Members from one region who hope to be elected to Cabinet are incentivized to vote for a nominee for Premier from their region to increase their own chances of being elected to Cabinet;

- the region represented by the Premier is automatically overrepresented on Cabinet;
- the Yellowknife region is underrepresented on Cabinet in terms of its percentage of the population of the NWT; and
- there is no guarantee for small-community representation on Cabinet. The Cabinet of the 18th Legislative Assembly was the first since division to have no Members who represent constituencies made up of small and remote communities.

The discussion paper presented a number of options, including a 2-2-2-1 whereby six Members of Cabinet are selected first according to the regional system described above or one based upon community size (i.e. Yellowknife, the regional centres of Inuvik, Hay River and Fort Smith and the remaining small community constituencies). The seventh member is selected last and at large and is used to make up for a deficiency of representation flowing from the 2-2-2 selection process such as the absence of women or small-community members. Once the seven Member Cabinet is selected, nominations for Premier are accepted. Only those Members already elected to Cabinet are eligible to be nominated for Premier. This system eliminates some of the disadvantages of the current system but creates the perception that the seventh seat is a "consolation" seat for those who were not elected through the 2-2-2 process.

While each committee member expressed dissatisfaction with the traditional 2-2-2 approach to the selection and structure of Cabinet, committee was unable to recommend a single preferred option. One Member suggested that the size of Cabinet be reduced to a Premier and five Cabinet members to further counterbalance Cabinet's voting power in the House. The suggestion of having the Premier elected at large by the voters of the NWT was considered too great a change to recommend without broader public consultation. The committee expressed regret that it was not able to conduct public hearings on its mandate due to the extraordinary amount of legislation before standing committees in the run-up to dissolution of the 18th Assembly. It was suggested that, in the future, similar committees be struck earlier in an Assembly's term to allow for broad public consultation. If fundamental changes to the size, structure, and selection of the Premier and Cabinet are under consideration, it was suggested that an independent, arms-length committee be struck to explore options, conduct public consultations, and make recommendations to an Assembly early enough in its term to bring them into force for an upcoming Assembly. This work should be coordinated with the Electoral Boundaries

Commission that must be struck during the 19th Assembly.

Recommendations:

12. That several options for a revised Cabinet selection and appointment process be presented to the 19th Legislative Assembly for consideration.

13. That nominations for Premier take place in advance of the selection process, as was the case with the 18th Legislative Assembly, to allow Members to consult with their constituents and leadership on a preferred candidate.

14. That the 19th Legislative Assembly establish an independent committee to study and make recommendations on the functioning of consensus government, including the preferred selection process for Premier as well as the structure and appointment of Cabinet.

4.2 Standing Committees

The Member for Kam Lake presented a paper, included as Attachment 5 to this report, calling for the creation of one or more "parliamentary groups" to conduct much of the business currently falling under the mandate of Standing Committee on Priorities and Planning. The parliamentary group would include all Regular Members and would receive funding from the Legislative Assembly to retain political advice and support and develop policy alternatives. Unlike standing committees, which are required to meet in public, the parliamentary group of Regular Members could conduct its political discussions in camera, as does Cabinet. Regular Members who did not demonstrate good behaviour and effective collaboration could be subject to discipline by the leader of the parliamentary group. Specifically, the report recommended the following:

- That the Standing Committee on Priorities and Planning be dissolved and a new caucus established with mandatory membership for all Regular Members;
- That the policies and/or legislation governing the Legislative Assembly be amended to provide for fair and effective funding for causes and establish minimum thresholds for caucuses funding; and
- That the Rules of the Legislative Assembly be amended, where appropriate, to give formal standing to the Chair of the Regular Members Caucus, allow for certain discretionary appointments over legislative assignments, and increase remuneration of the role

commensurate to these new responsibilities.

Committee thanked the Member for Kam Lake for his proposal and expressed some support for the justifications for the recommendations. Members were supportive of the establishment of a formal Public Accounts Committee to focus exclusively on the government's expenditures and oversee the conduct of audits. Others felt that the Member's concerns might be more appropriately addressed through changes to the existing system such as increased funding for committee support and changes to the way Caucus operates. Committee agreed that, given the increasing workload of the Assembly and its committees in the more complex, post-devolution environment, additional support for standing committees will be required.

Recommendations:

15. That a Public Accounts Committee, with terms of reference similar to those in other jurisdictions, be formally established in the Rules of the Legislative Assembly.

16. That increased resources be provided by the Legislative Assembly to support the work of standing committees in the 19th Legislative Assembly, including additional funding to retain outside expert advisors, hire additional research, public affairs and clerk staff, and engage the public in more effective ways.

Committee discussed the means of soliciting interest and recommending appointments with respect to standing committee membership. It was agreed that the use of a striking committee was not effective and that all Regular Members should be involved in developing a consensus position with respect to standing committee appointments. Committee chairs should continue to be selected by each committee.

Recommendation:

17. That reference to a "Striking Committee" be deleted from the Rules of the Legislative Assembly and that the membership of standing committees be recommended by the Standing Committee on Priorities and Planning.

4.3 Caucus

While not part of its formal mandate, the committee reflected upon the effectiveness of Caucus. Although the Consensus Government Process Convention on the Role of Caucus does allow for the discussion of strategic policy issues in Caucus, some members felt Caucus was not being used for this purpose. Whereas the Caucus is used

extensively at the commencement of a term to develop priorities for the Legislative Assembly, once these priorities have been agreed to and Cabinet selected, Caucus becomes largely a forum for administrative matters as opposed to a place where all Members can discuss issues as equals and free from cabinet or committee solidarity.

Recommendation:

18. That the 19th Legislative Assembly make greater use of Caucus as a forum to discuss strategic policy issues among all Members of the Legislative Assembly not only at the commencement of a Legislative Assembly but throughout its term.

Committee also discussed several other options to make Caucus a more effective institution including holding more frequent meetings, changing the layout of the caucus room and having Caucus co-chaired by a Regular Member and a Member of Cabinet.

4.4 Board of Management

Committee discussed the makeup and the means of recommending appointments to the Legislative Assembly Board of Management. Pursuant to legislation, the Board of Management is chaired by the Speaker and consists of two Regular Members and two Members of Cabinet. Immediately following the selection of Cabinet, the Speaker seeks expressions of interest from Regular Members who may wish to sit on the Board of Management. The Speaker then recommends to Caucus two Regular Members for formal appointment. The recommendation of Cabinet Members to the Board is made by the Premier. The Deputy Speaker, who is called upon to chair meetings of the Board if the Speaker is absent or unable to attend, may not be one of the Regular Members appointed to the Board. Four alternatives are also appointed, two Regular Members and two members of Cabinet, who are called upon to attend meetings only if necessary to achieve a quorum.

Committee expressed concern that Regular Members have little say as to who represents their interests on the Board of Management. It was felt that the recommendation of Regular Members to sit on the Board should be made at the same time as overall committee assignments to ensure that a holistic approach could be taken to the sharing of workload. It was noted that the appointment of the Board of Management must take place on the first sitting day of a newly elected Assembly pursuant to legislation.

Recommendation

19. That all Regular Members be involved in deciding which Regular Members are recommended for appointment to the Legislative Assembly Board of Management.

5.0 Budget and Business Planning

Committee reviewed a discussion paper on potential improvements to the Budget and Business Planning processes. Committee noted that many of the options identified in this paper were focused on making these processes more efficient (i.e. less time-consuming) rather than more effective. The options of selecting only certain departments' budgets for detailed review in Committee of the Whole and of conducting concurrent reviews of business plans and budgets were not concurred with.

5.1 Consideration and Adoption of First Budget

The consideration and adoption of an incoming Legislative Assembly's first budget is a perennial challenge. Even with an early October election, the time available for the drafting and consideration of business plans and the conduct of public consultations is highly compressed, particularly given that so much time in the early months of a new Assembly is occupied with orientation, leadership selection, and priority setting. As noted earlier, these challenges are offset by the benefits of getting an earlier start with implementation of the priorities and mandate.

Committee is of the view that future Assemblies are well positioned to adopt a full budget prior to the commencement of their first full fiscal year in office. While this eliminates the need for an interim supply budget, it was felt that the supplementary reserve included in an Assembly's first budget should be increased to allow work to begin on specific mandate items once they have been fully costed, rather than waiting for the second budget.

Recommendations:

20. That the first budget of the 19th Legislative Assembly be adopted prior to the end of 2019-2020 fiscal year pursuant to the process detailed in Table 1.

21. That the Supplementary Reserve included in the 19th Legislative Assembly's 2020-2021 budget be substantially increased to allow work to commence on specific mandate commitments in year one of the legislative term.

5.2 Four-year Business Plans

Given the tight timeframes in the run-up to consideration and adoption of the first budget, it is impractical to draft, consider, and adopt detailed business plans prior to the end of the first fiscal year of a new Legislative Assembly. Furthermore, committee expressed dissatisfaction with the consideration of annual business plans, as they tend to be repetitive, short-sighted, lacking in sufficient detail, and often disconnected from an Assembly's priorities and Cabinet's mandate. Committee is of the view that future Assemblies should adopt four-year business plans in the spring following the adoption of its first budget. In subsequent budget years, departments would prepare and present updates to these four year plans in conjunction with draft estimates. Both the four-year plans and the annual updates should be consistent in format and focus on specific measures that are being taken to implement the Priorities and Mandate.

Recommendations:

20. That the 19th Legislative Assembly adopt four-year business plans to guide the implementation of the priorities and mandate and that annual updates to these business plans be presented to standing committees in conjunction with draft main estimates.

21. That both the four-year business plans and annual updates be consistent across departments and focused on specific short and long-term measures to implement the priorities and mandate of a Legislative Assembly.

5.3 Consideration and Adoption of Subsequent Budgets

In previous Assemblies, the involvement of standing committees in the budget development process commenced with the consideration of annual business plans in September. Consequently, committees have found themselves reacting to substantial planning, direction, and proposed new initiatives on the part of Cabinet in the preceding months. As one of the fundamental characteristics of consensus government is the ability for all Members to have meaningful input into the development of budgets, the committee is of the view that the involvement of standing committees should commence, at a high level, prior to setting of broad direction by Cabinet and the drafting of annual business plans updates. To achieve this, committee agreed that Cabinet should hold broad and high-level consultation with standing committee in the period between the adoption of the old year budget in late March and before the establishment of budget planning targets and direction by Cabinet in June.

Committee was also of the view that the previous practice of having the Minister of Finance conduct pre-budget consultation with the public be re-established. The results of both the pre-budget consultations with standing committee and the public could then be reported back to standing committee in late September and tabled in the Legislative Assembly during the October sitting of the House. This report would then be used to guide the drafting of annual business plan updates and draft main estimates which would be presented to standing committees for consideration in late November and early December. Consistent with current practice, a final meeting between the Minister of Finance and the Standing Committee on Priorities and Planning would occur in mid-January. This meeting is intended to provide the Minister of Finance a final opportunity to advise standing committee on what changes have been made to the final draft estimates document prior to the budget address in February.

Recommendations:

24. That the Minister of Finance hold pre-budget consultations with standing committees in May or June of each year and prior to the setting of broad budget direction and targets.

25. That the Minister of Finance conduct annual pre-budget consultations with the public prior to the setting of broad budget direction and targets.

26. That the results of the standing committee and public pre-budget consultations be reported to standing committees in September of each year and tabled in the house during the October sitting.

27. That the second and subsequent budgets of the 19th Legislative Assembly be drafted, considered, and adopted according to the process detailed in Table 2.

6.0 Mid-Term Review

In contrast to the mid-term review of priorities addressed above, the term "mid-term review" generally refers to a political review of Cabinet performance, both individually and collectively. The 18th Legislative Assembly conducted the first mid-term review since Division. During Prorogation of the Second Session, Members met in the Chamber to evaluate the performance of each Minister and the Cabinet as a whole. Following statements by each Minister and a question and answer period, Members proceeded to vote, by secret ballot, on whether the Cabinet and each Minister should continue to hold the confidence of the house. This process resulted in a secret ballot expression of confidence in Cabinet as a whole, the Premier and

five of six Ministers. The vote expressed a lack of confidence in one Minister. When the 3rd Session commenced shortly thereafter, a formal motion was introduced to withdraw the confidence of the House in the Minister in question. The motion did not carry and the Minister retained his appointment to Cabinet.

Committee expressed near-unanimous dissatisfaction with the results of the mid-term review. Some felt the concept itself was ill-advised. Reasons included the negative impact the prescribed process had on relationships, which are fundamental to the effectiveness of consensus government, the existence of other, more effective mechanisms to hold Ministers to account for their performance, a reluctance to act on perceived poor performance either before or after the mid-term review, and the amount of time required to conduct it. Others felt the process failed because of unclear expectations as to the implications of a secret ballot vote of non-confidence.

Committee was not prepared to recommend that the 19th Legislative Assembly conduct another mid-term review. Rather, it was felt that the development of a consensus government process convention on expressions of non-confidence would bring some clarity to the landscape regarding ministerial accountability and performance. Further, the committee feels strongly that the effective use of so-called "fireside chats" would greatly assist in addressing performance issues with Ministers as they arise. It was agreed that these fireside chats should take place regularly throughout a legislative term, be conducted in a room other than the Committee Room, focus on relationships and performance rather than issues, and include Ministers where appropriate.

Recommendations:

28. That the 19th Legislative Assembly not conduct a formal mid-term review of cabinet and Ministerial performance.

29. That the Consensus Government Process Convention on Communications between Cabinet, Ministers, Standing Committees and Regular Members be amended to solidify the requirement to hold a fireside chat at least three times a year and that these meetings be conducted outside the Committee Room.

7.0 Introduction and Consideration of Legislation

While not part of its terms of reference, the committee reviewed the process for introducing and considering legislation. This discussion was largely

informed by the unusually large volume and complexity of legislation that was referred to standing committees in the last year of the 18th Legislative Assembly, the unique challenges resulting from the process of co-drafting legislation with Indigenous governments in the post-devolution era and perceived uncertainty and confusion on the part of the public as to the process for enacting legislation and the respective roles of Cabinet and standing committees.

7.1 Complexity of Legislation

Committee made note of the challenges that standing committees often face when conducting public hearings on legislation. Members of the public are often confused as to the purpose of proposed legislation, particularly those that are more technical or complex, and have difficulty distinguishing the role of standing committees from that of Cabinet. Potential solutions included the drafting of plain language summaries for large or complex pieces of legislation, having departmental staff travel with committees to provide an overview of the bill on behalf of the Minister and answer technical questions that may arise, and the development of effective educational materials with respect to the legislative process. Committee also agreed that more clarity was required with respect to the process for introducing and considering legislation that is the product of co-drafting with Indigenous governments and that committees require additional staff support in terms of procedural, research and public affairs staff including communications. Finally, Committee expressed support for meeting with the Minister responsible for a complex or large bill following public hearings but before public clause-by-clause review in an effort to get answers to any lingering questions that arose from the public hearings and help build consensus around proposed amendments.

Recommendations:

30. That the Consensus Government Process Convention on Standing Committee Review of Legislative Proposals be expanded to address the entire process for drafting, introducing and enacting of legislation.

31. That the revised process convention include a requirement for the sponsoring Minister to draft a plain language summary of complex or lengthy pieces of legislation when requested to do so by committee.

32. That the revised process convention include a requirement for knowledgeable departmental staff to accompany standing committees on public

hearings on complex or lengthy bills when requested to do so by committee, and be prepared to make a brief introduction of the bill's content and answer technical questions from the public and referred by the committee chair.

33. That the revised process convention acknowledge and make provisions for effective standing committee involvement in the drafting and review of legislation that is the product of co-drafting with Indigenous governments.

34. That the revised process convention make allowance for standing committee meetings with the sponsoring Minister following the completion of public hearings and before the public clause-by-clause review of the bill.

35. That public education material be developed by the Office of the Clerk of the Legislative Assembly that describes the process for drafting, introducing and enacting legislation, and highlights the differing roles and authorities of Cabinet and standing committees.

7.2 Volume of Legislation

It is not unusual for a large volume of legislation to be referred to standing committees in the final year of a Legislative Assembly. Committee agreed that the 18th Legislative Assembly has been no exception to this rule. Sixteen bills, many of which are complex and lengthy, remained before standing committee heading into the final session of the 18th Assembly. Once referred to a standing committee after Second Reading, standing committees have 120 days to study the bill, conduct public hearings, propose amendments, and report back to the House. In most circumstances, this 120 days is adequate. However, for unusually complex or large bills, committee agreed that there may be merit in having a longer period of time to report. This is particularly the case when a large volume of legislation is already before a specific standing committee. In evaluating the current approach, committee discussed the potential benefits of categorizing bills in terms of their length and complexity and establishing different reporting timeframes for each. It also discussed the potential benefits of placing limits on the number of bills that can be referred to a single committee at one time.

Recommendation:

36. That the Consensus Government Process Convention on Standing Committee Review of Legislative Proposals be amended to establish longer reporting timeframes for complex or lengthy bills and place limits on the number of bill that may be referred to a standing committee at one time.

7.3 Regulations

Committee noted that there is currently no process for standing committees to review proposed regulations prior to their implementation, notwithstanding the fact that important matters of policy are often and increasingly deferred to these subsidiary forms of legislation. It was noted that some jurisdictions have provisions in their rules for standing committee or public review of regulations in their draft form. It was also noted that the high volume and complexity of many regulations would overwhelm standing committees if they were all referred for consideration.

During the review of the post-devolution environmental and resource management legislation, committee received numerous submissions from Indigenous governments, community governments, non-governmental organizations and business for involvement in the development of regulations. Unfortunately, there are very legal requirements for such involvement although the mirror legislation for oil and gas management does contain provisions for the publication of regulations in the Northwest Territories Gazette and that there will be a reasonable opportunity for public comment.

Recommendation:

37. That the 19th Legislative Assembly adopt a Consensus Government Process Convention on the consideration of draft regulations by the public and standing committee.

8.0 Conclusion

The committee is well aware that the newly elected Members of the 18th Legislative Assembly paid limited attention to the recommendation of its predecessor Assembly's Transition Committee recommendations. Nothing in this report should be construed as an attempt by Members of the 18th Assembly to reach into and fetter the discretion of the 19th Assembly. To the contrary, the recommendations included in this report were drafted carefully to provide the members of the next Assembly with the best advice it can offer based on the lessons learned over four years in office. It is the hope of the committee that the 19th Assembly will review its recommendations in the spirit in which they were offered. Consensus government is a unique and ever-evolving system of parliamentary democracy. We are confident that the next Assembly will identify many areas for improvement that were overlooked by this committee. This is as it should be.

The committee wishes to extend its very best wishes to all elected Members of the 19th Legislative Assembly. No matter what priorities the next Assembly sets out to achieve, it is our hope that our recommendations and advice will help to improve the underlying practices necessary to facilitate this important work.

The committee would like to thank all Members who took the time to attend and participate in its various meetings as well as the staff of the Office of the Clerk and the Executive who provided objective and thoughtful research and advice.

I would like to thank the Members of this special committee; the Member for Frame Lake, the Member for Great Slave, the Member for Hay River South, the Member for Kam Lake, and the Member for Nahendeh.

The Special Committee on Transition Matters commends its final report to the Legislative Assembly for consideration and offers its best wishes to the 19th Legislative Assembly.

Thank you, Mr. Speaker. I move, seconded by the honourable Member for Great Slave, that Committee Report 35-18(3) be received and adopted by the Legislative Assembly. Thank you, Mr. Speaker.

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

---Carried

Committee Report 35-18(3) is now received and adopted by the Legislative Assembly. Masi. Reports of standing and special committee. Item 13, reports of committees on the review of bills. Item 14, tabling of documents. Member for Yellowknife Centre.

Tabling of Documents

TABLED DOCUMENT 509-18(3):
DRAFT CODE OF CONDUCT AND GUIDE FOR
MEMBERS OF THE LEGISLATIVE ASSEMBLY

MS. GREEN: Mr. Speaker, hereby table the Draft Code of Conduct and Guide for Members of the Legislative Assembly of the Northwest Territories. Mahsi.

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

TABLED DOCUMENT 510-18(3):
DRAFT RULES OF THE LEGISLATIVE
ASSEMBLY OF THE NORTHWEST
TERRITORIES, AUGUST 2019

MR. O'REILLY: Merci, Monsieur le President. I wish to table the Draft Rules of the Legislative Assembly of the Northwest Territories, dated August 2019. Mr. Speaker, this document reflects the comprehensive review of the rules undertaken by the Standing Committee on Rules and Procedures to modernize our rules and to better reflect our current practices and procedures. Mahsi, Mr. Speaker.

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

TABLED DOCUMENT 511-18(3):
CAPITAL ESTIMATES 2020-2021

TABLED DOCUMENT 512-18(3):
GOVERNMENT OF THE NORTHWEST
TERRITORIES RESPONSE TO COMMITTEE
REPORT 19-18(3): REPORT ON THE REVIEW OF
THE 2017-2018 PUBLIC ACCOUNTS

HON. ROBERT MCLEOD: Thank you, Mr. Speaker. I wish to table the following two documents entitled "Capital Estimates, 2020-2021"; and "Government of the Northwest Territories' Response to Committee Report 19-18(3): Report on the Review of the 2017-2018 Public Accounts of the Government of the Northwest Territories." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 513-18(3):
2018 ANNUAL REPORT - OFFICE OF THE FIRE
MARSHAL

HON. ALFRED MOSES: Thank you, Mr. Speaker. I wish to table the following document entitled "2018 Annual Report - Office of the Fire Marshal." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 514-18(3):
REPORT ON SENIORS ACCESS TO
GOVERNMENT OF THE NORTHWEST
TERRITORIES PROGRAMS AND SERVICES

TABLED DOCUMENT 515-18(3):
WHAT WE HEARD REPORT - CONTINUING
CARE FACILITIES LEGISLATION FOR THE
NORTHWEST TERRITORIES

HON. GLEN ABERNETHY: Mr. Speaker, I wish to table the following two documents entitled "Report on Senior's Access to Government of the Northwest Territories Programs and Services"; and "What We Heard Report - Continued Care Facilities

Legislation for the Northwest Territories." Thank you, Mr. Speaker.

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

TABLED DOCUMENT 516-18(3):
NORTHWEST TERRITORIES POST-
SECONDARY EDUCATION STRATEGIC
FRAMEWORK 2019-2029

TABLED DOCUMENT 517-18(3):
OPERATING PLANS FOR NORTHWEST
TERRITORIES EDUCATION BODIES FOR THE
2019-2020 SCHOOL YEAR ENDING JUNE 30,
2020

HON. CAROLINE COCHRANE: Mr. Speaker, I wish to table the following two documents entitled "NWT Post-Secondary Education Strategic Framework, 2019-2029"; and "The Operating Plans for the Northwest Territories Education Bodies for the 2019-2020 School Year Ending June 30, 2020." Thank you, Mr. Speaker.

MR. SPEAKER: Masi. Tabling of documents. Item 15, notices of motion. Member for Yellowknife Centre.

Notices of Motion

MOTION 41-18(3):
ADOPTION OF CODE OF CONDUCT FOR
MEMBERS OF THE LEGISLATIVE ASSEMBLY

MS. GREEN: Mahsi, Mr. Speaker. I give notice that, on Friday, August 23, 2019, I will move the following motion: Now therefore I move, seconded by the honourable Member for Great Slave, that this Legislative Assembly adopt the Code of Conduct for Members of the Legislative Assembly of the Northwest Territories identified as Tabled Document 509-18(3). Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Notices of motion. Member for Frame Lake.

MOTION 42-18(3):
REPEAL AND REPLACE RULES OF THE
LEGISLATIVE ASSEMBLY OF THE NORTHWEST
TERRITORIES

MR. O'REILLY: Merci, Monsieur le President. I give notice that, on Friday, August 23, 2019, I will move the following motion: Now therefore I move, seconded by the honourable Member for Great Slave, that the Legislative Assembly repeal the Rules of the Legislative Assembly of the Northwest Territories originally adopted on May 27, 2015, and adopt the newest version of the Rules of the

Legislative Assembly of the Northwest Territories identified as Tabled Document 510-18(3);

And further, that the new Rules of the Legislative Assembly of the Northwest Territories, upon adoption of this motion, come into effect August 23, 2019. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Notices of motion. Member for Frame Lake.

MOTION 43-18(3):
EXTENDED ADJOURNMENT OF THE
HOUSE TO OCTOBER 24, 2019

MR. O'REILLY: Merci, Monsieur le President. I give notice that, on Friday, August 23, 2019, I will move the following motion: I move, seconded by the honourable Member for Great Slave, that notwithstanding Rule 4, when this House adjourns on Friday, August 23, 2019, it shall be adjourned until Thursday, October 24, 2019;

And further, that any time prior to October 24, 2019, if the Speaker is satisfied, after consultation with the Executive Council and Members of the Legislative Assembly, that the public interest requires that the House should meet at an earlier time during the adjournment, the Speaker may give notice and thereupon the House shall meet at the time stated in such notice and shall transact its business as it has been duly adjourned to that time. Mahsi, Mr. Speaker.

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

MOTION 44-18(3):
DISSOLUTION OF THE 18TH LEGISLATIVE
ASSEMBLY

MS. GREEN: Mr. Speaker, I give notice that, on Friday, August 23, 2019, I will move the following motion: Now therefore I move, seconded by the honourable Member for Great Slave, that this Legislative Assembly request the Commissioner of the Northwest Territories to dissolve the 18th Assembly of the Northwest Territories on August 31, 2019, to permit polling day for a general election to be held on October 1, 2019;

And further, that the Speaker transmit this resolution to the Commissioner. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. Notices of motion. Item 16, notices of motion for first reading of bills. Item 17, motions. Item 18, first reading of bills. Item 19, second reading of bills. Item 20, consideration in Committee of the Whole of bills and other matters: Bill 45: Corrections Act; Committee Report 29-18(3): Standing Committee on Economic

Development and Environment Report on the Perceptions Held by Northern Businesses toward the Government of the Northwest Territories' Procurement Processes; Committee Report 32-18(3): Standing Committee on Economic Development Committee Report on the Process Used for Devolution Legislative Initiatives; Committee Report 34-18(3): Standing Committee on Social Development Report on the Review of Bill 45: Corrections 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; and Tabled Document 51-18(3): Follow-Up Letter for Oral Question 819-18(2) Yellowknife Airport Hours of Operation. 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 Sahtu in the chair.

Consideration in Committee of the Whole of Bills and Other Matters

CHAIRPERSON (Mr. McNeely): I now call committee to order. What is the wish of committee? Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Committee would like to consider Committee Report 34-18(3): Standing Committee on Social Development Report on the Review of Bill 45: Corrections Act; Bill 45: Corrections Act; Committee Report 29-18(3): Standing Committee on Economic Development and Environment Report on the Perceptions Held by Northern Businesses toward the Government of the Northwest Territories' Procurement Processes; and Committee Report 32-18(3): Standing Committee on Economic Development Committee Report on the Process Used for Devolution Legislative Initiatives. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Testart. Committee, at this point, we will call a short break. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. McNeely): Thank you, committee. We will take a break and resume later at the call of the chair. Mahsi.

---SHORT RECESS

CHAIRPERSON (Mr. McNeely): I call committee back to order. Committee, we have agreed to next consider Committee Report 34-18(3), Standing Committee on Social Development Report on the Review of Bill 45, Corrections Act. I will go to the

chair of the Standing Committee on Social Development for any opening comments. Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chair. I will be really brief. First of all, I would like to thank the department and their staff. As we move forward, it was a really good effort from the department and the Minister to work with the committee and our Legislative Assembly staff. There were a lot of hours on Saturdays and Sundays and late evenings that they worked hard through to improve this bill.

When we were talking about it, we were concerned that we may not be able to bring this bill forward, but I have to thank the Minister and his staff and the Legislative Assembly staff and committee, again, for the hard work. It was about consensus and working together, and it was amazing, the product that we were able to come out with. As we talk to some of the other people, we feel that this bill is something that is even better than if we had waited until the 19th Assembly.

Again, I would like to thank the Minister for his work and his commitment with his staff and the Legislative Assembly staff and committee staff for their work to make this a better bill for the residents of the Northwest Territories. Other committee Members may have other comments at this time, but those are my comments. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Thompson. I will now open the floor to general comments on Committee Report 34-18(3). Members? Mr. Vanthuyne.

MR. VANTHUYNE: Mr. Chair, I just wanted to take this opportunity to really extend my appreciation to the committee for the work that they have undertaken. I do want to recognize that they have kept other Members informed as they were moving along through the process. At one point in time, there was genuine concern about this particular bill and its content, so I wanted to commend the committee for the work that they have done to reach out to particular stakeholders that provided some critical feedback and critical information that I think helped the committee moved this bill forward in a more progressive fashion that got it where it is today.

Again, I just really wanted to take this opportunity to extend my thanks and appreciation to the efforts of the committee and, of course, to the department for appreciating what concerns the committee had brought forward and working collaboratively to get it to where it is today. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Vanthuyne. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. It has been a real journey with the Corrections Act. The committee was a little dismayed, I think it is fair to say, by the bill in its original form, and we didn't find that there was a huge amount of public interest in it when we did our public hearings, but we really benefited from the expert advice that I was able to round up through the BC Civil Liberties Association; Mary Campbell, who is the former Director General of Corrections for Canada; the Canadian Bar Association NWT Chapter; Lydia Bardak, who, as you may know, was the ED of the John Howard Society for many years; as well as the Information and Privacy Commissioner.

With all those inputs, we were able to refocus the bill away from a primary focus on the administration of corrections and to make it more inmate-centric; so how exactly do we take care of inmates when they are in one of our correctional centres, and how can we assist them in turning their lives around so that there is hope for a better future?

It was really beneficial to us that the Minister of Justice and his staff and our staff worked so well together to accomplish very extensive and useful changes to this bill, which makes it now equivalent to Corrections Acts anywhere across the country. I would really like to thank the Minister and his staff, our staff here at the Legislative Assembly, and my colleagues on the Social Development Committee for the many hours of work that they did on this bill to bring it to where it is now.

I used to say to people while this was going on that this was the bill that kept me up at night. After waiting 43 years for it to be thoroughly overhauled, we needed to do a really good job, so that it would last another 43 years. While I was initially doubtful that that could be done, it was done, and I am very proud of the result. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Ms. Green. Mr. Nadli.

MR. NADLI: Thank you, Mr. Chair. I wanted to highlight some comments. First of all, I wanted to thank the Members of the Standing Committee on Social Development, my colleagues, and of course, our committee was led by my colleague, Mr. Shane Thompson, the Member for Nahendeh. Also, recognizing the members of the public that attended the public meetings and wrote to the committee. Of course, last but not least is the Minister and the department and their staff, for working collaboratively with the committee. This discussion would not be possible without their cooperation and assistance.

In short, we received the draft LP that was referred to this committee. We did the public rounds of consultations, and what we found is that, if the

department and committees work together collaboratively, things can happen. Good things can happen. Such was the case when we went through this stuff at the clause-by-clause and then doing the report, and here we are.

As my colleague pointed out, Bill 45, when it was first proposed, was an old legislation that needed to be updated, and my initial thoughts on that were that, basically, it will be a cut-and-paste exercise and that, in the end, the status quo will prevail. My expectations were such.

I am realizing, too, that being aware that most of the correctional institutions that we have, not only here in northern Canada, but all over Canada, the majority that are housed in those institutions are Indigenous people. With that in mind, too, I think, last winter, we also received letters of grievances and concerns from inmates. I think that we had to listen to those issues and bring them to the forefront and try to, at least, make a difference. That being said, we also are reminded of the Auditor General of Canada's report on the lack of programs and services for inmates in these institutions.

Juxtaposed with that, of course, we have the Truth and Reconciliation report that highlighted the sad and tragic legacy of residential schools and, at the same time, highlighting the whole tragedy of missing and murdered women. Largely so, if we observe the history of Indigenous people with justice, the system that we have now is very punitive. It takes a punitive approach with people who take on deviant behaviour or non-conformist behaviour that goes against society and basic law. They are incarcerated and experience the whole idea of shame. That is basically how we deal with criminals in society generally.

I am encouraged that this legislation, the exercise that I have seen with my own eyes, offered me a glimpse of hope that reconciliation indeed could happen with this government. What we have achieved to some degree is a level of public oversight on how inmates are treated, and it also offers some elements of regulations to ensure that we have a fair and transparent system in place for inmates, but most importantly, it is a model of collaboration between the committee and the department, and we worked together. There's a commitment and passion on both sides, and if you have that, some good things happen. I think some good things happened during this exercise, and I'm glad that I was part of this process, and I could proudly say that I think we have come up with a good draft that would shine a light on possibilities and hope for inmates who are incarcerated in all these institutions. Mahsi.

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

MR. O'REILLY: Thanks, Mr. Chair. I'd like to thank the committee for letting me sit in on some of the deliberations they had in Yellowknife around Bill 45, and I want to thank the committee. I think this is a clear example of how consensus government can and should work.

I know that at one point there were actually almost no, or virtually no, written submissions that the committee had received, and I want to recognize the work of my colleague the honourable Member for Yellowknife Centre in seeking out some expert reviews of the bill. She certainly went the extra distance, and that's the kind of job that we should all be doing here as MLAs to ensure that legislation gets a thorough review and that it reflects best practices.

As I understand it, this is the first time the Corrections Act has ever actually gone through a comprehensive review. The original bill, I think, as others have said, was really focused largely on administrative matters. Certainly, through the committee's work, and I think with the advice of some outside experts, the focus is much more on inmates, a more balanced approach, their rights and interests. There was a lot of experience that was gained from what happened in Nunavut in the recent review of their legislation, as well. I think it much better incorporates the concepts of reconciliation and provides some oversight.

It also deals with the devastating effects of solitary confinement which Canada is not having a very good track record on. There are some very good changes that have been made to this bill, and as I understand it, there were 32 motions raised by committee, and all of them were concurred with by the Minister. That's an amazing track record, quite frankly, and I wish that all of our standing committees had received that level of collaboration and cooperation. Unfortunately, that is not the case, but here's an example, I think, of how consensus government could be made to work. It's not about getting your way. It's about making sure that we can work together and do things in the best interests of all of our residents. Unfortunately, I don't think that's been the experience with a number of the other bills that we've dealt with, but I do, again, want to thank the committee for their very hard work, and work of the Minister and his staff.

I did actually get to sit in on one meeting where the deputy minister and a couple of other staff people were there. The attitude that they took was, if the committee had a concern or an issue, let's see how we can fix this. It was a "can do" approach, and unfortunately, that kind of approach was not brought to the table in a number of the other bills

that I've sat in on, but here's a model of how it can and should be done in the future. I once again want to commend the work of the standing committee. Thank you, Mr. Chair.

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

MR. TESTART: Thank you, Mr. Chair. I think you can summarize the feelings of Members, at least on this side of the House, to say this process that led to the committee's process around this bill was a triumph of consensus. It does draw to mind the previous work that this department and this Minister did on the ATIP Act, starting with a bill that was largely updates, and now has ended up being some of the most progressive legislation in Canada governing that topic, and I'm a firm believer in credit where credit is due. I think, in this case, learning from my colleagues, that there was a lot of give and take, a lot of cooperation, and ultimately a better bill that better serves our residents. I commend the committee's hard work. I commend the Minister's hard work, and the staff who collaborated to make it happen. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Testart. Mr. Blake.

MR. BLAKE: Thank you, Mr. Chair. I'd just like to thank our committee members who were part of the committee. Our committee took a real stance on the changes that needed to be done. At first, the department wasn't willing to. Our committee took the stance that we're not going to move on this bill the way it stands, and that led to a lot of changes to the bill that we now have, and I commend the Minister and the department for being willing to make those changes, and especially to our law clerk and their legal team that spent a lot of time, over a time of about a week that made all these changes that committee wanted to see into this bill, that final draft that we have here today. I'd just like to commend everybody who is part of that, our committee members, chair, and also the Minister, working together for the betterment of our residents in the territory to have justice and to be treated fairly. I would just like to thank everybody for their hard work and dedication. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Blake. Any further comments? Seeing none, we will recognize Mr. Thompson for closing comments. There are six motions. Six motions, and we will move to the chair of the committee.

COMMITTEE MOTION 237-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 45: CORRECTIONS ACT – PRIVATE
INTERVIEWS BETWEEN INMATES AND
INDIGENOUS ELDERS OR SPIRITUAL
ADVISORS, CARRIED

MR. THOMPSON: Mr. Chair, I move that this committee recommends that the Department of Justice explore the possibility allowing for private interviews between an inmate and a facility's Indigenous elder or spiritual adviser subject, to reasonable restrictions. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you. There is a motion on the floor and it is being distributed. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? Ms. Green.

MS. GREEN: Thank you, Mr. McNeely. I just wanted to say to this motion that one of the things that we really liked about the Nunavut Act, the Corrections Act, was that it had a significant cultural context in it reflecting the culture and language of the Inuit. We felt that by what we could do to reflect that in the Northwest Territories is to find a role for elders and spiritual advisers. They do exist there now, and they operate in group settings. We felt that the opportunity for private interviews may also be beneficial to inmates. That's the background to this decision. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Ms. Green. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

To the next motion. Mr. Thompson.

COMMITTEE MOTION 238-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 45: CORRECTIONS ACT – NEEDS-BASED
ASSESSMENTS FOR INMATES, CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that this committee recommends that the Department of Justice conduct needs-based assessments for all inmates;

and further, that the assessments be conducted in a manner that is timely relative to an inmate's release eligibility;

and furthermore, that the assessments take into account Gladue and other factors such as an inmate's disabilities;

and furthermore, that the department explore additional measures to encourage all inmates to participate in suitable programming, including offering new incentives.

Thank you, Mr. Chair.

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

MS. GREEN: Thank you, Mr. Chair. The background to this motion is that we wanted to expand the kind of information that was taken in for assessments so that it was not just the security risk that the inmate posed to the facility and the staff but also what were their own capacities and limitations. Gladue, for example, is the set of factors that courts take into account in sentencing inmates, that recognizes that they may have disabilities and they may have factors in their lives that have caused them trauma and difficulty which have really formed their character and need to be taken into account, and so we thought that broadening the assessments to take into account the Gladue factors and other important elements of an inmate's life would give them a better experience of the programming that is offered in the correctional facilities.

We recognize that the assessments of people on remand and the programming opportunity for people on remand are not always the same as they are for inmates, so the idea of offering incentives for programming is to have those people on remand engage in programming which may address some of their most fundamental issues and steer them away from a repeat visit to the correctional centre. That is the background on this motion. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Ms. Green. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Chair.

COMMITTEE MOTION 239-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 45: CORRECTIONS ACT – PRIORITIZATION
OF WORK PROGRAMS, CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that this committee recommends that the Department of Justice prioritize work programs that are responsive to community needs, subject to necessary safety and security restrictions. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you. The motion is on the floor. To the motion. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. In our public consultations, we heard community members speak positively of inmates doing work in their communities when they were incarcerated, that they were part of work programs and they did good volunteer work in the, or it was not necessarily volunteer, but good work in the community. It could be cutting lawns. It could be shovelling sidewalks. It could be stacking tables after a public event. The public consultation also indicated that people felt that was a very positive thing, to connect the community and the inmates together around a constructive activity, and they lamented that this program has really fallen off in recent years. We learned that the major reason that it has fallen off is that many more inmates are on remand rather than sentenced.

The corrections staff has said that they posed some security risk on remand that is not the same as when they have been sentenced, and so this component of programming has really been reduced in recent years. We heard clearly that people would like to see it come back, subject to necessary precautions. The background to this committee motion is to reflect what we heard, that the work programs were useful and that people would like to see them reinstated. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Ms. Green. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Chair.

COMMITTEE MOTION 240-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 45: CORRECTIONS ACT – SECURITY
ASSESSMENT TOOLS, CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that the committee recommends that the security assessment tool used by the correctional service be objective, structured, and empirically defensible, and that a risk assessment tool that considers the unique realities of Indigenous inmates be developed and used. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Thompson. The motion is on the floor. To the motion. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. Security assessment tools are standard practice in correctional facilities, and the concern that this particular recommendation addresses is that the assessment tool be particularly inclusive of the realities of Indigenous inmates, that, particularly, corrections staff look for security assessment tools that are culturally more appropriate than a standard tool that may be developed and used on a Caucasian population. We recognize that there are different tools, and we are encouraging with this motion that corrections finds and tries tools that may be more appropriate to the NWT inmate population, which is overwhelmingly NWT Indigenous peoples. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Ms. Green. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Thompson.

COMMITTEE MOTION 241-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 45: CORRECTIONS ACT – VICTIM
SERVICES, CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that this committee recommends that the Department of Justice invest adequate resources into victim services to ensure public awareness of these programs; and further, that the victim services staff are in a position to inform victims of details pertinent to their well-being and safety, including cases where a person remanded in custody is released by the courts. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): The motion is on the floor. The motion is in order. To the motion. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. We recognize that the Department of Justice is currently reviewing its victim services program and that there may be recommendations in that review that improve the service that is being offered, and so this motion really speaks to that, that the victim services staff in given communities are able to serve the needs of victims, not only by providing information about inmates but also by providing information about people who are on remand, so that the victims are aware of basic information about the person being released and to where and so on. More details about this are in the bill, but this is just more generally about the service behind the delivery that is outlined in the bill, to victims of those who are in correctional facilities. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Ms. Green. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Thompson.

COMMITTEE MOTION 242-18(3):
STANDING COMMITTEE ON SOCIAL
DEVELOPMENT REPORT ON THE REVIEW OF
BILL 45: CORRECTIONS ACT – GOVERNMENT
RESPONSE TO RECOMMENDATIONS, CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that this committee recommends, 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, and that the committee may publicly disclose. Thank you, Mr. Chair.

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

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Thank you, committee. Do you agree that we have concluded consideration of Committee Report 34-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. McNeely): Thank you, committee. We have concluded consideration of

Committee Report 34-18(3), Standing Committee on Social Development Report on the Review of Bill 45, Corrections Act. Committee, do you agree to consider Bill 45, Corrections Act?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. McNeely): Thank you. I will ask the Minister responsible to introduce the bill. Minister Sebert.

HON. LOUIS SEBERT: Thank you, Mr. Chair. I am here today to discuss Bill 45, Corrections Act. The purpose of Bill 45 is to repeal and replace the current NWT Corrections Act, which is over 40 years old.

The changes proposed are intended to update NWT corrections legislation to bring it into line with the evolution in corrections over the past several years and incorporate the reformed practices and approaches that have emerged at the national and international levels.

The bill makes a number of improvements to the current legislative framework of the corrections system in the areas of accountability, supporting the rehabilitation of offenders and their reintegration into the community, reducing the risk of reoffending, and keeping our communities safe.

The bill recognizes the unique cultural background, historic legacy, and experience of offenders in the NWT and sets the framework for incorporating these elements into the rehabilitation process. The bill also includes operational improvements in the areas of risk management and security, quality assurance and monitoring, and staff training.

Significant changes being proposed in the new act include:

- provide for the establishment of independent community advisory boards;
- facilitate the involvement of Indigenous governments in the delivery of corrections programs and services;
- clarify the link between case planning and programming for remanded persons, sentenced offenders in facilities, and offenders in community-based corrections;
- establish oversight by an investigations and standards office and provide for independent decision-making in disciplinary matters and the use of separate confinement;
- increase authorities related to the search and monitoring of those in a correctional centre or seeking to enter a correctional centre;

- provide for the establishment of a notification program that respects the rights of victims and includes a victim-offender mediation program;
- clarify the rules relating to the appropriate use of separate confinement, including fixing time limits, providing for independent oversight, and specifically defining the authorities for placement; and
- provide for the development of a corrections employee code of conduct that employees and service providers are required to follow.

I would like to thank the Standing Committee on Social Development for their thorough review of this bill. I would also like to thank our respective officials for their collaboration and for going above and beyond to find mutually agreeable solutions that have enhanced and improved the bill. I would be pleased to answer any questions that Members may have regarding Bill 45. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Minister Sebert. I will now turn to the chair of the Standing Committee on Social Development, the committee that considered the bill, for opening comments. Mr. Thompson.

MR. THOMPSON: Thank you, Mr. Chair. I will, again, be very quick. Again, I would like to thank the Minister, his staff, Legislative Assembly staff, and committee for all of the hard work that was done. Again, like the Minister has said, I think that the department staff and the Legislative Assembly staff went above and beyond. There were lots of long hours, but it was amazing to watch them work to achieve this great bill in front of us. I say it is a great bill because I think, as we have talked about it, it was something that I don't think that we would have been able to see in the 19th Assembly. I think it was a lot of good work.

Again, I would just like to thank everybody who was involved. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. Is this a good time to do opening comments on the bill, or wait until the witnesses are here?

CHAIRPERSON (Mr. McNeely): Thank you, Ms. Green. We will have the floor open to comments later, after the Minister and witnesses have taken a chair. Thank you. Minister, would you like to bring witnesses into the Chamber? Sergeant-at-Arms, please escort the witnesses into the Chamber. Minister, please introduce your witnesses.

HON. LOUIS SEBERT: Thank you, Mr. Chair. I am pleased to have witnesses with me. To my right is

Martin Goldney, deputy minister of Justice, and to my left is Mike Reddy, director of Legislation Division, Justice. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Minister. I will now open the floor to general comments on Bill 45. Ms. Green.

MS. GREEN: Thank you, Mr. Chair. I would like to add to the Minister's opening comments about some of the substantive changes that were negotiated and agreed to in the clause-by-clause review. As one of my colleagues mentioned, there were 32 motions, and it is certainly not my intention to go over all of them.

Some of the significant changes to the bill included a statement of purpose for the bill and guiding principles, a statement of victims' rights, and the inclusion of the development and offering of both general and rehabilitative programs that would be offered to both sentenced and remanded inmates. This was really a key demand of all those letters that we received, as referenced earlier, from inmates in the fall of, I think, 2017.

The bill also established minimum living standards for inmates. It talks about the use of force and security assessments. It now makes a distinction between separate confinement and solitary confinement. The difference there is that solitary confinement has a disciplinary element. It provides for adjudicators for disciplinary matters and also a complaints process. We will be seeing, going forward, an annual report from Corrections on a number of different matters that are contained within this bill.

This is a better bill from having worked together, and with the witnesses here, especially the deputy Minister, I would like to express my thanks for their problem-solving approach to this bill. I think that we all ended up with a better piece of legislation as a result. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Ms. Green. Minister Sebert.

HON. LOUIS SEBERT: I would like to thank committee Members for their comments today. An awful lot of work did go into this, and that is why we have the improved product that is before us today. I, too, would like to thank the staff who worked so hard on this and the committee Members who contributed significantly. As I say, the bill is much better, and it is something that we all can be proud of. Thank you.

CHAIRPERSON (Mr. Blake): Thank you, Minister Sebert. Ms. Green.

MS. GREEN: Nothing further. Thank you.

CHAIRPERSON (Mr. Blake): Thank you, Ms. Green. Next on the list, we have Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. I, for one, am glad to see the old act being changed, taking into account the number of problems and concerns and phone calls and interactions we have within our smaller communities particularly, in the areas of social development and victims of abuse. As my colleague from the Deh Cho had mentioned earlier, trauma experienced during the residential school, that environment really adds to program delivery, as mentioned in the summary of the act or the bill, with the statement: the new act focuses less on punishment and more on rehabilitation and community reintegration of the offender. What is missing there is reconciliation during incarceration, and I feel comfortable by the opening comment by the Minister that there will be a wide range of improvements to the current framework of the corrections system in the area of programming and counselling.

One of the many things that I continue to support is on-the-land programming, as the department has had programs in the past, and, from what I have heard, there were a number of success stories on the offenders coming out of these on-the-land camps, connecting themselves back to their culture under that environment and moving ahead. At the appropriate time there, I would like to talk a little bit more about one of the experiences on the establishment of the Gladue Report. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. McNeely. Minister Sebert.

HON. LOUIS SEBERT: Again, I would like to thank the Member for his comments, and I don't want to repeat what I have already said again. We are proud of this piece of legislation. Thank you.

CHAIRPERSON (Mr. Blake): Thank you, Minister Sebert. Any further questions from committee? Seeing none, does committee agree that there are no further comments?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Thank you. Committee, we can proceed to a clause-by-clause review of the bill. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Thank you, committee. We will defer the bill number and title until after consideration of the clauses. There are 60 clauses in the bill. We will consider clauses in groups. Please turn to page 10 of the bill.

---Clauses 1 through 39 inclusive approved

Mr. Thompson.

COMMITTEE MOTION 243-18(3):
BILL 45: CORRECTIONS ACT – AMEND CLAUSE
40.1(5), CARRIED

MR. THOMPSON: Thank you, Mr. Chair. I move that Bill 45 be amended by adding the following after subclause 40.1(5):

(6) On appeal under subsection (5), the Director of Corrections may confirm, quash, or reduce any period of separate confinement imposed by the adjudicator.

Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Thompson. A motion has been made. The motion is being distributed. Ms. Green.

MS. GREEN: Thank you. The Director of Corrections wanted to retain the ultimate authority over discipline in the correctional facility, which we understand. What we have here is an independent adjudication process. It will receive oversight by the Director of Corrections, but the key phrase here is that the director "may confirm, quash, or reduce" the periods of separate confinement, but he cannot or she cannot increase it. So this is a way to meet the needs of both the independence of the adjudicators and the need for the correctional facility to retain the ultimate authority over separate confinement. Thank you.

CHAIRPERSON (Mr. Blake): Thank you, Ms. Green. Minister Sebert.

HON. LOUIS SEBERT: Thank you, Mr. Chair. Cabinet will be supporting this motion. Thank you.

CHAIRPERSON (Mr. Blake): Thank you, Minister Sebert. Any further questions from committee? Seeing none. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Thank you. To clause 40.1 as amended, does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Thank you.

---Clauses 40 through 60 inclusive approved

We will now turn to the bill number and title. Bill 45, Corrections Act. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Thank you, committee. Does committee agree that Bill 45 is now ready for third reading?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Bill 45 is now ready for third reading as amended. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Thank you. Committee, does committee agree that this concludes our consideration of Bill 45?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Thank you. Thank you, Minister, and thank you to your witnesses. Sergeant-at-Arms, please escort the witnesses from the Chamber. Committee, we have agreed to next consider Committee Report 29-18(3), Standing Committee on Economic Development and Environment Report on the Perceptions Held by Northern Business toward the Government of the Northwest Territories' Procurement Process. I will go to the chair of the Standing Committee on Economic Development and Environment for opening remarks. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. In August of 2018, the standing committee conducted a survey focused on procurement-related policies and processes. This survey was undertaken in response to concerns that had been raised by various business owners and operators. Committee received responses from businesses of all sizes, representing a wide variety of industry sectors from the Beaufort-Delta, North Slave, and South Slave regions of the NWT.

Northwest Territories businesses raised various issues amongst which conflicting policies and practices were a key concern. For instance, businesses note that the government's lowest bid rule and standing offer agreements may conflict with the intent of the Business Incentive Policy. Collaboration between government and vendors is another key concern of business. Multiple local businesses felt disadvantaged in the competition for contracts with government because they saw a limited understanding of the unique situation of northern businesses reflected in the government's invitations to tender.

The feedback received by committee shows that Northwest Territories businesses have concerns focused on four key themes: first, increasing consistency, clarity, and transparency in the procurement system; second, attracting local

vendors more effectively; third, understanding NWT business capabilities better; and fourth, integrating mechanisms and services to contribute to the successful delivery of the contract.

Mr. Chair, committee would like to thank all those who participated in the survey for sharing their experiences and providing substantial recommendations. At the appropriate time, I will have motions to move the recommendations. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. I will now open the floor to general comments on Committee Report 29-18(3). Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. The subject matter of this report is near and dear to the hearts of the business community in my riding of Kam Lake. I am regularly copied on e-mails from many businesses who are involved with government procurement, expressing their frustration around procurement practices. I have raised many of those issues on the floor of this House, asked questions in question period. Unfortunately, the answers received often ended in "We don't have problems with procurement. We don't have problems with BIP. We will explore options, but we think everything is fine." That didn't sit well with me, and I don't think it sat well with my colleagues on the Standing Committee of Economic Development and Environment.

As we were in a position to take the initiative and pursue some areas of study on our own because no legislation was coming forward, this was a top priority of the committee to do its own independent research on it. That started by directly reaching out to stakeholders who interact with the government's procurement and supply system and ask them what they thought of it. It wasn't just Members. It was actually constituents, business owners, Northerners. The results are contained in this report.

I think it is a very good report. Not only did we go straight to the people who are most concerned, we ensured anonymity to allow truthful, honest answers without fear of reprisal, and we had a very excellent expertise analyze those results and put it into a very clear narrative. Anyone can pick up this report and read it and see exactly what our business community thinks about our system. That is a very useful tool. I am very thankful of our chair and of my colleagues on the committee for bringing forward this work.

The two substantive recommendations made in the report are other issues I have brought forward, as well. They haven't had much uptake from the Minister responsible or the government. I hope that

a response is provided and we can actually move forward. No one is going as far as to saying the procurement system is broken. What is being said is that it needs improvement. Any system needs improvement.

My mind turns back to a common problem with public procurement in Canada and other western democracies where a decision was made to shift procurement away from expensive, government-owned procurement sources and go to the private section with an interest of driving down cost for taxpayers. Largely, procurement policies that are trying to reduce cost to the taxpayer have been successful, but we have maximized that efficiency. We have gotten the cost down to as low as it possibly can be. What we aren't looking at is how to maximize benefits to our local economy and to northern businesses. That is something that we have some policy clarity on, but it is murky as to how it actually operates and how it benefits.

I think in our government's case in particular, we need to focus on that economic development piece more so than reducing the costs to government, especially when our economy is downturned and hasn't recovered since 2007. It is not going to recover unless we provide some much-needed stimulus. The efforts to date, the great amounts of infrastructure spending, aren't making a big enough difference to get our economy back on track and restore prosperity to the Northwest Territories.

We have to look at other tools. Members have proposed procurement as one of those tools for stimulus. It simply hasn't happened. I hope the 19th Assembly will heed these lessons, follow the discussions and debates of our Assembly, and look at the recommendations in this report and make much-needed improvements to how procurement works in the Northwest Territories. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Testart. Next on the list, we have Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Chair. First, I would like to thank our staff for putting this together. The committee had the idea of doing this report at a time when there wasn't too much of a workload. Soon after that, we received probably the biggest workload that any committee has received since the division of the territory. I was a little concerned this might fall to the wayside, but somehow, our staff managed to analyze the responses from the 19 different businesses and put it into a coherent report. I really appreciate that, and I really thank them for that.

I want to thank the businesses, as well. As the Member mentioned, we did reach out to businesses. I went to businesses in my

constituency who had brought procurement concerns forward. There wasn't a lot of uptake on the survey. That is because people have given up providing information to government, I guess, because they respond to these surveys. They go to the meetings and express their concerns and nothing seems to change. I had to do my best to convince them that we are not the government, we are the Legislative Assembly, and that this was a way to help bring their concerns forward and get them down in writing.

This report is written in a way that is very civil. A lot of the responses that we received weren't that civil. There was some colourful language in some of them. That just shows that there was a lot of frustration bubbling up because people felt like they weren't heard.

I think that this is going to be valuable going forward. I really believe that the appropriate people in the Department of Finance and ITI and Infrastructure need to take a look at this just to inform themselves moving forward. I think that those who are incoming to the next Assembly should pick this up, as well, and read it so they don't have to hear the complaints over the course of a number of years to understand what is going on. They have it right at their fingertips.

Once again, I just want to thank everyone involved. I am hopeful that this document will help improve the system and bring some more benefits to Northerners. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Simpson. Any further questions? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I, too, would like to commend our committee and staff for the work that was done. I have had concerns raised with me about procurement practices here in the Northwest Territories. When some of these issues have been brought to the floor, the Minister hasn't been terribly receptive. I guess committee felt that we just couldn't wait any longer for anything to be done.

We had a retreat in Norman Wells. Certainly, I said to the committee, "Look. If we are serious about this work, we have to do something about it." A survey was conducted, and I'm glad to see this work come out for the public to see, as well.

For me, what I've seen is an increasing trend towards large P3 projects, public/private partnerships. These are very complex arrangements, very difficult to understand, large amounts of money involved, but there doesn't seem to be any Northern benefit requirements built into the contracting or the arrangements that are put in place around these.

Stanton renewal, the new hospital is in my riding, and I was hearing complaints about the lack of jobs, training, and apprenticeships for Northerners. I think that is something that we need to focus very clearly on. I had hoped that the report would draw that out a little more clearly but, of course, it really reflects what we heard. Certainly, one of my main concerns is ensuring that we build in Northern benefit requirements into these large infrastructure projects, particularly P3s, so that there are Northern employment, training, apprenticeship requirements.

I do want to compliment the Minister of Infrastructure. I think it was Infrastructure or Finance. Last week, talked about the work that is going to be undertaken on the Ticho all-season road. He said that there were going to be northern benefits requirements. I've asked him for more information on that. I'm looking forward to getting it tabled in the House before the end of the sitting, but that's an example of what we can and should be doing.

I hope that our Cabinet colleagues will take this report and its recommendations in the spirit in which it's offered to improve our current approach and policies and practices, and actually take some action on them. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. Next, we have Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. Further to my opening comments, I just wanted to add a few more remarks. We recognize that this government is rather large, and it spends big sums of money. It does it through a number of various departments and projects. It does it in a number of various forms; public tenders, requests for proposals, standing offer agreements, and even sole sourced opportunities. As my colleague from Frame Lake mentioned, we are starting to delve more and more into P3 contracts.

I think what's important is that we recognize that each one of these areas has its own numbers of challenges, and that we simply have to start to accept that there are these challenges and admit, first of all, that they are, in fact, hindering small business; and further admit that we need to review these policies and processes. That's essentially been the ask from a number of Members throughout this four-year term, is to say, look, we're telling you that this is hindering small business. We need to collaborate and work with small business and various enterprises to get this right.

Essentially, what you're going to hear at the appropriate time later today is that we want to see a collaborative process with industry in improving these procurement policies and processes, and essentially taking on a review of them so that we

can improve them, and get back to utilizing them in the way in which they were intended. While I appreciate the government has its own interest in terms of how it needs to spend its funds in the best interests of the public at large, there's also got to be a degree of understanding that a lot of local economy relies on government spending, so we've got to do it the right way. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. Next, we have Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. I recognize the work that went into the report on how to improve or design or review the practices done in the procurement department.

Over the course of my term, one of the biggest concerns I heard from the business community in our area is on the timely submissions or replies to the RFPs or RFQs or tenders that went out there because they had to submit their tender package in the mail, or couriered to the district office or the regional office. That resulted in some cases of a loss to the business, that they couldn't get their bid submission in on time. That was eliminated by having the Department of Infrastructure after it merged with Transportation and PWS to setting up a permanent regional office in Norman Wells, and I've never received a phone call since. That tells me that something is working, and these tender packages or tender opportunities that are submitted by the largest supplier in the territory in the absence of industry, we have heard many times, or I have heard many times, government that's stable, government that's here, government's not going anywhere, and we can rely on their opportunities for services and capital projects.

At the same token, the concerns were self-evaluated and self-addressed by most of the business communities saying, we, too, have to meet the government halfway and have competitive rates to fall within the budgets that have been set in these different projects, taking into account multi-year, seasonal access, and some unforeseen designs that may occur from project-to-project.

On the basis of the procurement process and taking into account also the provisions that we have in our land claim which addresses the opportunities of negotiated contracts and sole source contracts as per the land claim agreement, and as well as the negotiated contract policy and sole source and policy, the opportunities are there. The policies are there. The system is designed to help. Now, we've just go to educate the business community. We have to be cost competitive, and we also have to take into account best value for dollar, and the safety and schedule of the project. We don't want to encourage the operator to run a high-risk work environment that may result in termination of the

project if there was a site audit conducted by the Workers Safety Commission Board. Those are additional factors taken into account, but as far as I can see, the system is there. It's working. It may need a little tweaking applicable to the various regions that are out there. Different regions have different cost methods and different access of supplies needed to complete the project. Those are my comments there, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. McNeely. Next, we have Mr. Thompson.

MR. THOMPSON: First of all, I'd like to thank the committee for taking the opportunity to get out there and look at this issue and come up with a report.

My big concern, and I've heard this from numerous people in the southern part, is that some regions get negotiated contracts, and other regions do not; especially on the big projects. They are really concerned about that. I've seen two projects in the south that would have cost \$17 million for two projects that went down south. Limited, and I mean limited employment, and it saved the government \$982,803.41. That's what it saved the government. The government was willing to let \$16,645,870.60 go down south. There may have been a little bit of work for Northerners there, but limited.

Again, what we are seeing is depending on what region you are in is where the program is going, and where the negotiated contract is and sole source. I think that government needs to be looking at how it has an impact when we are offering these big contracts. If we don't spend the money in the territory, we are going to see companies leave. With the cost of living, they can't afford to do it.

That also, then, means that jobs are going to go away. If jobs go away, social income becomes more prevalent, which has an impact on families. It saddens me that this government doesn't see this. They see the bottom line. They see some money being saved, and that's all it is.

When I talk to businesses in the riding I represent and companies in the south, they are very concerned. The economy is going bad in the south, so we are seeing contractors from down south come up with their own accommodations, their own food, their own fuel, and hiring limited people working on projects. You see companies from up here watching these people doing the work that could have been done by us.

Again, I would like to thank the committee for the work that they did in getting the surveys out. From my understanding, there were 19 responses. I think that the committee did a great job, and they have some good recommendations moving forward. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Thompson. Any further comments from committee? Mr. Vanthuyne.

COMMITTEE MOTION 244-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PERCEPTIONS HELD BY NORTHERN
BUSINESSES TOWARD THE GOVERNMENT OF
THE NORTHWEST TERRITORIES'
PROCUREMENT PROCESSES -
PROCUREMENT ADVISORY PANEL, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the Government of the Northwest Territories establish a procurement advisory panel composed of members of industry, small business, procurement experts, and members of the public service; and further, this panel should be guided by a clear terms of reference, setting out the panel's role in providing regular advice to the government on how to improve procurement processes. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and is being distributed. I will just give it a couple of seconds here. The motion is in order. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. A procurement advisory panel, I think, is an excellent way to ensure that all stakeholders engaged in the procurement process are at the table and able to provide some degree of oversight advice and recommendations to government on how to improve procurement.

As Members of this Assembly, we are not always subject matter experts, and it is always, I think, prudent to give subject matter experts an opportunity, and who better to lead than procurement experts, industry, and public servants, as well, who are all involved in the system.

This idea is not a new concept. It exists in our neighbouring territory of the Yukon. In the Yukon, it began as a temporary committee; it only had a limited lifespan. The idea was, "Give us some recommendations; we'll make some fixes, and then your time is done." That panel was so useful to the Yukon government in improving procurement that it became a permanent panel. This motion contemplates skipping a pilot, if you will, and just going to establishing a full panel.

I think that there is a lot of merit to this, especially if they do have a very clear terms of reference so that they are not waiting. It doesn't become a dispute panel or politicized in any way. It is just focused on very clear advice on how we can make things

better, and independent advice, which I think is a really important piece here. We have heard, in the debate on these issues over the years, that the real issue is not the procurement system needs some improvement. It's that contractors don't understand how it works, so as long as we do a trade show or workshop and teach people how to interact with government, we will solve all of our problems, and I don't think that that is correct. I think that that is only part of the equation. There is much more to this.

To really get at the meat of it, I don't think that one motion on the floor of the House is going to fix that, but a panel that exists permanently and can make these kinds of ongoing recommendations over the years, that is where we can start finding these solutions, at arm's-length, with full independence, and providing that kind of fearless advice to the Minister and the government on how these things can improve.

I think that this is an excellent step forward, and I thank the committee for bringing it forward. I do support this motion. Thank you.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Testart. Next, we have Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Chair. I will be supporting this motion. I think that it is a good idea. The notion that there are no issues and no improvements needed with the procurement system seems to be institutionalized within the relevant departments. If we have a panel like this, and we stand up here and ask questions, the Minister won't be able to say that there are no concerns, because I am sure that such a panel would bring forth the concerns, and if they are not acted on, that's not an excuse. If there are no concerns, it would just be that they are ignoring the panel's concerns. I think that this will be an excellent tool, and I hope that a future government implements it. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Simpson. Any further questions or comments from committee?

SOME HON. MEMBERS: Question.

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

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 245-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PERCEPTIONS HELD BY NORTHERN
BUSINESSES TOWARD THE GOVERNMENT OF
THE NORTHWEST TERRITORIES'
PROCUREMENT PROCESSES -
COMPREHENSIVE PUBLIC REVIEW OF
PROCUREMENT RELATED POLICIES, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the Government of the Northwest Territories undertake a comprehensive public review of all procurement-related policies with the explicit direction to modernize government procurement process and to ensure that NWT businesses can benefit and a healthy private sector is developed in the NWT, taking into consideration concerns and issues raised in this report, along with the committee's recommendations. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. Really, this is the real request that we have tried to make of the Minister and the government all along, essentially saying that, you know, it is time that we recognize that, while there might be these one-off circumstances that the department and the Minister might be able to improve upon and help and fix, there are just too many out there that have been identified, time and time again, through the various departments and through the various forms of contracting that we undertake, and that, you know, on numerous occasions in this House, in various forms of statements and questions, we have asked the government to undertake this, and we felt at this time that it is time to put this into a recommendation in the hopes that the forthcoming government will undertake this initiative and do the necessary review. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. To the motion.

SOME HON. MEMBERS: Question.

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

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 246-18(3):
 STANDING COMMITTEE ON ECONOMIC
 DEVELOPMENT AND ENVIRONMENT REPORT
 ON THE PERCEPTIONS HELD BY NORTHERN
 BUSINESSES TOWARD THE GOVERNMENT OF
 THE NORTHWEST TERRITORIES'
 PROCUREMENT PROCESSES - GOVERNMENT
 RESPONSE TO RECOMMENDATIONS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. Lastly, I move that this committee recommends, to the extent that 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. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Thank you, committee. Do you agree that we have concluded consideration of Committee Report 29-18(3)? Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Thank you, committee. We have concluded consideration of Committee Report 29-18(3), Standing Committee on Economic Development and Environment Report on the Perceptions Held by Northern Businesses Toward the Government of the Northwest Territories' Procurement Processes. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. Blake): Thank you, committee. We will take a short recess.

---SHORT RECESS

CHAIRPERSON (Mr. Blake): Thank you, committee. I will now call Committee of the Whole back to order. Committee, we have agreed to next consider Committee Report 32-18(3), Standing Committee on Economic Development and Environment, Committee Report on the Process Used for Devolution Legislation Initiatives. I will go to the chair of the Standing Committee on Economic Development and Environment for any opening comments. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. During the course of committee's review of the seven devolution-related bills, we found that each department approached bills in a different way. We also found that, while the bills had some common language, other common concepts were not treated similarly in the bills. Rather than making recommendations in each report, the committee decided to issue an overarching report on the process. The recommendations in this report should be considered extensions of the recommendations found in the reports committee has already presented. With that, Mr. Chair, we have a number of motions towards recommendations that I will put forward at the appropriate time. Individual Members may have additional comments or questions. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. I will now open the floor to general comments on Committee Report 32-18(3), starting with Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Chair. Once again, I want to thank our staff for putting together yet another report on top of all of the other reports they had to put together. The committee found itself in a pretty unique position at the tail end of this Assembly. We were tasked with reviewing a number of devolution-related bills from a number of different departments, and I think it offered us a unique perspective, and I think this report is important in highlighting that. It could be very useful for the future Assembly, future Cabinet, and future standing committees.

Because we looked at bills from different departments, I think we saw things in a way that Cabinet did not see. When we get bills, all of the committee delves right deep into them. We have researchers working across the different bills, and we have a lot of cross-over; whereas I do not think there is that equivalent in Cabinet; I think things are a little more compartmentalized. So we were able to see a unique perspective, and I think that what's contained in this report are the kind of details you would like to see hashed out before this devolution process began or the work on this devolution legislation began, but, because there is not that sort of central policy shop in Cabinet, I think that was not able to be done and each department took their own approach. So I think all of this stuff in here, pretty much everything, is just a practical recommendation that will improve the way legislation is created and the way legislation is reviewed, and I hope that everyone supports it because there should not be anything controversial about what this report discusses. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Simpson. Next, we have Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I really am appreciative of the committee staff and the committee members who worked on this report, but staff really deserves an important shout-out. We, the Standing Committee on Economic Development and Environment, had an unprecedented legislative agenda that it was seized with, and common issues arose from each of those around the unique nature of co-drafting bills in a special relationship with Indigenous people as guaranteed by the intergovernmental agreement, and that was broadened in some cases to include Indigenous nations that had not signed on to devolution, so this was a really wide-ranging, important process that speaks to this government's commitment to reconciliation with Indigenous peoples and nations. I think it's a very commendable effort. I am reminded of the Premier's call to "devolve and evolve."

It is with some regret, though, that there was a different approach taken by each of the sponsoring Ministers on each of the bills, and I would hope, if it is to realize that promise of evolution after devolution, that we have a common approach to how we deal with these things. Another key concern was the capacity issues that were shared with us by Indigenous governments and nations, that some wanted to fully participate and were impeded by a lack of capacity, so there are many recommendations to deal with this. This was a very worthwhile exercise, and I think it shows a lot of good will and a lot of commitment towards reconciliation when a public government gives up its exclusive right to draft public bills and opens and shares the pen with Indigenous governments and nations. I think that is a really landmark sea change and is very unique to the Northwest Territories, and the government should be commended.

The purpose of this report is not to scold or chide government on what they could have done better but to offer really common sense, practical observations of how this process can be done better in the future and how we can ensure that our efforts towards reconciliation through this process can be continued, strengthened, and ultimately result in a lasting positive relationship with Indigenous peoples and nations. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Testart. Any further comments from committee? Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. I, too, would like to thank the staff for the many reports that were edited and drafted and edited and drafted again during this whole legislation review. I recognize

since the days of our government leader Nellie Cournoyea saying devolution would be a timely one for this government to take over the responsibilities of its own resources and its own land and the management of those, and I was quite pleased to hear the announcement made back in 2014 that the success of negotiations ceased and the devolution was concluded. In some opinions, it may not be the best one, but this is what we have. It certainly sets the foundation of governing your own resources towards your own concluded destiny as a consensus government. This report, as the chair had mentioned, overarches the many devolution acts or bills and brings it into one with one follow-up report and summarizes the consolidated legislation related to that sector. I see this as a punctual or sound management practice to follow up with a report to government and saying right here, "This is our summarized version."

It is great to see that government has reached out to the IGC, and a smaller group representing the IGC, through the TWG, or the technical working group, and using the technical working group as stakeholder engagement throughout the devolution upgrade-to-modernization process.

It seems that all of the systems are there, and I don't feel that it would be appropriate to negatively discuss or share on the downfalls of what we went through on these pieces of legislation coming to fruition today or arriving at this point. I am of the opinion that here is the report, and government can use that or portions of it to design the appropriate measures that one could call more efficient. Thank you, Mr. Chair

CHAIRPERSON (Mr. Blake): Thank you, Mr. McNeely. Next, we have Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I want to commend our committee for spending some time thinking about this. I wish that we had had the luxury of a little bit more time.

I don't think that we sufficiently appreciate that this is a watershed moment in governance in the Northwest Territories. GNWT actually took over management of land and water resources. As part of that arrangement, there were commitments, maybe even legal requirements, that changes in the way that things are done, in terms of how we relate to land and water, have to be done differently now. There are requirements in place that Indigenous governments have to be involved, not just in setting the principles, but should be involved in the drafting of new legislation moving forward.

This is something that hasn't been done before in other jurisdictions, and I think that it is something that we can and should be very proud of. I think we have some mixed successes, some lessons

learned, and I think that that is what committee has been reflecting on with this report. As I said, I wish we had the luxury of a little bit more time to put some time and reflection into this.

There are three parts to this committee report. There is a lot of discussion in here about the co-development process, based on what we heard from Indigenous governments, and from Ministers and staff, as well. There are also some considerations of what role the public can and should be playing in this new co-development world. There is also some discussion and thought about what role standing committee has, because I don't think that that had even really been contemplated at the beginning of the process, and I am still trying to figure out what that role can and should be.

I do want to make some observations. There were very different approaches adopted by different departments, and sometimes even within a department, when it came to bringing forward post-devolution legislation. With ENR, there was the Protected Areas Act, the Forest Act, and the Environmental Rights Act.

I think that it is fair to say that, on the Protected Areas Act, there was pretty good collaboration and an effort to expedite that. Although I didn't really get everything I wanted, I think that, at the end of the day, it was a pretty good result for our citizens. I don't think that I can say that about the Forest Act. In fact, the Minister himself recognized that there were issues and problems with the speed at which it had been developed and, to his credit, I think it was the best decision for all our citizens, withdrew the bill. The Environmental Rights Act, I think, is probably more of a mixed approach with mixed results.

I guess I will say a little bit about Lands. With the Public Land Act, I think my views are on record, but I think that there can and should have been greater collaboration with the standing committee and even the public, because what was delivered was certainly not what was expected. I think that there were major policy issues with it, which leads me back now to ITI.

On the petroleum side, the idea was to make, basically, a two-phased approach, one to deal with some administrative, more urgent, matters with the Oil and Gas Operations Act and the Petroleum Resources Act. I think those were handled reasonably well. We may not have agreed on all of the outcomes, there is still a lot more work that can and should be done there, but I think that there have been some significant improvements made to those pieces of legislation.

Last, but not least, was the Mineral Resources Act, and I think that I have a lot more to say about that. I am going to say some remarks later today, but that is kind of the model of how not to do legislation, in my view. Information was not shared with committee. I had to go and actually use access to information requests to try to get information out of the Minister. That's not appropriate in a consensus-style government, but the Minister and his staff did eventually work better with committee towards the end. If the concerns and issues that were being brought forward by committee didn't fit within the square peg, it wasn't going to work. That is an unfortunate example, I think, of how legislation should not be developed in a consensus government system.

I think that the recommendations that committee has come up with here are in the spirit of trying to improve the process moving forward. There were ideas brought to the committee about some of this, and I specifically want to thank the NWT Metis Nation, because they actually had some very good ideas about how we can improve co-development.

The Sahtu Secretariat actually recommended that an audit be done. I think that it was more of an evaluation, but I think that that is a good idea, and as I understand it, there is to be some sort of lessons-learned workshop or effort amongst some of the individuals working for Indigenous governments, to survey them and find out how things could be done differently and better. I think we have some ideas in here as well. I think that this would be really fruitful ground for academics, researchers, northern students, to study and look at how the co-development process has worked with this first round and how we can further improve it.

There are a number of recommendations here, Mr. Chair, that I hope that Cabinet will take seriously, as we pass the baton on to the 19th Assembly, to improve this co-development process moving forward. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. Next, we have Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair, and also, thanks to committee for the work on this report. Mr. Chair, I look at all of these bills that we have been working on recently. I look at this, and it says "devolution" across it, and sometimes we see a draft, and I think, coming from Inuvialuit Settlement Region, our working relationship is never perfect, but nothing ever is. There are differences between Indigenous governments, points of view, even though they sit at borders, look at the languages. Those are different. When you have those little bit of differences within Indigenous peoples or even with the governments on the language of bills, there are some differences.

I see my fellow Inuvialuit coming to the capital to negotiate with the Government of the Northwest Territories, and I am actually proud of that.

I would like to thank the committee for highlighting all of these. Some of these are issues that need to be worked out. At the same time, as I mentioned, we all have our differences, but when we work towards something together, that is when we actually make progress. This is it.

As we move in to the end of this Assembly, we have a couple of days left. I think we have a lot to be proud of as a government as a whole. Sometimes, we don't celebrate the altogether. I think we always reference somewhere else and something else. The fact of the matter is: we are here right now, and we were here for four years. We need to look at the progress that we have made and the progress we hope to make moving ahead. I would just like to congratulate everybody on this.

Like I said, I look at all these bills and all the amendments to all these bills. I see Indigenous governments, Indigenous groups in a lot of this. I think that this is actually a step in the right direction. I just wanted to share that. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Nakimayak. Next, we have Mr. Vanthuyne.

COMMITTEE MOTION 247-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – PROTOCOLS FOR
ENGAGEMENT IN DEVELOPMENT OF
LEGISLATION, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the Executive Council develop a protocol or protocols for engaging Indigenous governments, co-management organizations, and the intergovernmental council in the development of legislation governing land and resources and any related regulations. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and is being distributed. We will just give a few seconds here. Thank you, committee. The motion has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chairman. I won't say much more than what has already been shared in terms of what we have heard out there. What this does is it encourages that protocols be set so that we have some degree of consistency in how we are going to approach the co-development and co-drafting of legislation.

As we travelled out on the road, we heard from a number of stakeholders, Indigenous governments, and others that there just didn't seem to be a very consistent approach. Sometimes, there was significant time to make input. There were other times where it seemed that Indigenous groups felt that they were pressured at that moment in time to make their contribution known.

There were concerns about not having enough resources on behalf of Indigenous governments to effectively contribute and that that would have required more time for them to get those resources so that they could effectively and meaningfully contribute.

Really, this is about developing some form of protocols so that when we do engage Indigenous governments with regard to co-drafting, that we have a process that everyone can expect and understand and, therefore, create some degree of certainty and reliability. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I want to concur with what the chair said. First off, what we heard: we heard from Indigenous governments. We heard from municipal governments. We heard from industry. We heard from NGOs, individual citizens. There is a lot of interest in the significant public policy matters that have been shunted off to regulations through these bills. A lot of the important substance matters of public interest are going to be developed by Ministers or Cabinet. There is no requirement in the bills for any public participation.

Committee tried, through amending the bills, different kinds of processes, whether it was the wording from the MVRMA to require some kind of consultation. We tried to include authority for the Minister, enabling authority, not requirements, to enter into agreements with Indigenous governments to allow for collaboration moving forward. We tried the wording from the Petroleum Resources Act, the Oil and Gas Operations Act, the gazetting process. We tried everything that we could think of to get some agreement or some commitment from Cabinet on what this process would look like. All we got were some intentions to involve people in the future, intentions. Our government shouldn't operate on intentions.

We came up with lots of options. There was nothing from Cabinet. There still is no government-wide approach to development of regulations. I have heard excuses like, "We are going to leave it to the 19th Assembly," or "We can't do that." All I have heard is excuses so far. I still don't understand nor

does the public understand what the process is going to look like moving forward.

We tried lots of different options. This is the last-ditch effort on the part of the committee to try to get this Cabinet to actually come up with a process. So far, they have completely failed. As I say, this is a last-ditch effort to try to get a response on what that process is going to look like going forward. They can snicker and laugh all they want, but we came up with the ideas. They have not. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. Next, we have Mr. McNeely.

MR. MCNEELY: Thank you, Mr. Chair. I share with you some of the systems we have on behalf of the region and this government. I sat in on a number of these bilateral meetings and in preparation leading up to the bilateral meetings between this government and the Sahtu Secretariat. The intent of these bilateral meetings, held twice a year and follow-ups between, is to design protocol to how better implement and provide services that are facing challenges or meeting policy upgrade.

To me, that protocol is in place. I sit back and wonder, "Is this motion really contradicting what is in place already?" The intergovernmental council is there. In between bilateral meetings, the opportunity is there to have private one-on-one with government if the region leadership decides to do so. There are a number of engagements that are happening. Within those engagements, the agenda is designed to address the concerns from the region. I see that in place already. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. To the motion. Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair. I, too, worry about this, as well. I, as well, too, like Mr. McNeely, sat in intergovernmental council meetings between the Inuvialuit and Cabinet. I see the working relationship. I see there are examples out there that we see here as a government that have come through this House, funding and implementation of programs and services. I wonder about this. I wonder where this is coming from. That is my question, Mr. Chair. Seeing it in action, I don't know about this. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Nakimayak. Next, we have Mr. Simpson.

MR. SIMPSON: Thank you, Mr. Chair. I am going to support this motion. I think it is a way to hold the government accountable. If there are no standards, then they can do whatever they want and say they are right. I think it is also a way to protect those Indigenous groups that don't have settled claims yet

like the ones in my region. I will be supporting this. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Simpson. Next, we have Mr. Beaulieu.

MR. BEAULIEU: Thank you, Mr. Chairman. I would support the motion even if it is just for the co-drafting. As many of the organizations have signed on to devolution, they also want the responsibility to be able to co-draft for their governments. Right now, what's in place, and solidly in place, are technical working groups. The technical working groups get together, the governments, the Indigenous governments, the GNWT, and they draft legislation through that process.

As we've seen in the Forest Act, the Indigenous governments are not happy with that, and this would just ensure that they get an opportunity to co-draft. All the legislation which they co-draft on, I think some of the legislation wouldn't need it. It could be something that could be maybe non-substantial, and it would be something that the government could co-draft, and after discussion at an intergovernmental forum, it would probably be acceptable in that way. The opportunity of the Indigenous governments really have a strong desire to co-draft legislation with the government. This gives them that opportunity. This will ensure that that opportunity could be set in place, and I don't think it does any harm. I think all it does is allow the governments to have their say on legislation that's going to govern their people.

I can't see how this would be something that would be viewed as something that is negative. It's beyond me how individuals could consider this to be something that they couldn't support or consider to be a negative when all this says is that given the opportunities that Indigenous governments they co-draft legislation. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Beaulieu. Next, we have Mr. Testart.

MR. TESTART: Thank you. I support this motion, as well. I'm a bit surprised to have a suggestion that this motion is in some way troublesome. This is based on the evidence that we obtained, that committee obtained, speaking to Indigenous co-drafting partners that there was a lack of capacity, or their experience in the technical working group, and inconsistencies between them. I don't think there are any ulterior -- I know there are no ulterior motives here. These concerns were not raised when these motions were developed and the report was drafted. These are new to me now, and I'm not sure why they're coming on the floor.

I certainly don't expect debate from the government Members at this time, but I think this is an important

standard to set going forward, and I strongly support this motion. Thank you.

CHAIRPERSON (Mr. Blake): Thank you. Any further comments from committee? To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): The motion is in order. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 248-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – PROCESS AND
CRITERIA FOR TECHNICAL WORKING
GROUPS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the Government of the Northwest Territories develop a standard process and criteria for determining when a technical working group is to be employed, and the membership thereof. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. Again, this is almost a little bit of a part two to the one that we've just passed. This is going to give technical working groups a little bit more certainty. We are of the understanding that technical working groups are being utilized more often. They are being utilized right now as we speak to help draft other bits of legislation that are going to be coming forward in the 19th Assembly. We've identified or believe that this is becoming a standard practice. That's a good thing. What this is going to do is it's going to let the IGOs and the co-drafters have, as I said, more certainty of when they're going to be called upon, and in that way, they can coordinate their internal resources and be able to contribute significantly when the co-drafting process takes place. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. The intention of this motion, it's my understanding that Indigenous governments, their staff don't need or necessarily want to be engaged or involved in any change that's made to regulations or legislation, but why not sit down and have a discussion, work out when

they would like to be engaged and involved around certain subject matters, types of changes that might be made and so on. I think the suggestion is a helpful one to sit down and work this kind of arrangement out so that it's in everybody's best interest. They know how they're going to work together in the future. Unfortunately, we don't have that in place now. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 249-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – TECHNICAL
WORKING GROUP RECOMMENDATIONS,
CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that when employing a technical working group, adequate time and resources are allocated for the technical working group to provide recommendations prior to the introduction of the legislation in the Legislative Assembly.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. Again, this is where I spoke a little bit earlier about how sometimes certain parties didn't feel that they were allocated the appropriate time. This is about giving them the necessary time so that they can contribute, and as well as giving them the appropriate resources. Essentially, the motion speaks for itself. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 250-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – COMPLEX BILLS
OF SIGNIFICANT PUBLIC INTEREST, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that when the Government of the Northwest Territories is preparing complex bills of significant public interest, the government should coordinate with the appropriate standing committee on the introduction of such bills to allow the public and standing committees to adequately consider the implications of each bill.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I think, if anyone wasn't convinced that there wasn't too much legislation before the House, they should have been here last night at midnight. We've heard from observers who have said this is an unprecedented amount of legislation to be introduced so late in an Assembly. I can speak for the personal stress that it's given me, my family, and my friends. This is not healthy. We're not making good laws for our people. We're not making the best possible laws, because of the amount of work that we've had to accomplish in a very, very short period of time. I think this could have been avoided, and it could have been managed a lot better and timed and paced in a way that would have ensured we could better fulfill our duties as MLAs and served the public.

This is a suggestion, a recommendation, in looking at the legislative workload that it be done in a more collaborative fashion to look at the capacity of committees and so on.

We raised these issues about the legislative workload continually in the last half of our mandate with Cabinet. We would get these legislative initiatives listing what laws or bills were likely to come forward, and we continually raised this as an issue, particularly from this standing committee, Economic Development and Environment, about the back-end loading of all of the legislation. It really has resulted in, I think, less than what our citizens deserve. Next Assembly, please do it differently and do it better. Thank you.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 251-18(3)
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – PLAIN LANGUAGE
MATERIALS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that standards should be developed for the production of plain language materials to assist committees and the public in the review of bills, including appropriate reading levels, timelines for distribution, and what role the sponsoring department has in promoting proposed legislation. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. Again, I think this is a motion that speaks for itself, but one of the experiences that we had was sometimes we were receiving plain language rather late. In some instances it was right at the day of us conducting a public hearing. In some cases, depending on the bill, we would receive plain language that came in the form of one document, and that would be fine, but then, when we would take a different bill on the road, we had plain language material for that particular bill that came in the form of five or six pieces of documents. There were times when the plain language was not that plain and, quite frankly, was pretty technical in nature, and so we believe that a motion to this effect would be most effective in getting plain language material, call it more unified, for the benefit all of the committees and the public. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

--Carried

Mr. Vanthuyne.

COMMITTEE MOTION 252-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – COMPREHENSIVE
BRIEFING ON LEGISLATIVE PROCESS FOR
TECHNICAL WORKING GROUP, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that each technical working group receive a comprehensive briefing on the legislative process and where the technical working group fits within that process; and further, this briefing should make it clear to participants that each bill undergoes a two-stage process, involving public consultation and development at the bill-development stage, led by the sponsoring Minister, and a second in-depth review, led by standing committees, once a bill is introduced in the Legislative Assembly, which can include public hearings, research, and independent analysis. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. I think again you can predict where this is going. This motion clearly outlines some of the challenges that we faced while we were on the road when we were dealing or interacting with different stakeholders. The two primary instances are one, that they felt that they needed to better understand what this process was about, so we feel that having a comprehensive briefing on the legislation process would be very good for those who are involved in the technical working groups from their particular regions; and then, secondly, time and time again, no matter where we went, people felt that, frankly, we were the government, and they could not delineate between ourselves and the departments on many occasions, and so we feel that there is some better understanding that needs to be put out there, and this is what this motion promotes. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. I think in addition to the chair's comments about kind of broader public knowledge of what a standing committee is, what Regular Members do, and, you know, making it very clear that they are two branches of government, the executive branch that proposes legislation and the legislative branch that reviews legislation.

That being said, I support that, that rationale, but I think what this motion speaks to more directly is

that the technical working group that is spending a lot of time in the drafting stages of this bill needs to clearly understand what happens next so that expectations are fairly realized throughout the process. Because what we do not want, I do not think anyone wants, is the idea that what's developed through a technical working group or what is developed at the preliminary stages of a draft bill is going to be the final form of the bill, barring any regulations that have to come.

You know, the legislative prerogative of the House and the standing committees needs to be a clearly identified process that comes next, and the changes that may be sought in that process need to be clearly understood because, again, we do not want to be in a situation where standing committee is told, "Well, you cannot change this bill now; you've just got to rubber-stamp it," because that would be infringing on the independence of the legislative branch. However, you also do not want to be on the other side, where the standing committee undoes a lot of the hard-fought battles that have been undertaken in the co-drafting process. So I think this is a really important idea or concept if we are going to continue to co-draft and continue to do it well. Thank you.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Testart. Next, we have Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I agree with what my colleagues on the committee have said here. We were getting correspondence from Indigenous governments, and after the closure date for public submissions, that wanted to submit additional information and, in some cases, actually better understand what the process was. So I think it became clear to committee that there was not really a lot of understanding of the legislative process and what the role is for standing committee. We are not the government. We are not the ones who wrote the legislation in the first place. Our job is to actually review it and seek to make improvements based on the input and the public interest. I think it's pretty fair to say that there wasn't a very good understanding of that amongst the Indigenous governments, all of them, and that some of them wanted to better understand the process and so on.

However, I think, although this recommendation is aimed at the technical working groups and so on, I think it's fair to say that the same applies to the staff in some of the departments. They did not understand what role standing committee had, and they did not really get what our role was and that we could actually propose and make changes to the legislation, the bills, as they went through the public review process. So that needs to be, I think, improved upon, as well. That is not meant as a criticism of anybody, but I think we just have to find

ways to make sure that people understand what role the standing committee plays and that we respect the division between the executive and the legislative branches' functions of government. That is the way our government has been set up, and I think there could be a lot more effort put into public education around that. As I understand it, some of those issues are going to find their way into the transition report, as well, but that is something that committee had observed. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. Next, we have Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair. You know what, I am looking at this, and I had to look again. Mr. Chair, we have very capable research staff who are assigned to committees and do very good work. This, I think, almost takes away from them. You know, all of the educational stuff, I don't know what we are going to do. Like, say, the next government or the next committee, I don't know how we put educational stuff out there, but the next committee would have to decide that, and the next government. You know, all of this plain language stuff, we do get from our research, and it's very good. It's very high-level briefing notes and all that, and I really appreciate it. I just look at this, and I am, like, if we can't understand the language, then maybe we shouldn't be here, so I am really kind of worried about this. I am trying to convince myself that this is a high-level motion that would be useful. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Nakimayak. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 253-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – PROCESS FOR
DEVELOPMENT OF REGULATIONS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the Government of the Northwest Territories develop a standard process for how regulations will be developed for legislation that was developed under a technical working group. Thank you, Mr. Chair.

MR. SPEAKER: Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. We heard from IGOs and co-drafters, technical working groups, and they were generally very pleased and appreciative of the opportunity to co-draft legislation, but then felt that this would be also a very good collaborative process when it comes to regulation-making.

It was our understanding, when putting the questions to the respective Ministers, that that was going to be their intention on the most part, at least with regard to some regulations. We see that as very well-meaning and productive, but this would be a motion that provides some degree of formality to that. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 254-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – COLLABORATIVE
LESSONS-LEARNED EXERCISE, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that, when a technical working group is used in the drafting process, the Government of the Northwest Territories conduct a collaborative lessons-learned exercise with technical working group members at the conclusion of the process, to provide recommendations on how it could be improved for future legislation. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. In my opening comments, I mentioned how this is really a watershed moment in the development of legislation in regard to the environment and resources. We really do owe it to ourselves to take a close look at what kind of lessons we can learn from this.

I think that this report represents committee's effort, in the limited amount of time that we had, to put some thoughts together, but I think that it is at least equally, if not more, important to talk to the Indigenous government staff and Indigenous governments that were involved in this exercise and that people work together to find out how to improve the system, such that it was.

That is what the intent of this. I understand that this may actually be under way now. I am certainly very interested to see what the results look like. I think that this is a sound recommendation. Whether it is through a survey, a workshop, however it is done, it is something that I think would be definitely worth the effort. Thank you, Mr. Speaker.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 255-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – PUBLIC AND
STAKEHOLDER ENGAGEMENT, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the Government of the Northwest Territories engage the public and interested stakeholders during the development of post-devolution legislation and regulations and that a public process is needed for the notification and public comment on regulations. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. We have seen the committee try to make different attempts at getting something like this into legislation in recent weeks. We can't ignore that this is something that we have heard from the public at large, so this isn't about the committee's opportunity to go out and do public hearings. This is about prior to that. It is about the Government of the Northwest Territories engaging the public and allowing a process where they can be notified and that the public can make the necessary comments that they feel that they should.

By the time that we took a number of these pieces of legislation out on the road, we discovered that, quite frankly, there is a lot of public input to be had out there, whether it is from various stakeholders or from NGOs or just members of the public at large. We think that they have a significant contribution to be made and that they should be heard, and this would be a bit of a formalization of allowing them that opportunity. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 256-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – EXCLUSION OF
BILL FROM TECHNICAL WORKING GROUP
PROCESS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that, should a bill be excluded from a technical working group process, the Minister responsible for the bill advise the appropriate standing committee at the earliest possible opportunity, along with the rationale for the exclusion. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I know that the reason that this recommendation is here is because, in my opening remarks, I talked about how different departments had different approaches to the co-development of legislation. I am not trying to pick on anybody, but it is on the public record that the Department of Lands did not use a co-drafting process for a variety of reasons, which seemed to point to the lack of capacity of the Indigenous governments to deal with that bill, in addition to all of the other bills that were brought forward by Cabinet.

It would have been helpful for committee to know that before the bill arrived in the House. Committee didn't know that. We had to go and dig it out. I think that this is just in keeping with what should be a principle of consensus government, no surprises,

that committee is advised when a bill skips through the co-development process. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 257-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – INFORMATION FOR
STANDING COMMITTEE ON TECHNICAL
WORKING GROUP PROGRESS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that, when legislation is being developed using a technical working group, the appropriate standing committee work with the appropriate Minister to establish an agreed-upon way of keeping the committee informed of progress, key issues, and a way to have input into significant policy discussions. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. Largely what this is about is having some more committee involvement in the earlier processes so that, when the job of doing the actual review of committee, when we take these kinds of bills out on the road, we have a better understanding of how we got that far in the process.

What we discovered often, when we were out there on the road, was that we were hearing from folks where they were expecting, maybe, some degree of clarification from us, where we had little or no information in many instances to be able to inform them.

We feel that there are many circumstances where earlier collaboration and better communication between ourselves and the Minister, and potentially the technical working group, would have been a much more streamlined line of communication between ourselves. We could have avoided a lot of concerns, and we could have been better prepared to answer a number of people's questions as we went through the process. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. Next, we have Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I have been thinking a lot about this, and clearly, there needs to be a division between the legislative branch and the executive branches of government. That is how democracies are supposed to work. Someone is supposed to hold the pen, and somebody else is supposed to take it and conduct a review of it.

These are very significant matters with a lot of public interest. A lot of time and effort went into the development of these bills. Through our process here in consensus government, standing committees get legislative proposes that outline general subject matter so that we can try to work together, or at least understand what is coming through. Some of these were very large, complex pieces of legislation, and I think that it was very difficult for committee to understand the policy discussion and policy decisions that had gone into the drafting and the bill as it arrived on our desk for review.

Much earlier in the process, when committee had raised some concerns and issue about some of the bills that came through, the kinds of responses that we got weren't very helpful. Things like, "Well, we'll take it to the technical working group," or "We'll take it to the Indigenous governments to see what they think." That's great, but I want to know what the Cabinet position is. What is Cabinet going to take to the table in discussing and negotiating this, and should Regular MLAs or the standing committees actually have any kind of role in that or, at least, an understanding of what some of those issues are, how they played out, and how decisions were arrived at? I am still grappling with how we can do that.

The best thought that committee could come up with is that Ministers and standing committee need to sit down and talk about this before things get completely off the rails. I think that what happened last night is an example of when things do go off the rails.

This is an effort to try to ensure that committees are kept at least informed of what is going on and are in a better position to help review the bill and provide constructive feedback and so on. That probably needs to be worked out, maybe, on a case-by-case basis. I think that it worked better with some of the bills than others, and I think that this is an effort to suggest that, if there's an understanding at the beginning of the process, that is going to be better for everybody. Thanks, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. Blake): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 258-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – FEDERAL
CONCURRENCE, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that, should any portion of a bill require federal concurrence, a statement to this effect be included in the legislative proposal; and further, that the relevant clauses be identified at the time of introduction to the appropriate standing committee. Thank you, Mr. Chair.

CHAIRPERSON (Mr. Blake): Thank you, Mr. Vanthuyne. The motion is on the floor and has been distributed. The motion is in order. To the motion. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. My colleagues and I were just discussing who should speak to this, because this was an issue that occurred in our review of the Petroleum Resources Act. I think that this is a really important consideration, because all committees are bound by certain rules when it comes to amending legislation.

Over our time in the 18th Assembly, I think that committee Members have become very well-versed in those rules, what is admissible, what is not admissible, what is in the scope of the bill, how much it can change, and how much it cannot change. That is really useful in our review, especially when you combine that with the public process, because what the public tells you, their aspirations and desires may not be compatible with the formal rules of amendments, so you have to find workarounds. Typically, committees do that by way of recommendation, but it is, of course, more satisfying when those changes can actually occur in the bill.

Getting to the matter at hand, what we found with this curious situation is that there are certain federal approvals that have to come with changes to this piece of legislation, and we found that very late in the day. Although it doesn't directly impact the privileges of the committee to review legislation and bring about changes, it is a significant

consideration, and committee Members can feel flat-footed if this is not an upfront fact for committee to keep in mind. Again, committee Members, at this point when we were reviewing these bills, were very familiar with the rules of amendment. This is when we weren't, and it immediately arose the question of, does this infringe on privilege? I don't think that that is the case at this point, but it is just helpful to know that.

Any time federal approval is sought, it should be in close collaboration with the standing committee. If there are consensual amendments that are going forward, they can then be brought to the federal government's attention. That is a far smoother process than just saying, "No, we can't change the bill," and then at least committee knows what the problem areas are that require federal concurrence, and we can work in that environment.

This just clarifies a problem that we found, and it may occur again if there are further improvements brought to the Petroleum Resources Act and other bills that are bound by federal statute, and most assuredly, those changes will come in the future. This is, I think, a very important motion for peace, order, and good government. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Testart. Who else is on the list? Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. I am still learning about the legislative process, but my understanding was that, when a bill is before committee, Ministers are not supposed to be doing something with the bill. It is standing committee's right and ability to work with the bill and get public input and seek changes. That is what the role of committee is.

With two of the pieces of legislation that were before standing committee, we only found out late in the day that the Minister, while the bill was before committee, had actually gone out and had discussions or their staff had gone and had discussions with the federal government about concurrence with the changes that were contained in the bill.

I am not sure that that is a great way to operate. Number one, if further changes had been made to the bill and required another round of federal concurrence, that's not a great place to be. That is a duplication and waste of effort. I would have thought that the reasonable thing would be to wait until our process is finished as a government, including standing committee review, before you go and get the federal government to look at something.

That just doesn't sound right to me. It's not in the spirit of consensus government. We have this

recommendations here to try to make sure that this doesn't happen again. Thanks, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 259-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – CONSISTENT
TERMS AND DEFINITIONS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that devolution-related legislation and regulations use consistent terms and definitions. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Vanthuyne. To the motion. Mr. Vanthuyne.

MR. VANTHUYNE: Thank you, Mr. Chair. While we wouldn't necessarily recommend that committees in the future get a lot of legislation put toward them all at one time, what this particular experience did was allowed us the opportunity to make an observation that we maybe wouldn't have otherwise, as it relates to inconsistencies in some of the language, especially in some of these bills. Sometimes there was varying language, even from those departments that sponsored a number of the bills.

It's one thing to see inconsistency from one department to another, but sometimes, when we were on the road with three pieces of legislation from one department, even amongst those pieces you would see some inconsistencies. On occasion, what this would do is have some folks identify to us that what you're proposing, or what we see before us, is not consistent with other pieces of legislation that have already been passed and that are enacted.

Essentially what this is does, to make it short, is it allows us to ask the government on a go-forward basis to make sure that the terms and definitions are consistent. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Vanthuyne. To the motion. Mr. O'Reilly.

MR. O'REILLY: Thanks, Mr. Chair. Just a few practical examples here to help flesh this out a bit.

We had different drafters or departments saying, "You have to say 'website.'" Others said, "You have to use 'the Internet,'" in terms of defining how public registry is to be made publicly available. There were different ways of recognizing and incorporating Indigenous rights into the bills. That is discussed more fully in the committee report on the Public Land Act.

Sometimes, it was a basic, non-derogation clause. Other times, it incorporated the land resources and self-government agreements by definition. In some cases, the co-management was actually incorporated or attempted to be incorporated in various ways. Lots of different approaches, not much consistency. The suggestion here is: next time around, maybe the drafters are working with a set of protocols or guidance to make things more consistent. Thanks, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is passed.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 260-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – CONSISTENCY IN
PUBLIC INFORMATION, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that the Government of the Northwest Territories develop greater consistency in making information public, including looking at how to make the various public registries enacted by law consistent, coherent, and comprehensive. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. O'Reilly. To the motion. Mr. O'Reilly.

MR. O'REILLY: I am sometimes confused with the Member for Yellowknife North. It is not a bad thing.

What we were getting was different approaches to public registries in different bills. Committee worked hard to try to make more information publicly accessible through the creation of registries. That was at the request of the public and even industry in some cases and Indigenous governments. We have different approaches to registries that have now emerged in some different bills. I guess we had understood that some of the early discussions

around the Environmental Rights Act was about having a consistent, government-wide approach to something like registries where our government is making decisions about land, resources, or the environment.

Guess what? Ontario actually has that kind of a system through their Bill of Rights. They have an environmental registry. It is available online. I have looked at it. I have spoken to colleagues in Ontario who use it. They find it very, very helpful. It may actually save our government money. I am looking at our Finance Minister because I know that he is always interested in saving money.

Maybe this is a way to get this more consistent approach and put all of this in a common platform that makes it easier for our public to access this kind of information and maybe save us some money, as well. I think this is a helpful recommendation. I look forward to Cabinet considering this very carefully in the future. Thanks, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

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

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 261-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – PREAMBLE OR
PURPOSE STATEMENT, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. I move that this committee recommends that for each legislative initiative, the Government of the Northwest Territories consider the need for the inclusion of preamble or purpose statement in the proposed bill and determine whether or not either is warranted, advising the standing committee of its decision and rationale at the legislative proposal stage. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Vanthuyne. Mr. Testart.

MR. TESTART: Thank you, Mr. Chair. Of the many pieces of devolution-related legislation that came forward, only a few contain preambles. Others contain purpose statements. Some contain both, and some contained nothing. Some Indigenous governments who provided evidence before the committee and some members of civil society, as

well, expressed a desire to see a preamble or to see a stronger purpose statement or those kind of features to the bill.

Curiously enough, members of another committee worked on a bill that didn't have a preamble. There was some discussion about adding one. Ultimately, the committee learned that that was not admissible under the rules of amendment, which I spoke to earlier. There are formal rules for what can be added to a bill, and a preamble is not one of them. We also learned from our hearings that there seems to be a policy amongst the drafters of the Department of Justice that preambles should not be used. Apparently, the reason why we did seek preambles to some of these bills is they emerged from the co-drafting process.

This created a kind of state of confusion for the committee because sometimes it felt like a preamble would be helpful to lead into the legislation with an aspirational statement. There are merits and drawbacks to that approach. Other times, it felt like a purpose statement was really needed. If the act needs to be interpreted by a court of law, it is pretty clear what the purpose of the entire act is and that is how those clauses are interpreted.

These are important features of the bill. As they are quite difficult to change after they reach the committee stage, what this motion calls for or contemplates is: in our process in the consensus government, committees receive a legislative proposal from the government before a bill is brought forward. Committee is allowed to review that proposal, make comment on it, and provide that to the government. When those legislative proposals come forward, or LPs, to include a section that just says whether or not there will be a preamble proposed or a purpose statement proposed, at that point, the committee can say whether or not it needs one, whether or not the purpose or preamble is sufficient, and those kind of details. Once the bill is brought forward, those parts of the bill are much harder to change.

We don't want to be put into a situation again where we have a great deal of public interest on adding a preamble and our only option is that committee is to say, "Unfortunately, we can't because the rules of amendment don't allow us to add a preamble." That is not the situation committee wants to find itself in.

That was a lengthy explanation. Putting it upfront, I think, will greatly ease the ability of committee to assess that issue. Also, if committee members feel like these features are required for legislation, they can ask for it and have some say over purpose statements and preambles. I think that is a better process, ultimately. It is one that I don't think you would think of if you were just eyeballing the

legislative process in our institutions. It is one the committee noted. I think this would be a really good improvement moving forward into the 19th Assembly. Thank you.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. Testart. To the motion. Mr. Nakimayak.

MR. NAKIMAYAK: Thank you, Mr. Chair. Adding preambles into every bill, I don't know if that is the right thing to do. Some of them involve many different countries, and sometimes, it is useful. In this case, there are a lot of different Indigenous groups that have differences. I don't know if they would want to see this, myself, coming from one. Just for the record, Mr. Chair, I come from the Inuvialuit settlement region. A lot of these motions are made not from Indigenous recommendation or interactions. I think they mostly come out of the capital. I see this, and I am worried about this.

I would like to assure you, Mr. Chair, that I believe in the work that the Inuvialuit Regional Corporation does, and their relationship with the GNWT is improving as well as it is improving with the federal government. I think we need to look at those and ask them how that is really working. For interpretation for us in our committees, I think some of these are just low-lying fruit, and it may cause some confusion to some Indigenous governments who are actually working hard with the government. I just wanted to share that, Mr. Chair. Thank you.

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

MR. O'REILLY: Thanks, Mr. Chair. I don't want to get into a debate here, but I want to provide the Assembly and the public with reassurance that committee considered these recommendations very carefully. From my recollection, actually, the majority of them came from Indigenous governments, certainly the ones around technical working groups wanting to be involved in regulation-making, resourcing of technical working groups. These actually are very reflective of what we heard from Indigenous governments themselves, so I don't think it's really quite fair to say that these came from Yellowknife, and that just needs to be very clearly stated on the record. In fact, business, industry, actually raised a number of these issues, as well, so I just don't think that the comments from the honourable Member for Nunakput are really fair or correct. Thank you, Mr. Chair.

CHAIRPERSON (Mr. McNeely): Thank you, Mr. O'Reilly. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Mr. Vanthuyne.

COMMITTEE MOTION 262-18(3):
STANDING COMMITTEE ON ECONOMIC
DEVELOPMENT AND ENVIRONMENT REPORT
ON THE PROCESS USED FOR DEVOLUTION
LEGISLATIVE INITIATIVES – GOVERNMENT
RESPONSE TO RECOMMENDATIONS, CARRIED

MR. VANTHUYNE: Thank you, Mr. Chair. Lastly, I move that this committee recommends, 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. McNeely): Thank you, Mr. Vanthuyne. To the motion.

SOME HON. MEMBERS: Question.

CHAIRPERSON (Mr. McNeely): Question has been called. All those in favour? All those opposed? The motion is carried.

---Carried

Thank you, committee. Committee, do you agree that we have concluded consideration of Committee Report 32-18(3)?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. McNeely): Thank you, committee. We have concluded consideration of the Committee Report 32-18(3), Standing Committee on Economic Development and Environment, Committee Report on the Process Used for Devolution Legislation Initiatives. Thank you, committee. Mr. Testart.

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

CHAIRPERSON (Mr. McNeely): There is a motion on the floor. Does committee agree?

SOME HON. MEMBERS: Agreed.

CHAIRPERSON (Mr. McNeely): The motion is recognized. I will rise and report progress.

MR. SPEAKER: Masi. May I have the report, Member for Sahtu?

Report of Committee of the Whole

MR. MCNEELY: Mr. Speaker, your committee has been considering Committee Report 29-18(3); Committee Report 32-18(3); Committee Report 34-18(3); Bill 45, Corrections Act, and would like to report progress, with 26 motions carried and that Committee Reports 29-18(3), 32-18(3), and 34-18(3) are concluded, and that Bill 45, Corrections Act, is ready for third reading as amended. Mr. Speaker, I move that the report of the Committee of the Whole be concurred with. Mahsi.

MR. SPEAKER: Masi. Do I have a seconder? Member for Hay River 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 34: MINERAL RESOURCES ACT

HON. WALLY SCHUMANN: Mr. Speaker, I move, seconded by the honourable Member for Yellowknife South, that Bill 34, Mineral Resources Act, be read for the first time, and, Mr. Speaker, I request a recorded vote. Thank you. Do you want me to say it again? Mr. Speaker, I move, seconded by the honourable Member for Yellowknife South, that Bill 34, Mineral Resources Act, be read for the third time, Mr. Speaker, and I request a recorded vote. Thank you.

MR. SPEAKER: Masi. The Member has requested a recorded vote. To the motion. Member for Kam Lake.

MR. TESTART: Thank you, Mr. Speaker. I want to start in addressing this bill by confirming my support for this, for Bill 34, and I will confine the majority of my commentary to the process that brought this bill to third reading today.

The Minister of Industry, Tourism and Investment lived up to his promises: this bill has made no one happy. Instead, we have a bill that has created confusion, uncertainty, and shown a huge contrast in how legislation has been developed and reviewed in this Assembly by different committees.

Mr. Speaker, the standing committee's clause-by-clause review lasted four-and-a-half hours. Yesterday, the Committee of the Whole review lasted nearly six hours, late into the early-morning hours. This unprecedented amount of time this Legislative Assembly spent in review of this bill was

in no way deliberate. Rather, it was the sincere effort of the honourable Members on this side of the House to get clear answers from the government on parts of the bill that were drafted to be "intentionally vague." I cannot agree with the suggestion that this bill is "world-class." The vast majority of important content is left entirely to regulations. Such broad authority and lack of real detail fails to provide the certainty that industry, the public, and Indigenous governments have asked for over the years.

At this point, I can say that much of the policy intent of these vagaries has been teased out through questioning of the Minister and his officials. Thorough review of Hansard should give clarity to those who seek it, but I cannot fathom why it took a combined 10 hours of public hearings to get to this place. The standing committee made best efforts to collaborate with the Minister, including a six-hour working meeting between the Minister, committee members, and staff on both sides. Government intransigence has no place in the spirit and intent of this institution, and I strongly encourage for this not to happen again, especially on such a crucial piece of legislation, vital to our economy.

Mr. Speaker, I will conclude again by reiterating my support for this bill, now that I am confident clarity has been achieved over the most contentious sections of the bill. It is high time the NWT modernized its mining legislation and, while far from perfect, it is good enough for now. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the motion. Member for Frame Lake.

MR. O'REILLY: Merci, Monsieur le President. I have always said in this House that I support mining as long as it contributes towards sustainability and provides benefits to Northerners. Our job, despite some heckles, is to ensure that our government sets clear rules around sustainability and benefits. The Mineral Resources Act is not about promoting mining. It's about setting up a system for mineral rights management. A lot was promised, not all of it delivered.

The bill is really about trying to balance a complex set of rights and interests. The bill was developed by the Minister of Industry, Tourism and Investment. The department has a job to promote mining, and I've always given the department and the staff lots of credit because they do a great job in promoting mining. The problem is, in the post-devolution role, they also now have a job of trying to manage the mineral rights, and that complex set of interests sometimes competing. I don't think it's good to have both of those mandates within one department. I think it creates conflict.

Mr. Speaker, we did make some progress in improving the bill as a standing committee, and I want to give the department credit for the work that was done to create a public component to the registry. There's going to be an annual report. Unfortunately, we're only going to get total royalties. The role and composition of the mineral rights board has been clarified. There are benefit agreements and some legislative requirements around those. There's a lot of contention around this bill, and my colleague from Kam Lake discussed some of that. I've been here for four years, and I've watched the Legislative Assembly for many years before that, but to have a four-and-a-half-hour clause-by-clause review, six hours in Committee of the Whole, that speaks for itself. Earlier today, Mr. Speaker, we dealt with a bill, Corrections Act, in about 40 minutes. That is an example of how consensus government can and should work.

I just don't understand what happened exactly with the Mineral Resources Act, other than the Minister did not seem to be able or willing to work with committee on the issues that we heard and raised. These weren't items that the committee itself dreamt up. This is what we heard. It seemed to me like we were raising issues, and if they didn't fit within the confines of the policy work that they had already done, it was just not going to get addressed.

Much of the work that committee did was trying to seek some clarity in the sea of uncertainty. We did get a lot of intentions out of the Minister on the record. That's great, but there's this overall broad enabling authority with some great intentions, but we just don't know how that's actually going to play, and that's not how the bill actually reads.

To my mind, there are still three main areas that require further work. We really failed to recognize legitimate interests of community governments in this bill. They have a legitimate interest in protecting their lands, water, and infrastructure, and we should really be doing our best to try to avoid land use conflicts in the future. That's not what this bill does. We had opportunities to do that, and I really regret that we weren't able to reach an understanding of how we could do that. We tried to insert a notification process, provisions, and ability to request restricted areas. These things actually exist in some other jurisdiction now, Mr. Speaker, as best practice in Ontario and in Quebec. That's not what we do in the Northwest Territories. It's not what we will do in the Northwest Territories.

Another area that still, I think, needs some work is benefits. I've been on the public record that I always support the concept of Indigenous governments getting benefits for mining, even if it requires legislation. I'm very much in support of that, and it is

a reflection of best practices that what this bill does is attempt to codify some of that. There's a solid process in the bill for that, dispute resolution and so on, and I support that. I want to give the Minister some credit because some of the concerns I had around some vague and unclear language, even in the Indigenous government benefits section, have been cleared up as a result of some of the amendments that were made last night. Unfortunately, that kind of precision and clarity is not in the bill when it comes to public benefits. We heard some great intentions out of the Minister last night, but there are no clear triggers or expectations of what those benefits are going to look like and how far back they can reach in the mining cycle. Is it actually going to include prospecting? I don't think that's what our public deserves. There's an expectation that we're going to do our job to communicate clearly what our expectations are. Unfortunately, the legislation doesn't do that.

The last item, Mr. Chair, that I wish to speak to is zones. I've said, and I've been on the record, that I think this is just clearly bad public policy. I can't see any record of any requests for zones such as they have been drafted in the bill. I think this is a mixing of objectives of trying to promote mining and encourage investment. At the same time, is trying to balance a whole variety of competing interests. I still believe that this has a potential to create a race to the bottom, where different regions are incentivized to lower and create more favourable standards to try to attract investment in our regions. As I said, I don't think this is sound public policy.

This was very much a rushed review despite the amount of time that we spent on it, Mr. Speaker, in committee and in this House. I think we can and should have done a much better job collectively, and that's what our citizens, I think, really deserved. I don't think this is best practices. I know it's not best practices. This is not world-class, and we saw that from how other jurisdictions have dealt with some of these issues.

Our job as standing committee and as legislators today is to try to resolve these issues and concerns that were brought forward during the bill, create certainty, and balance the competing interests. Unfortunately, this was not accomplished, Mr. Speaker. I will not be supporting Bill 34. Thank you.

MR. SPEAKER: Masi. To the motion. Member for Yellowknife Centre.

MS. GREEN: Thank you, Mr. Speaker. I rise to discuss some process issues with this bill. As you may know, we received the report on this act, this world-class, most-significant bill since the Devolution Act, yesterday, still warm from the photocopier, about two inches thick, and we who were not on the committee had no time or

opportunity to go through it fully engaged, obviously, in what's happening here.

For people like me who are not part of the Standing Committee on Economic Development and Environment, I was at a real disadvantage to appreciate the complexity of the motions that were being proposed and the ways in which they would change the bill. I also was unable to attend the clause-by-clause because my committee was having a clause-by-clause the same evening.

The net result of this isn't anyone's fault. I'm simply saying that the whole timing issue prevented informed consideration on my part of the bill, and really represents a significant downside of the legislative burden that has been a part of the last six months of this Assembly, the fact that the bills were all backed up and there were no choices about when the reports came in and when they had to be discussed. I mean, the very same thing happened with the Corrections Act.

I really regret that this is the way it is. It leaves me feeling that I haven't done a complete job as a legislator, through no fault really of my own, and no fault of anyone else, but for the fact that this is the way the schedule worked out. For this reason, I don't feel I can either support or oppose the bill, and I will be abstaining. Thank you.

MR. SPEAKER: Masi. To the motion. Member for Deh Cho.

MR. NADLI: Thank you, Mr. Speaker. I will be supporting the motion despite having some concerns. I'm not on the committee that oversaw at least the discussion on the overhaul of this piece of legislation, and I understand from my previous work that the big concern of Indigenous peoples was the idea of a free entry system where, if it exists on their traditional lands, industry could basically go in, explore, find a deposit, and basically own it. Whether it was your outdoor toilet behind your house, it could happen, and you don't have a say in that. That was the biggest common concern that I think was and still continues to be an issue, but there is a common effort being pulled together by Indigenous people to try to make some changes on that whole fundamental issue.

If there are any concerns, they are in regard to settlement areas as defined, which I sought clarity on yesterday with the legal counsel for the committee. It makes reference to settlement areas. It doesn't really specifically reference and stipulate areas that don't have settled land claims. They are basically not recognized. The Dehcho, for that matter, and the Akaitcho are not referenced in this draft, and for that matter, the Metis. Of course, that is a very serious concern. We try not to leave anyone behind in terms of major government

initiatives, but in this piece of legislation, it creates "haves" and "have nots," which is not right.

The other interesting track about this is that it heralds section 35 rights, Aboriginal and treaty rights, and the interesting thing is that it upholds the territorial legislation. It enables the legislation. It's a fine balance. It's a house of cards. It's a framework of creating a climate for mineral resource development, and the major players, the mining industry, governments, the public at large, and Indigenous governments, had a hand. That's a presumption that everybody played a hand in developing this piece of legislation.

With that in mind and those points that I outlined, I continue to try to advance forward, and I will be supporting this. Mahsi.

MR. SPEAKER: Masi. To the motion. Member for Hay River North.

MR. SIMPSON: Thank you, Mr. Speaker. Some of the other Members have referenced last night. It was about six hours that we discussed this. At the clause-by-clause, there were another four and a half hours, and the committee itself spent days and days and days focusing on this act and how we could make it better. Even now, after all of that, as I stand here, I am still torn about whether or not I fully support this legislation, and there are a number of reasons for that.

There are a number of reasons to support the legislation. It is not, maybe, the world-class legislation that we were promised, but it does some very progressive things, like legislating benefit agreements. I have said this before; I think that what we do with this in the future will be used as a model elsewhere in Canada and, perhaps, around the world.

The problem with that is that the bill wasn't ready to be brought forward, and the benefits agreement section is a perfect example of that. It was not done, but, for whatever reason, it was brought forward. One of the Members mentioned free entry and the fact that, early on, there was no buy-in for free entry and the fact that the working group was able to get to the point where all of the Indigenous governments could agree on a system for entry shows how progressive this bill is.

I am concerned about the vagueness of certain points, that so much of this was left to regulations. There are big policy issues that should be discussed by the legislators and not left to regulations, which are usually reserved for things that are more technical. I am disappointed that there were major amendments proposed by the government on the floor of the House that bypassed the committee process, which is where

the public is supposed to have their say into the legislation.

However, with all of that said, I do have faith in the people within the department who have been working on this. We have seen a lot of departmental officials come before us as a committee over the last four years, and I have always said that the mineral resources people are some of the best that we have in the government.

I feel like, if I support this bill, I would be rewarding bad behaviour on the part of Cabinet by bringing forward something when clearly it wasn't ready and clearly the proper processes weren't followed in terms of bringing forward amendments -- appropriate to democracy, not procedurally incorrect, but appropriate in the spirit of consensus government.

Mr. Speaker, even as I sit down here, I am not quite sure what I should do. Is this better legislation? Absolutely. Will it get to where it needs to be? I believe so, but, like I said, we have processes in place. Before I became an MLA, I saw lots of pieces of bad legislation, and I said, "I don't want to be part of that." Yet, here we are where there is legislation that is not fully formed and is not ready for prime time, and we are sitting here ready to approve it.

That is really why I am torn, Mr. Speaker. I guess we will all see, including me, how I vote on this. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the motion. Member for Sahtu.

MR. MCNEELY: Thank you, Mr. Speaker. I am in favour of this motion. Ever since we inherited devolution, I feel very comfortable in saying that we have something. As a result of that, we have the abilities in the agreement to govern our destiny and manage our affairs and exploit our affairs in a manner that we see is responsible.

As mentioned numerous times in our road trips for this piece of legislation, we live in a very diverse area with a number of jurisdictions, including reserves, settled claims, unsettled claim areas. Making choices and making decisions is the hardest part of leadership, but making them shows leadership. Our people have placed us in this Assembly to do just that.

This new piece of legislation goes back to the recommendation from the Neil McCrank report on upgrading legislation and regulations. I am very confident that the government has the resources and the necessary staff to direct them in that manner.

I really want to show to the people that we are here, and to industry, that we have heard everyone during the road reports during the development, during the "what we heard" report that was tabled by the government a year ago, and that we are doing our best to engage, listen, and design a piece of legislation that would create, as we mentioned numerous times, certainty and confidence in industry's interest to have a presence here in our territory and the large amount of benefits that they bring.

I feel comfortable that we have drafted a piece of legislation. In some views, it may not be the best, and that could be said for every piece of legislation that we have dealt with, but in the spirit of balance and comfort and certainty, I am satisfied with what we have drafted, and we will leave it up to the staff of the government to draft regulations to accommodate the legislation and basically try to bring commerce and stability to our area. Mahsi.

MR. SPEAKER: Masi. To the motion. Member for Yellowknife North.

MR. VANTHUYNE: Thank you, Mr. Speaker. I appreciate everybody sharing their comments today. It just goes to show the importance of this bill. I want to not reiterate everybody's concerns, but I do want to say that, with well over 100 motions, I had the opportunity, as the chair, to observe the growth of this process and of this bill, from the time in which it was originally proposed, and I can tell you that, when we saw that originally, there was a lot of deep and dire concern from committee at that time.

There has been a willingness from the Minister and the department to come together with the committee on a few occasions to recognize that there was some serious and important work that needed to be done to get this bill to a place that it needed to be.

I also want to take this opportunity, Mr. Speaker, to commend the many stakeholders that took part in getting this bill where it is today. Most important are our Indigenous governments and organizations and, of course, industry. I think their ability to be patient with us and to understand and have an understanding is very admirable and committee, I think, really, genuinely appreciates that.

I want to acknowledge my committee's frustration; they have shared that over the last number of days. As the chair, I have the opportunity to see the peaks and valleys of this bill as we have moved forward, but I want to also commend the committee for the tremendous effort that they have put into getting this bill to where it is and exposing those challenges that we've had, and digging down, and going into the depths of this, and never relenting,

and continuing to pound forward. I mean, I think, clearly, at points in time we were ready to just throw our arms up in the air and kind of give up, but the proof is, when you sit here until 11:30 at night in a clause-by-clause, and again until after midnight the other day in Committee of the Whole, there is genuine effort that has been put into this bill.

I, Mr. Speaker, think that that's too much at risk to not support now. I think the work that we've done, that everybody has done, is to be commended, and it would be too risky to let all of that go to a future Assembly. So, Mr. Speaker, I will for sure be in support of the act. Thank you, Mr. Speaker.

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

HON. WALLY SCHUMANN: Thank you, Mr. Speaker. I'm not going to get into all the particulars of what the Members like and don't like about this bill. We've had those discussions over the last few weeks in great depth. I took the unprecedented move; I went in front of committee, myself and my staff, for six hours to discuss this thing to try to work things out and bring clarity to the Members.

As the previous speaker just said, we had the unprecedented amount of time that we spent in front of the clause-by-clause review with the public and what we spent here last night in this House. I have always said from day one, and I will repeat it again today, and I've said it to industry, I've said it to Indigenous governments, and I've said it to you guys: not everybody is going to be happy with this bill. This is very complex, probably the most important bill since devolution in 2014, and I think, even with our differences, with all Members across the floor, 11 of you, we are at a place where we've brought this thing forward and we're going to do a vote on third motion here today, and I believe this act is in the best interest of the people of the Northwest Territories.

Certainly, I can stand here and say maybe I'm not happy with certain sections, myself, and I will say that, but this is a big piece of legislation for the people of the Northwest Territories, and this is very important to us. This is the biggest part of our economy. This bill is based around investor confidence; it's based around Indigenous participation; and it's based on public input and the benefits that they are going to generate from this thing.

Yes, we've had some big differences, but as I've said, we've put those aside and we have worked very, very hard on this. I'm not complaining about being here until 11 or 12 o'clock at night. That doesn't bother me. That's what we're here to do; we're here to work. I'm not going to sit here and complain about it. It doesn't bother me that we

spent this much time on it. That's what we need to do. This is a very important piece of legislation.

Even for the Members who aren't happy with it and who aren't going to support it, your input was input and made some significant changes. People do not talk about it; not one person over there has talked about 40 amendments that you guys made to this bill to make it better. Forty. That's a significant contribution to this bill, not the 32.

The other thing that I don't like about the conversation in the closing arguments today is comparing it to the Corrections Act. That is not even the same thing. That's not even close. This is a devolution bill on lands and resources that involves Indigenous governments in a serious way. So I can stand here and say Cabinet is very supportive of this bill, and a number of people on that side, and I think we're doing the right things for the residents of the Northwest Territories. Thank you, Mr. Speaker.

MR. SPEAKER: Masi. To the motion.

SOME HON. MEMBERS: Question.

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

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Mercer): 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-Wiilideh, the Member for Nahendeh, the Member for Deh Cho, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes.

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

CLERK OF THE HOUSE (Mr. Mercer): The Member for Frame Lake.

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

CLERK OF THE HOUSE (Mr. Mercer): The Member for Yellowknife Centre.

MR. SPEAKER: The results of the recorded vote: 16 in favour, one opposed, one abstention. The motion is carried.

---Carried

Bill 34 has had its third reading. Third reading of bills. Mr. Clerk, orders of the day.

Orders of the Day

CLERK OF THE HOUSE (Mr. Mercer): Orders of the day for Thursday, August 22, 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
 - 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

- Tabled Document 511-18(3), Capital Estimates 2020-2021

21. Report of Committee of the Whole

22. Third Reading of Bills

- Bill 45, Corrections Act

23. Orders of the Day

MR. SPEAKER: Masi, Mr. Clerk. [Translation] This House stands adjourned until Thursday, August 22, 2019, at 1:30 a.m. [Translation ends]

---ADJOURNMENT

The House adjourned at 7:17 p.m.

